



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



MEMORANDUM

TO/FOR : **The Undersecretaries**
Field Operations - Luzon, Visayas and Environment
Field Operations-Mindanao and Environment
Legal and Administration
Policy, Planning and International Affairs

The Director
Legal Affairs Service

The Bureau Director
Biodiversity Management Bureau

The Regional Executive Directors
Region IV-A, VII, XI, XII, CARAGA

The Regional Directors
Environmental Management Bureau Regional Office
Region IV-A, VII, XI, XII, CARAGA

FROM : **The Undersecretary**
Special Concerns and Legislative Affairs

SUBJECT : **REQUESTED REPORTS OF THE SENATE COMMITTEE ON ENVIRONMENT, NATURAL RESOURCES, AND CLIMATE CHANGE RE: PUBLIC HEARING ON CHOCOLATE HILLS NATURAL MONUMENT (CHNM), UPPER MARIKINA RIVER BASIN (UMRB), SIARGAO ISLAND PROTECTED LANDSCAPE AND SEASCAPE (SIPLAS) AND MOUNT APO NATURAL PARK (MANP) CONDUCTED ON 03 APRIL 2024**

DATE : **APR 15 2024**

During the Senate Committee on Environment, Natural Resources and Climate Change Public Hearing conducted on 03 April 2024, the Senators present have requested several reports to which the Department has committed to comply.

This is to reiterate the commitments made by DENR representatives, as follows:

1. DENR issuances related to the following actions (TSN p. 35):
 - a. Directive to all Regional Offices to conduct an inventory of all existing structures within PAs and evaluate the compliance thereof with environmental regulations and standards;

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- b. Directive to all Regional Offices to conduct a comprehensive review of all Environmental Compliance Certificates (ECCs) issued for projects within PAs;
 - c. Directive to all Regional Offices to suspend all ECC applications for projects within PAs until further notice;
 - d. Directive that all pending and future ECC applications within PAs will be processed at the EMB Central Office and these must secure the endorsement of the Biodiversity Management Bureau (BMB);
 - e. Joint statement of collaboration of the DENR, DILG and DOT on the approval process including the composition of the PAMB;
 - f. Directive to all Regional Offices to submit a complete inventory of all Protected Area Community-Based Resource Management Agreements (PACBRMA) and determine those that are non-compliant and recommended for cancellation. This is also in line with the ongoing collaborative efforts of the DENR, DOJ, DILG, DSWD in response to the Senate inquiry on Socorro, Siargao Protected Land and Seascape.
2. PowerPoint presentations on CHNM, UMRB, SIPLAS and MANP (TSN p. 38);
 3. List of DENR officials who initiated the permitting of Captain's Peak and other resorts in CHNM, MANP, SIPLAS, and UMRB (TSN p. 49);
 4. Quarterly updates on the actions made in relation to the issued PACBRMA in favor of SBSI (TSN p. 60);
 5. Composition of the PAMB who approved the resolutions involved in the investigations on exploitation (TSN p. 143) and those who issued the management plan and allowed the multiple-use zones that all the settlements were granted (TSN p. 116 in relation to p. 142-143);
 6. Process flow and minutes of the PAMB meeting that resulted in the approval of the resolution allowing the building of structures of Captain's Peak Resort (TSN p. 144 and 146);
 7. Protected Area Management Plans of CHNM, MANP, SIPLAS and UMRB (TSN p. 176);

May we respectfully request that the documents be coursed through the Legislative Liaison Office (LLO) via email at denrlllo@denr.gov.ph on or before 19 April 2024 for their proper submission to the Committee. For ready reference, the highlighted Transcript of Stenographic Notes (TSN) can be accessed through this link: <https://tinyurl.com/TSNEnvi>.

For information and appropriate action.


IGNATIUS LOYOLA A. RODRIGUEZ

cc: Office of the Secretary



Republic of the Philippines
Congress of the Philippines
SENATE
Pasay City

**COMMITTEE ON ENVIRONMENT, NATURAL RESOURCES
AND CLIMATE CHANGE
JOINT WITH THE
COMMITTEE ON LOCAL GOVERNMENT**

- Date** : Wednesday, April 3, 2024
- Time** : 10:00 a.m.
- Venue** : Sen. Geronima T. Pecson Room
Senate of the Philippines
Financial Center, Roxas Boulevard, Pasay City
- Agenda** : **CONSTRUCTION OF STRUCTURES WITHIN THE VICINITY OF THE CHOCOLATE HILLS:**

**PROPOSED SENATE RESOLUTION NO. 967 -
RESOLUTION DIRECTING THE PROPER SENATE
COMMITTEES TO CONDUCT AN INQUIRY, IN AID
OF LEGISLATION, ON THE REPORTED
CONSTRUCTION OF STRUCTURES WITHIN THE
VICINITY OF THE CHOCOLATE HILLS, WITH THE
END IN VIEW OF PRESERVING BOHOL'S
PROTECTED AREA AND MAJOR TOURIST
ATTRACTION (by Senator Binay)**

**PROPOSED SENATE RESOLUTION NO. 970 -
RESOLUTION DIRECTING THE APPROPRIATE
COMMITTEE/S OF THE SENATE, TO CONDUCT AN
INQUIRY INTO REPORTS ON THE DESTRUCTION
OF CHOCOLATE HILLS AND DEFAACEMENT BY
TOURIST RESORTS AND OTHER PROJECTS (by
Senator Villanueva)**

**PROPOSED SENATE RESOLUTION NO. 973 -
RESOLUTION URGING THE APPROPRIATE SENATE
COMMITTEE TO CONDUCT AN INQUIRY IN AID OF
LEGISLATION INTO THE CONSTRUCTION OF
RESORTS WITHIN THE CHOCOLATE HILLS
NATURAL MONUMENT (CHNM) WITH THE END**

**VIEW OF REVIEWING EXISTING POLICIES,
PROCEDURES, AND STANDARDS TO ENSURE THE
CONSERVATION AND PROTECTION OF OUR
PROTECTED AREAS (by Senator Legarda)**

**EXPLOITATION OR DEFACEMENT OF CERTAIN
PROTECTED AREAS:**

**PROPOSED SENATE RESOLUTION NO. 976 -
RESOLUTION DIRECTING THE APPROPRIATE
SENATE COMMITTEE TO CONDUCT AN INQUIRY, IN
AID OF LEGISLATION, ON THE MANAGEMENT
PRACTICES, THE PRESENCE OF TENURIAL
AGREEMENTS, AND THE PROTECTION
MECHANISMS OR THE LACK THEREOF, ACCORDED
TO THE COUNTRY'S PROTECTED AREAS, IN LIGHT
OF DISTRESSING REPORTS OF EXPLOITATION OR
DEFACEMENT OF CERTAIN PROTECTED AREAS,
SUCH AS THE UPPER MARIKINA RIVER BASIN
PROTECTED LANDSCAPE IN RIZAL, THE SIARGAO
ISLAND PROTECTED LANDSCAPE AND SEASCAPE
IN SURIGAO DEL NORTE, THE CHOCOLATE HILLS
NATURAL MONUMENT IN THE PROVINCE OF
BOHOL, THE MOUNT APO NATURAL PARK IN THE
PROVINCES OF NORTH COTABATO AND DAVAO
DEL SUR, AND DAVAO CITY, AMONG OTHERS (by
Senator C. Villar)**

ATTENDANCE

SENATORS:

HON. CYNTHIA A. VILLAR - Chairperson, Committee on
Environment, Natural Resources
and Climate Change

HON. LOREN LEGARDA
HON. MARIA LOURDES NANCY S. BINAY
HON. RONALD "BATO" M. DELA ROSA
HON. RAFFY T. TULFO
HON. ROBINHOOD C. PADILLA
HON. FRANCIS "TOL" N. TOLENTINO
HON. CHRISTOPHER LAWRENCE "BONG" T. GO

GUESTS/RESOURCE PERSONS:

- | | | |
|-----------------------------------|---|---|
| Hon. Maria Vanessa C. Aumentado | - | Member, House of Representatives (2nd District, Bohol) |
| Hon. Erico Aristotle C. Aumentado | - | Provincial Governor, Province of Bohol |
| Hon. Antonio M. Jumawid | - | Mayor, Municipality of Batuan, Bohol |
| Hon. Conchita Delos Reyes | - | Mayor, Municipality of Carmen, Bohol |
| Hon. Restituto Q. Suarez III | - | Mayor, Municipality of Sagbayan, Bohol |
| Hon. Yvonne R. Cagas | - | Provincial Governor, Province of Davao Del Sur |
| Hon. Josef F. Cagas | - | Mayor, City of Digos, Davao del Sur |
| Atty. Kirby Villaraiz, RN | | Sangguniang Bayan Member, Municipality of Bansalan, Davao del Sur/Chairperson - SB Committee on Tourism |
| Hon. Jose Paolo Evangelista | - | Mayor, Municipality of Kidapawan, Province of North Cotabato |
| Hon. Juan Victor Llamas | - | Undersecretary for External, Legal and Legislative Affairs, Department of the Interior and Local Government (DILG) |
| Hon. Shahlimar Hofer Tamano | - | Undersecretary for Tourism Regulation, Coordination and Resource Generation/Concurrent Regional Director of Region VII, Department of Tourism (DOT) |
| Engr. Fernando J. Talagasa | - | District Engineer for Bohol Second District Engineering Office, Department of Public Works and Highways (DPWH) |
| Hon. Maria Antonia Yulo Loyzaga | - | Secretary, Department of Environment and Natural Resources (DENR) |
| Hon. Ignatius A. Rodriguez | - | Undersecretary for Special Concerns and Legislative Affairs, DENR |
| Hon. Joselin Marcus E. Fragada | - | Undersecretary for Field Operations-Mindanao and Environment, DENR |

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| Hon. Ernesto Adobo | - Undersecretary for Legal and Administration, DENR |
| Hon. Jonas R. Leones | - Undersecretary for Policy, Planning and International Affairs, DENR |
| Hon. Augusto Dela Peña | - Undersecretary, for Organizational Transformation and Human Resources, DENR |
| Hon. Marcial C. Amaro Jr. | - Assistant Secretary/
Concurrent OIC Director,
Biodiversity Management Bureau (BMB), DENR |
| Hon. Gilbert C. Gonzales | - Assistant Secretary/Director
Environmental Management Bureau (EMB), DENR |
| Hon. Arleigh J. Adorable | - Assistant Secretary/
Concurrent Director, Forest Management Bureau (FMB), DENR |
| Ms. Lorna Fernandez | - Assistant Protected Area Superintendent, DENR |
| Engr. Teodorico Sandoval | - OIC Assistant Director, Mines and Geosciences Bureau (MGB), DENR |
| Atty. Gerardo P. Sirios | - Administrator, Land Registration Authority (LRA) |
| Atty. Sunny Villarojo | - Register of Deeds, Province of Bohol, LRA |
| Ms. Jacqueline A. Caancan | - Regional Executive Director for NCR and Chairperson of the Protected Area Management Board for Las Piñas-Parañaque Wetland Park, Protected Area Management Boards (PAMB) |
| Mr. Nilo B. Tamoria | - Regional Executive Director for Region IV-A, Chairperson of the Protected Area Management Board for Upper Marikina River Basin Protected Landscape, PAMB |
| Mr. Paquito D. Melicor Jr. | - Regional Executive Director for Region VII, Chairperson of the Protected Area Management Board for Chocolate Hills Natural Monument, PAMB |
| Atty. Ma. Mercedes V. Dumagan | - OIC, Regional Executive Director for Region XI and Chairperson of the Protected Area Management |

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| Atty. Felix S. Alicer | - | Board for Mount Apo Natural Park, PAMB
Regional Executive Director for Region XII and Member of the PAMB for Mt. Apo Natural Park, PAMB |
| Mr. Nonito M. Tamayo | - | Regional Executive Director for Region XIII and Chairperson of the Protected Area Management Board for Siargao Island, PAMB |
| Atty. Rebyanne Giselle C. Diaz | - | Head, Litigation and Adjudication Section, National Water Resources Board (NWRB) |
| Atty. Arthur Herman | - | Director, Ancestral Domains Office, National Commission on Indigenous Peoples (NCIP) |
| Ms. Elaine De Jesus | - | Officer In Charge, Municipal Environment and Natural Resources Office, Municipality of San Mateo, Rizal |
| Mr. Crisol Niño H. Moredo | - | Officer In Charge, Municipal Planning and Development Office, Municipality of Tanay, Rizal |
| Dr. Theresa Mundita S. Lim | - | Executive Director, ASEAN Centre for Biodiversity (ACB) |
| Ms. Anna Reyes | - | Acting Secretariat, Upper Marikina Watershed Coalition |
| Ms. Billie Crystal Dumaliang | - | Director for Advocacy, Masungi Georeserve Foundation, Inc. (MGFI), Tanay, Rizal |
| Engr. Adolfo Encila Jr. | - | National President, Philippine Institute of Environmental Planners (PIEP) |
| Arch. Norman June V. Brito | - | President, Philippine Association of Landscape Architects (PALA) |
| Ms. Julieta Sablas | - | Administrator, Captain's Peak Garden and Resort, |
| Mr. Renante Salazar | - | Owner, Monte Frio Resort, Digos City, Davao del Sur |
| Mr. Chevilito Quiñones | - | Resort Manager, Monte Frio Resort, Digos City, Davao del Sur |

SENATE SECRETARIAT:

- | | | |
|----------------------------------|---|-------------------------------|
| Ms. Charlyne Claire Fuentes-Olay | - | Committee Secretary |
| Ms. Eloisa Tecson | - | Assisting Committee Secretary |
| Ms. Princess Gayla P. Cabral | - | Committee Stenographer |
| Ms. Jade Ann C. Saludaga | - | Committee Stenographer |
| Ms. Jennifer L. Flores | - | Committee Stenographer |
| Ms. Jo B. Cadaing | - | Committee Stenographer |
| Mr. Rufino Roy E. Cabatuan | - | LCSS Support Staff |
| Ms. Mylene Palino | - | Committee Support Staff |
| Mr. Jonathan Valbuena | - | Committee Support Staff |
| Mr. Vladymir Zarsadias | - | Committee Support Staff |
| Ms. Jennifer Quero | - | Committee Support Staff |
| Mr. Jimmy R. Gavloa | - | Committee Support Staff |
| Mr. Daniel Diamzon | - | Committee Support Staff |

(For a complete list, please see the attached Attendance Sheet.)

/jacs/ges/agc

COMMITTEE ON ENVIRONMENT, NATURAL RESOURCES AND CLIMATE CHANGE JOINT WITH THE COMMITTEE ON LOCAL GOVERNMENT

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AT 10:08 A.M., HON. CYNTHIA A. VILLAR, CHAIRPERSON OF THE COMMITTEE ON ENVIRONMENT, NATURAL RESOURCES AND CLIMATE CHANGE, CALLED THE HEARING TO ORDER.

THE CHAIRPERSON (SEN. C. VILLAR). Good morning, everyone.

This is a public hearing of the Committee on Environment, Natural Resources and Climate Change joint with the Committee on Local Government on the defacement or exploitation of the Chocolate Hills Natural Monument, and other protected areas, such as the Upper Marikina River Basin Protected Landscape, Siargao Island Protected Landscape and Seascape and the Mount Apo Natural Park.

The meeting of the Committee on Environment, Natural Resources and Climate Change joint with the Committee on Local Government is hereby called to order.

I would like to acknowledge the presence of the following senators: Senator Nancy Binay, Senator Ronald "Bato" Dela Rosa, and virtually present, Senate President *Pro Tempore* Loren Legarda.

We have with us Governor Erico Aristotle Aumentado of the Province of Bohol; Congressman Maria Vanessa C. Aumentado of the 2nd District of Bohol; Governor Yvonne Cagas of Davao del Sur; and, of

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course, the Secretary of the Department of Environment and Natural Resources, Maria Antonia Loyzaga.

And then we will ask our committee secretary to acknowledge the resource persons and all other invited guests. We call on Ms. Eloisa Tecson.

THE ASSISTING COMMITTEE SECRETARY (MS. TECSON).

Good morning, Madam Chair. Good morning, everyone.

For today's hearing of the Committee on Environment, Natural Resources and Climate Change, we have the following resource persons: from the national government, Department of Environment and Natural Resources, we have Secretary Maria Antonia Yulo Loyzaga, together with Usec Ignatius Rodriguez, undersecretary for Special Concerns and Legislative Affairs; Usec Marcus Fragada, undersecretary for Field Operations-Mindanao and Environment; Usec Ernesto Adobo, undersecretary for Legal and Administration; Usec Jonas Leones, undersecretary for Policy, Planning and International Affairs; Usec Augusto Dela Peña, undersecretary for Organizational Transformation and Human Resources; Asec Marcial Amaro Jr., concurrent OIC-director, Biodiversity Management Bureau; Asec Gilbert Gonzales, director, Environmental Management Bureau; Asec Arleigh Adorable, concurrent director, Forest Management Bureau; Mr. Nilo Tamoria,

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regional executive director for Region IV-A and chairperson of the Protected Area Management Board for Upper Marikina River Basin Protected Landscape; Mr. Paquito D. Melicor Jr., regional executive director for Region VII and chairperson of the PAMB for Chocolate Hills Natural Monument; Atty. Ma. Mercedes Dumagan, OIC-regional executive director for Region XI and chairperson of the PAMB for Mount Apo Natural Park; Atty. Felix S. Alicer, regional executive director for Region XII and member of the PAMB for Mount Apo Natural Park; Mr. Nonito M. Tamayo, regional executive director for Region XIII and chairperson of the PAMB for Siargao Island Protected Landscape and Seascape.

From the Department of Interior and Local Government, we have Atty. Juan Victor Llamas, undersecretary for External, Legal and Legislative Affairs; from the Department of Tourism, we have Usec Shahlimar Hofer Tamano, undersecretary for Tourism Regulation, Coordination and Resource Generation and concurrent regional director of Region VII; from the Department of Public Works and Highways, we have Engineer Fernando J. Talagasa, district engineer for Bohol Second District Engineering Office; from the Land Registration Authority, we have Administrator Gerardo Sirios, together with Atty. Sunny Villarojo, Register of Deeds, Province of Bohol; from the National Water Resources

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Board, we have Atty. Rebyanne Giselle Diaz; from the National Commission on Indigenous Peoples, we have Atty. Arthur Herman, director, Ancestral Domains Office.

From the Province of Rizal, we have Mr. Crisol Niño Moredo, OIC, Municipal Planning and Development Office, Municipality of Tanay.

From the Province of Bohol, we have Governor Erico Aristotle Aumentado; Mayor Conchita Delos Reyes, Municipality of Carmen; Mayor Restituto Suarez III, Municipality of Sagbayan; Mayor Antonio Jumawid, Municipality of Batuan.

From the Province of Davao del Sur, we have Governor Yvonne Cagas and Atty. Kirby Villaraiz, Sangguniang Bayan member, Chairperson of the Committee on Tourism, Municipality of Bansalan.

From the Province of North Cotabato, we have Mayor Jose Paolo Evangelista, Municipality of Kidapawan.

From the ASEAN Centre for Biodiversity, we have Dr. Theresa Mundita Lim, executive director; from the Upper Marikina Watershed Coalition, we have Ms. Anna Reyes, acting secretariat; from the Philippine Association of Landscape Architects, we have Architect Norman June Brito, president; from the Philippine Institute of Environmental Planners, we have Engineer Adolfo Encila Jr., national president.

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From the Masungi Georeserve Foundation, Inc., we have Ms. Billie Crystal Dumaliang, director for Advocacy; from the Captain's Peak Garden and Resort, we have Ms. Julieta Sablas, administrator; from the Monte Frio Resort, we have Mr. Renante Salazar, owner—uh, Monte Frio Resort, we have Mr. Chevilito Quiñones, resort manager.

That is all, Madam Chair.

THE CHAIRPERSON (SEN. C. VILLAR). We wish to acknowledge the presence of Senator Raffy Tulfo. Thank you.

SEN. TULFO. Thank you, Madam Chair.

THE CHAIRPERSON (SEN. C. VILLAR). Isang makakalikasang umaga sa inyong lahat.

The committee hearing today is prompted by the public uproar over the viral image of resort facilities, including cottages, lights, and what appears to be an Olympic-size swimming pool built at the foot of the three of our cherished Chocolate Hills in Bohol province.

Indeed, the picture says it all. It exposes the stark defacement and desecration of our national treasure. The conclusion was immediate and clear. After all, the approximately 1,776 unique conical mounds that comprise the chocolate hill are not merely a tourist attraction, they stand as a UNESCO-recognized Natural Monument since 1988, form part of the Philippines' first global geopark as designated by UNESCO in 2023,

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and are collectively considered protected area under the Expanded NIPAS Act of 2018.

In quick response, Senators Binay, Villanueva, Legarda and myself have each filed resolutions that reflect a shared urgency to address the issue.

Senate Resolution No. 967, filed by Senator Binay, who chairs the Senate Committee on Tourism, calls for an inquiry, in aid of legislation, on the reported construction of structures within the vicinity of the Chocolate Hills by Captain's Peak Garden and Resort in Sagbayan, Bohol and Bud-Agta Resort in Carmen, Bohol, with the end goal of preserving Chocolate Hills as a protected area and its status as a major tourist attraction.

Resolution No. 970, filed by Senator Joel Villanueva, also seeks an inquiry on the construction of tourist resorts in close proximity to the Chocolate Hills. It mentions that the Expanded NIPAS Act prohibits defacing or damaging any natural formation or scenic value within a protected area. It also raises a question on the PAMB policy of allowing the use or development of 20 percent of the land mass of a hill. Hence, this resolution seeks to scrutinize the implementation of applicable laws, rules, and regulations governing protected areas with the view of identifying gaps, if any, and introducing remedial legislations, if

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appropriate, to protect Chocolate Hills and other protected areas, as well as hold officials accountable for approval of questionable projects.

Resolution No. 973, filed by Senate President Pro-Tempore Legarda, emphasizes the need to review the existing policies, procedures and standards to ensure the conservation and protection of protected areas in light of the approval ... */pgpc/jmb/agc*

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THE CHAIRPERSON (SEN. C. VILLAR). ... in light of the approval by the Chocolate Hills Natural Monument's PAMB of the construction of the resort's structure of Captain's Peak in 2018 and the issuance of business permit by the local government about a year after despite the absence of an environmental compliance certificate.

Resolution No. 976, which I filed, broadens the Inquiry Into the management practices, the presence of tenurial agreements, and the protection mechanism or the lack thereof accorded to that country's protected areas. This is in response to distressing reports of exploitation or defacement not only of the Chocolate Hills Natural Monument but also of other protected areas such as the Upper Marikina River Basin Protected Landscape in Rizal; the Siargao Island Protected Landscape and Seascape in Surigao del Norte; and the Mount Apo Natural Park in North Cotabato, Davao del Sur, and Davao City, to just name a few. We have also here a letter to include Mount Matutum Protected Landscape in the Senate inquiry located in South Cotabato, and also the Mount Banahaw in Laguna.

To my mind, while the Philippine government has established a robust framework of policies, laws, and regulations for the protection of our protected area, there appears to be a deficiency in their implementation. Therefore, there is a need for greater efforts from those

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responsible to protect them as well as from all of us—Filipinos—to safeguard our protected areas.

Complementing the above-mentioned four resolutions is the privilege speech delivered by Senator Tulfo on March 18. He raised concern about the presence of illegal structures, the conduct of illegal activities at Mount Apo, which is a protected area under RA 9237, and the inadequate action by Mount Apo's Protected Area Management Board even though there is an existing directive from President Bongbong Marcos to preserve Mount Apo as it vies for inclusion in the UNESCO list of World Heritage sites. He articulated that, "Turuan ang kalakaran pagdating sa ating pangangalaga ng Kalikasan," lamenting the culture of passing blame among government entities responsible for environmental protection, including the DENR, government units, and PAMBs, highlighting the lack of accountability and effective action.

But the controversy surrounding the four mentioned protected areas may just constitute the tip of the iceberg. We have yet to uncover the full extent of the challenges facing our protected areas. Consider this: the Philippines has a total of 248 protected areas—114 are formally legislated, 121 are initial components of the NIPAS system, and 13 are established through presidential proclamation. It would not be far-fetched to believe that many of our other protected areas also face

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problems threatening their sustainability. I would tend to agree with that because we have also a protected area In our City of Las Piñas and Parañaque, and we are really being forced to protect it because of the danger of ISF living in our protected area and the permit to do reclamation along our protected area.

This inquiry could be an eye-opener, leading us to take definitive actions in the right direction for the conservation of our protected areas. Taking action now is essential and this may well start with conducting a thorough survey, inventory, and recording of every structure in all our protected areas alongside reviewing the documents and instruments that govern them to identify and rectify any inconsistencies with their intended protection.

Thank you.

So, I would now recognize, after my speech, the opening statement of Senator Binay, Senator Bato Dela Rosa, and Senator Tulfo, in that order.

So, we recognize now Senator Binay.

SEN. BINAY. Magandang umaga po, Madam Chair, at sa lahat po ng naririto sa pagdinig ngayon.

Nitong nakaraang buwan, lubhang nabahala tayo sa mga nagsilabasang mga video at post sa social media na mayroong

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swimming pool at ilang konkretong cottages sa isang resort na itinayo sa pagitan ng Chocolate Hills, na idineklara ng UNESCO bilang kauna-unahan at natatanging Global Geopark sa Pilipinas. Bukod pa rito, kasama rin ang Chocolate Hills sa protected areas sa ilalim ng National Integrated Protected Areas System Act. Kaya naman labis ang ating pagkadismaya nang makita natin na may mga isktratura pala na itinayo doon mismo sa Chocolate Hills na maaaring makaapekto sa Ilkas na yaman at ganda ng lugar.

Kaya agad po tayong nag-file ng Senate Resolution No. 967 dahil gusto nating malaman kung bakit pinayagang mag-construct ng mga konkretong Istruktura sa Chocolate Hills sa kabila ng pagiging protected area nito. Umaasa po tayo na sa hearing na ito, magkakaroon tayo ng sagot mula sa DENR, PAMB, BEMO, PENRO, at LGUs, at maipaliwanag nila kung bakit nagkaroon ng construction at nabigyan ng permit ang mga resorts kahit na protected ang status ng Chocolate Hills.

Maganda rin na tingnan kung ano ba talaga iyong ginagawa ng mga LGUs para mapangalagaan itong mga protected areas natin at kung aligned, harmonized, at complementing sa kani-kanilang comprehensive land use plans ang no-build zones, protection zones, at buildable areas susog sa unique physical and geographical character ng isla ng Bohol at in line with the protection of the province's geological heritage.

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Hindi po natin layon ang magturuan dito, but we want to know where the policy gaps are, the gray areas in laws and ordinances, the failure in coordination and implementation, and why mandates were not faithfully carried out. Bilang mga tagapagpangalaga ng kalikasan, hinihikayat ko po ang lahat na magbigay-linaw at paliwanag tungkol sa kani-kanilang mga mandato at responsibilidad, hanapin kung saan mayroon na pagkukulang sa mga ordinansa at batas, alamin kung tama ba ang pagkakaintindi sa mga polisiya, bigyang-solusyon ang mga tampok at tawag-pansing problema, at magkaisa ang lahat na may iisang layunin at paninindigan na protektahan ang ating kalikasan at mga likas na yaman.

Our Chocolate Hills are more than just a tourist destination; it is a UNESCO site and a protected area. It deserves to be taken care of because it plays a crucial role in our conservation efforts, utilization, and management of our natural genetic resources. Being a globally recognized UNESCO Geopark, and being at the forefront of efforts to conserve, restore, and heal the environment, the Chocolate Hills provides the template and guide for LGUs on how protecting and conserving natural treasures can translate into meaningful gains for our people and country.

Maraming salamat po at magandang araw sa Inyong lahat.

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THE CHAIRPERSON (SEN. C. VILLAR). Thank you, Senator Binay.

Before we acknowledge Senator Bato Dela Rosa, I just want to acknowledge the virtual presence of Senator Bong Go.

Thank you very much.

We now hear from Senator Bato Dela Rosa.

SEN. DELA ROSA. Thank you, Madam Chair. Magandang umaga sa ating lahat.

Davao and Bohol, for the longest time, popularly known as Mount Apo and Chocolate Hills, which are often reflected in the pages of our textbooks. During our plenary sessions, I am affectionately addressed by my dear colleagues as, "The gentleman from Davao and Bohol." I take this, not only with honor and pride but also with the responsibility to keep myself like the abovementioned natural land formations in the highest standards as a public official.

Linggo bago natin gunitain ang *Semana Santa*, nagkaroon po ako ng pagkakataon ... */jacs/ges/agc*

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SEN. DELA ROSA. ... nagkaroon po ako ng pagkakataon na makauwi sa hometown ng aking Ina sa Antequera, Bohol. Sinamantala ko na rin po ang pagkakataon na silipin ang resort sa gitna mismo ng Chocolate Hills na kamakailan lamang ay naging laman ng mga balita. Kumpirmado, naroon nga po ang resort sa pusod ng Chocolate Hills.

The Mount Apo Natural Park, on the other hand, hits so close to home. I grew up in Santa Cruz, Davao del Sur, at seeing Mount Apo towering upon Davao Region continually watching over us.

Umaasa po ako na sana ay mabigyang linaw ang ilang mga issue na ating diringgin ngayong araw. Ano po ba ang ating mga namamayaning polisiya o prevailing policy hinggil sa paggamit ng ating mga public domains?

Mula pa po noong ako ay bata hanggang magsilbi ako bilang sundalo at mamalagi nang mahabang panahon sa kabundukan at paanan ng Mount Apo, nagkaroon po ako ng pag-unawa na tayong mga tao ay nakikiraan lamang sa mundong ito. Hindi maikakaila na may hindi mapapatid na ugnayan ang kalikasan at tao.

I wish to hear from our resource persons in the course of this hearing ano ang mga gagawin natin upang masiguro natin at tunay nating naaalagaan ang ating mga likas na yaman: proactive, not reactive.

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Our national monuments and protected areas must unite us, not divide us. May mga nababasa kasi akong komento, Madam Chair, na nagsasabing ang mga Bol-anon ra ang nakahibalo kung unsa ang maayo para sa Bohol. Meaning, only the Boholanos know what is truly good for Bohol. Parallel to that, others might also say that only those from Davao City, Davao del Sur, and Cotabato Province know what is best for Mount Apo. But I disagree, Madam Chair, very strongly, issues like environmental protection, and biodiversity require and demand a unified approach. Hindi puwede rito ang "ija-ija, aho-aho," sa Bol-anon pa. Kung sa Tagalog, "kaniya-kaniya." Magkakaisa tayo dapat dito.

Thank you, Madam Chair, for calling this hearing, as well as my colleagues, for heeding the urgency of these matters. As a Bol-anon and Davaonon, but most of all, as a Filipino, I am deeply grateful and—nakalimutan ko palang banggitin, Madam Chair, yesterday, I was also invited by the good secretary of DENR, Secretary Loyzaga, to join his team. Nag-inspection din kami roon sa Mount Apo National Park kahapon lang po.

Iyon lang, Madam Chair. That is all. Thank you.

THE CHAIRPERSON (SEN. C. VILLAR). Thank you, Senator Bato Dela Rosa.

We now recognize Senator Raffy Tulfo.

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SEN. TULFO. Thank you, Madam Chair.

Ang DENR ang ahensiya ng gobyerno na naatasang pangalagaan at bantayan ang ating kalikasan. But because of recent events, lumilitaw na ang DENR ay isang ahensiya na matatawag kong “bantay salakay,” turo-turo style. Bakit po turo-turo style? Nagtuturuan. Kapag kami po ay tumawag sa DENR para mag-usisa, mag-imbestiga tungkol sa mga illegal structures, tungkol sa mga paglapastangan sa ating mga kalikasan, nagtuturuan. Ito pa po ang pinakamasakit at nakakainsulto: ito pong DENR Freedom of Information Manual, hindi ko alam kung kailan inilabas ito, na kung saan ipinagbabawal ang DENR na magbigay ng impormasyon tungkol sa mga nag-a-apply ng ECC at mining. God damn. Is this of national security concern kaya bawal? Sa inyong freedom of information manual, bawal kayong magbigay ng impormasyon tungkol sa mga nag-a-apply ng ECC at mining permit.

Unang lumabas itong kalokohan sa Bohol, Chocolate Hills. After ma-expose iyan, nakatanggap ako ng maraming sumbong tungkol sa paglalapastangan naman ng kalikasan sa Digos, Davao. Ninety-seven na mga structures na naitayo doon, out of those 97, there are few na naisyuhan ng ECC, but marami doon ang hindi pa at patuloy pa rin nagpapatayo ng Istruktura. At nang tumawag po kami kung anong gagawing hakbang ng DENR, we were told, bigyan daw ng two years

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palugit para pagdesisyunan nila kung isasara ba ang dapat isara, o hindi isara ang dapat hindi isara. Again, hindi ho ba kabulastugan na naman iyan?

Now, mayroon naman po akong natanggap na sumbong, sa Bohol pa rin. Ito po ang isang shipyard na kung saan, 19 hectares po na mangroves ang sinira para makapagpatayo ng shipyard doon. Now, alam ko na ipinagbabawal ang pagputol ng mangroves base po sa Republic Act noong 1990. Pero bakit po pinayagan ang pagpapatayo ng isang shipyard sa Bohol? Bakit po nabigyan ito ng ECC?

Ngayon, magkaharap-harap tayo, sana huwag ho kayong magturu-turuan dahil it will be an insult to us here senators na in front of us, magtuturuan pa rin kayo. And I am happy na nandito si Secretary Yulo-Loyzaga na I am sure iyong mga katanungan namin tungkol sa paglapastangan sa ating kalikasan ay masasagot nang maayos.

Black sand mining sa Zambales. Noong last budget hearing, Secretary Loyzaga, napag-usapan natin ito, and you did promise na you will look into it or better off, ipapahinto iyon. Anak ng dagat. Son of a—tuloy-tuloy pa rin ang paglapastangan sa ating black sand sa Zambales. Ito pa ang masaklap: libre na nga ang pagmina nila ng black sand doon, karamihan ay from China, and then ibinebenta pabalik sa ating gobyerno. Anong klaseng kabulastugan po iyan? Ibinebenta sa

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reclamation diyan sa Pasay at sa iba pang mga reclamation sa iba't ibang parte ng Pilipinas. Kumuha sila ng black sand sa karagatan natin nang libre, and then ibebenta pabalik sa atin. Hindi ba kalokohan po iyan?

You guys have to explain. Matagal na pong nagling pabaya kayo diyan sa DENR. Hanggang ngayon, patuloy pa rin sa pagiging pabaya. Lumilitaw tuloy na kayo po ay mga protektor ng mga nagsisira ng kalikasan.

Masungi Georeserve. Bakit po nabigyan ng ECC ang Rizal Wind Energy Corporation o Vena Energy? Napakatagal na po na problema itong sa Masungi Georeserve; hanggang ngayon hindi po maresolba-resolba. Bakit? Sa ngalan ng ano? Sabi pa nga nila sa kanto, baka sa ngalan ng Tito, Vic, and Joey. Iyong tatlong mukha sa isang papel. Noong panahon iyon kasi hindi na nga Tito, Vic, and Joey ngayon.

Iyan lang po, Madam Chair. I will reserve my other questions later.

THE CHAIRPERSON (SEN. C. VILLAR). Thank you very much, Senator Tulfo.

I wish to acknowledge the presence of Senator Padilla. Thank you.

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And mayroon daw virtual opening statement si Senator Bong. We acknowledge Senator Bong Go.

SEN. GO. Mamaya na lang po ako magbibigay ng statement. Madam Chair, mamaya na lang po ako magbibigay ng statement. Salamat po.

THE CHAIRPERSON (SEN. C. VILLAR). Thank you very much. Nasa biyahe daw.

Before we start with our discussion, may—May opening statement? Wala daw.

SEN. PADILLA. [off-mike] Wala po. Thank you po.

THE CHAIRPERSON (SEN. C. VILLAR). Thank you.

Before we start ... /jlf/imjv/agc

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THE CHAIRPERSON (SEN. C. VILLAR). ... Before we start with our discussion, may I first call on the Committee Secretary to put under oath the resource persons?

THE COMMITTEE SECRETARY. Thank you, Madam Chair.

May I request our resource persons to please stand? Please raise your right hand. Do you solemnly swear to tell the truth, the whole truth, and nothing but the truth in this Senate inquiry?

[The following resource persons took their oath and responded in the affirmative: Ms. Cagas, Mr. Cagas, Mr. Villaraiz, Mr. Evangelista, Mr. Tamayo, Mr. Alicer, Ms. Dumagan, Mr. Melicor, Mr. Tamoria, Ms. Caancan, Mr. Sandoval, Mr. Amaro, Mr. Leones, Mr. Adobo, Ms. Loyzaga, Mr. Fragada, Mr. Gonzales, Mr. Adorable, Mr. Sirlos, Ms. Diaz, Mr. Llamas, Mr. Tamano, Mr. Talagsa, Mr. Escolango, Mr. Herman, Ms. Aumentado, Mr. Aumentado, Mr. Jumawid, Ms. Sablas, Ms. Delos Reyes, Mr. Suarez, and Ms. Moredo.]

Thank you, you may now take your seat.

Thank you.

THE CHAIRPERSON (SEN. C. VILLAR). Thank you very much.

We now acknowledge Secretary Loyzaga because she asked that she be dismissed earlier, so we will give her a chance to say her piece before we start the question and answer.

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Thank you.

MS. LOYZAGA. Thank you very much, Madam Chair.

Honorable Senator Cynthia A. Villar, Honorable Maria Lourdes Nancy Binay, Honorable Senator Ronald Bato Dela Rosa, Honorable Senator Raffy Tulfo, Honorable Senator Robin Padilla, good morning. Honorable members of the Committee on Environment, Natural Resources and Climate Change and the Committee on Local Government; colleagues in the DENR, and coworkers in government, good morning.

May I respectfully begin by thanking the two committees for initiating this public hearing to shed light on the reported exploitation and defacement of certain protected areas. This was highlighted by the recent discovery of a resort structure within the Chocolate Hills Natural Monument, a 13,994.95-hectare protected area and recognized UNESCO Global Geopark.

Today's inquiry, in aid of legislation, into the status of and reported illegal structures within the protected areas is a testament to Congress's unwavering commitment to conservation and environmental stewardship, recognizing the critical importance of protecting and maintaining the natural biological and physical diversities of our environments, most notably within our protected areas. These protected

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areas serve as vital sanctuaries that support the web of life that consists of unique diversity of biological life and the land, air, and water that sustains them. These invaluable terrestrial coastal and marine ecosystems not only serve as crucial habitats for endangered species, they provide essential ecosystem services for food, water, and energy security and they embody the specific culture, spirit, and identities that constitute our nation.

While the intersecting ecological, physical, and social geographies have different boundaries, ultimately, the establishment of protected areas is legislative in nature. We respectfully recognize that these are, therefore, deeply in line with the authority of Congress to investigate and assess the effectiveness of the law in terms of existing protection and conservation measures in these areas, as well as to identify both old and new threats and propose and legislate amendments to the existing law to enhance this area's preservation.

It was for this very same reason that Congress in 2018 passed Republic Act 11038 or the ENIPAS Act, which increased the number of protected areas and provided strong conservation measures and penalties for its violations. However, in the past four years since its passing, the DENR has sought to implement its rules and regulations

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contending with realities on the ground, including disasters and the pandemic.

The ENIPAS Law has been tested against the context of rights that preceded its passing the various national and local laws and formal and informal agreements that have altered the distinct landscapes and seascapes, the need for livelihoods, and the support to the national economy, the challenges of inadequate budget, number of personnel with knowledge and capacity, as well as powerful influences and pressures, both benign and malignant.

The Chocolate Hills was established as a protected area by RA 11038. It is a symbol of our national heritage, and these have become under scrutiny due to the construction of a resort facility that may have overstepped, in fact, legal and environmental boundaries. The Chocolate Hills are not only a figure of our nation's natural beauty but also proof of our commitment to conservation. The presence of the resort facility undermines these values and threatens the integrity of the natural monument. Unfortunately, we believe our investigations will yield even more human-induced impacts on this fragile geological system.

Our initial investigation has revealed that Captain's Peak Resort appears to be a titled property among the vast alienable and disposable areas within the area. Not only is there one title or two. We have

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discovered there is a third title involved. Its construction and operations are without the necessary environmental compliance certificate, a clear violation of the NIPAS Act and the Protected Area Management Board resolutions that have been issued. The DENR is also investigating various environmental violations including those related to the Clean Water Act.

On March 14, 2024, our regional offices have issued an Indefinite cease-and-desist order against Captain's Speak Resort. Because of this, however, it has the effect of loss of livelihood. We have now also facilitated the enrollment of the displaced employees of Captain's Speak into the DOLE's TUPAD Program in order to tide them over, in the meantime, while this process is undergoing. This is a process together with DOLE that we hope to be able to replicate in other situations where there will be displacement. These actions and the continuing investigation of the PA demonstrate our commitment to enforcing environmental laws and preserving the integrity of the Chocolate Hills monument.

To date, there are 248 protected areas, as mentioned earlier by Madam Chair. This covers 7.4 million hectares. Given the vastness of this area, we humbly acknowledge the enormous challenge that the department has in addressing the conservation and protection of our biodiversity from species loss given that we must take into account the

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impacts of climate change, human activities, which may alter land and sea and coastal use, and bring about pollution. This mandate must be fulfilled by the DENR despite its resource limitations to ensure compliance and our limited enforcement capacity.

Nonetheless, under this administration, we remain steadfast. When I assumed office in 2022, I made it clear that the continuing preservation of the country's indigenous species as part of our natural heritage, and at the same time, we must harness these resources for the benefit of our country will be one of the key elements of the department's shared vision.

In closing, the department is fully aware that what has happened in the Chocolate Hills monument is not in isolation. Other protected areas require investigations. In the case of Captain's Speak Resort, the proponent failed to secure an ECC, a necessary requirement under the NIPAS Act in order to determine any potential significant adverse impacts of the project or activity on the protected area.

While the present law allows development activities and special uses as ecotourism facilities, the provision of renewable energy and water supply within our protected areas, these are, however, subject to regulatory requirements and safeguards that the proponent should strictly abide to, namely: The alignment of the proposed project to the

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management plan of the protected area; the proposed project should be within the multiple-use zone; and securing the PAMB clearance and an ECC, and an FPIC as required. These are in place to ensure that the development does not come at the cost of environmental degradation and biodiversity loss.

Realizing the occurrence of similar incidents in other areas, the department has come up with the following actions. First, I have instructed all regional offices to conduct an inventory of all existing structures within the PAs and evaluate the compliance thereof with the environmental regulations and standards. And with the indulgence of the Committee, Madam Chair, there are presentations on the different protected areas that have been mentioned.

Secondly, regional offices were also enjoined to conduct a comprehensive review of all ECCs issued for projects within PAs ...

/jbc/agc

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MS. LOYZAGA. ... of all ECCs issued for projects within PAs.

Third, there will be approval—the approval by regional offices of ECC applications for projects within PAs is now suspended until further notice. And all pending and future ECC applications within the PAs will be processed at the EMB Central Office and these must secure the endorsement of the Biodiversity Management Bureau.

Fifth, it is also in this context that the DENR, the DILG and the DOT issued a joint statement of collaboration, and Honorable Secretaries Abalos and Frasco and I have made recommendations on the approval process including the composition of the PAMB. We respectfully acknowledge with thanks the strategic and operational partnerships with the DILG and the DOT on many intersecting environmental issues.

Lastly, this year, I have also directed all regional offices to submit the complete inventory of all Protected Area Community-Based Resource Management Agreements (PACBRMA) and determine those that are non-compliant, and they must be recommended for cancellation. This is also in line with the ongoing collaborative efforts of the DENR, the DOJ, the DILG, the DSWD in response to the Senate inquiry on Socorro, Siargao Protected Land and Seascape. The first phase of cancellations will be effected this month.

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We trust that these efforts will allow us to fully examine the actions of all stakeholders involved in the PAs, including not just the DENR, the PAMB members, the private sector, the NGOs, and the local government units and their constituencies.

It is imperative that we establish the histories behind the facts, understand the implications of these developments and take the appropriate legislative action to protect and conserve our protected areas. It is also imperative that we recognize that in environmental protection and conservation, there is no such thing as a monopoly on good. These are whole-of-society and not just whole-of-government efforts.

We, therefore, respectfully urge that the two Committees to support and ensure the passage of the bill creating an Environmental Protection and Enforcement Bureau, a one long-term legislative measure that will strengthen the environmental law enforcement capacity of the DENR in our protected areas.

As we proceed with these investigations, the DENR is committed to uncovering the truth that lies in the history of these challenges, holding those responsible accountable, instituting internal organizational changes which are already underway, and recognizing any legislative measures that the two Committees may so propose.

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The effects of decades of past legislation, proclamation, specific human decisions and powerful influences and pressures, both benign and malignant, cannot be undone in a matter of months. Under this administration, we will, however, work tirelessly to protect our natural heritage and enforce the laws designed to protect it.

There are good men and women in the DENR. Without their efforts and our organizational transformation, we would not be able to do this job. We aim to further build an organization that is fit for our purpose.

We thank the Senate for its attention to these critical issues, and look forward to a thorough and fair inquiry. And I beg your indulgence and I wish to pay my courtesies to both Senator Loren Legarda and Senator Bong Go who are present virtually.

Thank you very much, Madam Chair, and good morning.

THE CHAIRPERSON (SEN. C. VILLAR). Thank you very much, Secretary Loyzaga.

First of all, we want you to give a copy to the Committee of what the DENR have issued recently with regard to the protection that you have mentioned in your speech.

MS. LOYZAGA. Yes, Madam Chair.

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THE CHAIRPERSON (SEN. C. VILLAR). And I just want to ask you one question: Is the Masungi contract which is endless—hindi ba, no time frame—is that valid?

MS. LOYZAGA. Thank you, Madam Chair.

I will turn over to our legal department, head of legal, Usec Jun Adobo. This is a matter of legal question.

THE CHAIRPERSON (SEN. C. VILLAR). Yes.

MS. LOYZAGA. And we are aware of the circumstances that surrounded the signing of this contract. And we do have an opinion from the DOJ at this moment that actually says that it is unconstitutional.

If I may turn over to Usec Jun Adobo?

Thank you, Madam Chair.

MR. ADOBO. Thank you, Madam Chair.

With the permission of the Secretary.

As already said, our position finding that the contract—that the MOA is infirm, illegal, it was also sustained by DOJ. So, it is, Madam Chair.

THE CHAIRPERSON (SEN. C. VILLAR). [off-mike] So, what are you going to do about it?

MR. ADOBO. We are in the process of canceling the—we recommended actually the cancellation of the MOA.

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THE CHAIRPERSON (SEN. C. VILLAR). [off-mike] You have recommended it, but are you doing it?

MS. LOYZAGA. Madam Chair, the legal grounds for the cancellation are what we are calling voidance *ab initio*, given the advice of the DOJ.

THE CHAIRPERSON (SEN. C. VILLAR). What do you mean by that?

MS. LOYZAGA. From the very beginning—

MR. ADOBO. It is void from the very beginning, so it doesn't have—

THE CHAIRPERSON (SEN. C. VILLAR). So, it doesn't exist?

MR. ADOBO. It doesn't exist.

THE CHAIRPERSON (SEN. C. VILLAR). If it is void, it doesn't exist. So, how come they are still there?

MS. LOYZAGA. Madam Chair, if I may? There is a presentation that will recall the history of this place.

THE CHAIRPERSON (SEN. C. VILLAR). Okay.

MS. LOYZAGA. And there will be, in fact, circumstances that will be revealed in that presentation that actually pertain to another entity called Blue Star Construction company that is part of the history of the area.

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THE CHAIRPERSON (SEN. C. VILLAR). Okay. So, you have a general PowerPoint ng DENR that you want to present?

MS. LOYZAGA. Madam Chair, we will present the individual PowerPoints for each of the protected areas.

THE CHAIRPERSON (SEN. C. VILLAR). So?

MS. LOYZAGA. So, we can begin, Madam Chair, with your indulgence on the Chocolate Hills presentation.

THE CHAIRPERSON (SEN. C. VILLAR). Okay.

MS. LOYZAGA. Thank you, ma'am.

THE CHAIRPERSON (SEN. C. VILLAR). Can you give us a copy of that PowerPoint, the Committee?

MS. LOYZAGA. Yes, ma'am. We will submit everything.

THE CHAIRPERSON (SEN. C. VILLAR). So we can watch it even if we are not in the hearing.

MS. LOYZAGA. Yes, Madam Chair.

SEN. BINAY. Madam Chair, will the Secretary be staying after the PowerPoint presentation, or aalis na po ba siya?

THE CHAIRPERSON (SEN. C. VILLAR). She will be leaving at 12, hindi ba? So, she will stay up to 12 noon.

SEN. BINAY. Thank you, Madam Chair.

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Madam Chair, siguro before they start the individual presentation. But in general, what is the policy when it comes doon sa mga protected areas? Like permitting, ano ba talaga iyong areas that can be developed for ecotourism? Mayroon ho bang ganoong dokumento ang DENR that will be cascaded doon sa mga PAMB within the protected areas?

MS. LOYZAGA. Thank you very much for that question, Madam Chair and Senator Binay.

There is a policy construction and the implementing rules and regulations of the ENIPAS are actually the guidance for the different practices and policies. There are in the protected areas multiple-use zones and strict protection zones. However, there are also other rights that will need to be recognized if they proceeded the enrollment in the ENIPAS list.

In the case of Chocolate Hills, as you will see, Madam Chair, of the 13,900 or so hectares, about 13,500 are actually alienable and disposable prior to the enrollment of the Chocolate Hills in the ENIPAS list. So, those are some of the rights that we need to contend with because there are titles that had been issued already historically.

And I will turn over to Usec Adobo for the legal basis for that.

MR. ADOBO. Yes. But I think the question has been answered.

Yes, we have regulations to follow.

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SEN. BINAY. And natse-check ninyo naman ho iyong compliance? Because, I mean, based doon sa—well, nakikita namin doon sa mga protected areas, parang it is just a piece of paper, hindi ba? Parang wala hong ginagawa iyong mga taga-DENR sa baba to implement iyong supposed to be IRR in protecting the protected areas na, in fact, katulad ho dito sa Chocolate Hills, kaya ho ito pumutok kasi mayroon hong isang vlogger na pino-promote niya iyong Captain's Peak para bisitahin, hindi ba? Hindi pa nga dahil may concerned tayong citizen to protect Chocolate Hills, but actually to promote the resort.

So, iyon na nga, katulad ho ng nasabi ninyo, Secretary Loyzaga, I agree with you na there are plenty of good people sa DENR. But at the moment, hindi ho natin siya nararamdaman, at hindi rin ho siya nararamdaman ng ating mga kababayan.

MS. LOYZAGA. Thank you very much, Madam Chair.

And to respond to that, under the ENIPAS Law, the construction and the membership of the PAMB, the Protected Area Management Board ... /pgpc/agc

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MS. LOYZAGA. ... the Protected Area Management Board is vital to understanding why, in fact, the management of these areas is as they are. Under the law, there is a list of who should be the members of the PAMB, and in different situations, there are as many as 100, 147 members, etcetera. The membership of the PAMB is dominated by the local interests. The DENR sits as chair, it does not vote. And the PAMB can be constituted when the DENR is absent or not available because there is another pressing engagement by the majority of the members.

In the case of Chocolate Hills, it was the barangay officials that actually approved the resolution. And that is, in fact, one of the longer standing policy changes we would like to propose, as well as a change to the legislation in terms of the construction and membership of the PAMB and what its role should be.

THE CHAIRPERSON (SEN. C. VILLAR). That is my experience also in our legislated protected area. There are too many barangay captains. Why do you have to ask every barangay captain to be there? You can have one representative from the association of barangay captains.

Dito, ang nagbigay ng ECC iyong barangay captain lang kasi ubod sa dami ng barangay captain. So, anong malay noong barangay captain what is good for the environment? Sila iyong pinakamadaling i-

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influence. In fact, in our City of Las Piñas, ang InI-Influence noong gustong mag-reclaim are the barangay captains kasi madali silang lokohin. So, gusto nila mag-meeting kami at manalo iyong mga barangay captain sa PAMB meeting; ako lang ang pumigil doon kasi I don't think it is fair. I don't think the barangay captains understand the damage that what they are going to pass at PAMB would be disastrous to the protected area.

So, I think I agree with you that we should change the constitution of the PAMB to give more power to those who understand the issues. Oo, kasi hindi nila naiintindihan ang issue kaya—katulad dito sa Chocolate Hills, ang nagbigay ng permit on behalf of the PAMB are all barangay captains.

SEN. BINAY. Madam Chair, kapag nagko-constitute ho ba iyong PAMB, iyong barangay captain ba nagpe-prepare ng agenda?

THE CHAIRPERSON (SEN. C. VILLAR). Hindi, DENR.

SEN. BINAY. Who prepares the agenda?

THE CHAIRPERSON (SEN. C. VILLAR). DENR.

MR. ADOBO. Iyong PAMO po. The PAMO serves as the secretary.

SEN. BINAY. Which is part of the—

THE CHAIRPERSON (SEN. C. VILLAR). But the secretariat is the DENR.

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SEN. BINAY. So, hindi totoo iyong sinasabi ninyo na walang alam iyong DENR kasi you prepare the agenda. So, kung hindi kayo available, I mean, anong i-a-approve ni kapitan kung hindi ninyo gagawin iyong agenda?

THE CHAIRPERSON (SEN. C. VILLAR). At saka tingin ko, may alam iyong DENR at saka local government kaya ang pinag-approve na lang ay iyong mga barangay captain para hindi sila masisi. Gimik iyan. Oo. Kaya ang pinag-approve nila ng ano, iyong mga barangay captains kasi kung masisi iyong barangay captain, walang effect iyon sa kanila, hindi ba? Parang ginamit iyong mga barangay captain to approve the PAMB certification. Kung ikaw ay matalino, hindi ka papayag nang ganoon, na ang mga barangay captain magde-decide what do you want to do with your protected area. I mean—tingin ko—kasi in a PAMB meeting, ang secretariat is DENR. Kung ayaw maggawa ng meeting ng DENR, puwede naman nilang huwag matuloy iyong meeting.

Katulad sa amin, sinabi ko sa DENR, "Tigilan mo ako diyan kung puro barangay captain ang haharap sa akin." Kasi member ako ng PAMB. Kaya I was asking Senator Bato na mag-active ka sa PAMB ng Mount Apo para matakot sa iyo. Kasi kapag ikaw ay simpleng barangay captain lang, hindi ka katatakutan. Kaya hindi kami nagme-meeting ng PAMB kasi alam ko na gagamitin nila iyong mga barangay captain to approve

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whatever they want, hindi ba? So, hindi na lang kami nag-meeting ng PAMB.

Itanong mo kay Director Ancan. Hindi ba, sabi ko sa iyo huwag na tayong mag-meeting ng PAMB kung iyang mga barangay captain lang iyan ang masusunod, hindi ba? Imagine, i-a-outvote ang senator, congressman, ang lahat ng DENR at saka iyong mga NGO kasi ang dami-dami nila. Like, if it is 30,000 hectares, gaano karaming barangay captain ang kasali? Outvoted. Outvoted. So, ang masusunod ay barangay captain.

SEN. DELA ROSA. Madam Chair?

THE CHAIRPERSON (SEN. C. VILLAR). Yes.

SEN. DELA ROSA. May I know if the constitution of PAMB is nandiyan iyan sa NIPAS Act?

MR. ADOBO. Yes po.

SEN. DELA ROSA. Nandiyan talaga?

MR. ADOBO. Nasa NIPAS Act.

SEN. DELA ROSA. So, kailangang i-amend natin iyong NIPAS Act na iyan.

MR. ADOBO. That is correct po. Mayroon kaming proposal, in fact, at the end of the—we prepared it.

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SEN. DELA ROSA. So, Madam Chair, we would like to solicit their recommendation, kung anong gusto ninyong amendment gawin natin para hindi tayo palaging ganoon ang problema.

THE CHAIRPERSON (SEN. C. VILLAR). Iyon nga. Kaya sinasabi ko kasi nakita namin dito sa Chocolate Hills, ang nag-approve puro barangay captains, wala nang iba.

MR. ADOBO. Yes, Madam Chair.

THE CHAIRPERSON (SEN. C. VILLAR). Tingin ko, ginamit iyong mga barangay captains para makalusot.

MR. ADOBO. As instructed by the Committee, we also prepared our position paper. And in there, we proposed the amendment of the membership of—

THE CHAIRPERSON (SEN. C. VILLAR). But sana noong nagkakaganoon na we were given notice noon pa. Kasi this happened after the passage of the ENIPAS Act of 2022 na hindi pa nai-implement, kasi it took time for the ENIPAS Act to be implemented. Ginawa nila before the implementation of the ENIPAS, binigyan nila ng clearance, hindi ba? Anong date binigyan ng clearance? Before the implementation of the ENIPAS.

MR. ADOBO. But the region can actually attest to this.

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THE CHAIRPERSON (SEN. C. VILLAR). Kailan binigyan ng clearance?

MR. ADOBO. There were resolutions pa in 2012 and another one in 2018

THE CHAIRPERSON (SEN. C. VILLAR). Parang sinircumvent (circumvent) nila iyong ENIPAS, ang daming binigyan ng clearance.

MR. ADOBO. The ENIPAS was passed on June 22, 2018.

But to answer the question and, of course, to give light to the query of Senator Binay, Madam Chair, it is not all the call of the PAMO—

SEN. DELA ROSA. Attorney, excuse me, Madam Chair. I-ganoon mo iyong microphone para marinig ka. Ilapit sa bibig. Iyan.

MR. ADOBO. Yes. Okay.

SEN. DELA ROSA. Thank you. Thank you, Madam Chair.

MR. ADOBO. It is not all the call of the PAMO to initiate a meeting. Any member of the PAMB can call for a meeting. When supported by the majority of its membership, a meeting can be held; an agenda can be tackled.

Thank you, Madam Chair.

SEN. BINAY. And with the case of doon sa Chocolate Hills, who initiated the hearing? Iyong barangay captain?

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MR. ADOBO. The RED of Region VII, by the authority of the Secretary, may answer the question.

SEN. BINAY. Yes, please, answer.

MR. MELICOR. Madam Chair, good morning.

It was the regular meeting—regular quarterly meeting. It is a scheduled meeting of the—

SEN. BINAY. Called by? By the DENR?

MR. MELICOR. By the PAMO, yes or--

SEN. BINAY. So, sila iyong gumawa ng agenda, tama po ba?

MR. MELICOR. Yes, Madam Chair.

SEN. BINAY. Yes, so DENR pa rin.

Tama po ba, Usec Adobo?

MS. LOYZAGA. Madam Chair, we were not there obviously at the calling of the meeting.

SEN. BINAY. [off-mike] No—

MS. LOYZAGA. If I may?

THE CHAIRPERSON (SEN. C. VILLAR). But the DENR is in existence when this happened, hindi ba?

MS. LOYZAGA. Yes.

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THE CHAIRPERSON (SEN. C. VILLAR). And not all of the DENR officers were appointed political appointments. Mayroon kayo na dati nang mga—anong tawag dito?

SEN. BINAY. [off-mike] Career.

THE CHAIRPERSON (SEN. C. VILLAR). Career. So, Iyong career ang pa-answer-in mo dito.

It was approved in February 2018 before the implementation of the ENIPAS Act of 2018. This one, a resolution endorsing the proposed Captain's Peak Garden Eco Park Tourism. This was approved in February 2018; ang ENIPAS Act was implemented in July 15, 2018. Kaya—Yes?

MS. LOYZAGA. Madam Chair, if I may.

Whenever there is a meeting, the sheer number of the attendees will outvote even the DENR.

SEN. BINAY. So, ma'am—

MS. LOYZAGA. I understand, ma'am.

SEN. BINAY. Ang point ko is, kung hindi iyan na-agenda, walang i-a-outvote to begin with.

MR. ADOBO. This is how the agenda is prepared. Any member of the PAMB can submit to the PAMO topics that they wanted discussed during regular special meeting—

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SEN. BINAY. Siye, Usec, siguro, para mas malinaw, can you just submit to the Committee who initiated the permitting of Captain's Peak and the others? Kasal parang pinapalabas ninyo na—well—

MR. ADOBO. Yes, ma'am.

SEN. BINAY. Na walang kasalanan ... *//jacs/rjo/agc*

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SEN. BINAY. ... na walang kasalanan iyong DENR. Have you investigated iyong mga personnel ho? And have you done any preventive suspension with—mga personnel of DENR?

MR. ADOBO. As instructed by the secretary, yes, we have started our investigation. We have not—

SEN. BINAY. Like, for example, iyong sa Surigao, PACBRMA, si Senator Bato did the hearing a year ago, mayroon na ho bang na-preventive suspension pagdating doon sa Surigao case?

MS. LOYZAGA. Madam Chair, the case in Socorro, actually, is part of an ongoing collaboration with the DOJ, the DILG, the DSWD, and the DENR. We are at a point where we are actually canceling the PACBRMA, and there are now a joint effort by DSWD, DILG, and the DOT to actually try and correct the situation in Socorro. We are going to institute a program for the displaced person—

SEN. BINAY. Hindi. Ma'am, kasi parang ang dating ho kasi kaya paulit-ulit iyong violation kasi wala naman hong nakakasuhan, walang nakukulong sa DENR. I mean, even a preventive suspension, parang wala ho kaming naririnig. May ganoon ho bang— Walang fear, eh. Kaya I think tuluy-tuloy lang iyong ginagawang mali kasi nga walang takot.

THE CHAIRPERSON (SEN. C. VILLAR). Walang nangyayari.

SEN. DELA ROSA. Madam Chair, if I may.

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THE CHAIRPERSON (SEN. C. VILLAR). Yes.

SEN. DELA ROSA. My committee investigated the case in Socorro, nakita naman natin doon na initially—kung maghahanap tayo ng makakasuhan na DENR, mukhang wala akong nakikita doon dahil nga, initially, maganda iyong pasok; talagang dinaanan nila lahat ng proseso. Nangyayari lang iyong problema dahil na-convert into kulto iyong PACBRMA holder. So, doon na nagsimula ang problema. Pero kung—

THE CHAIRPERSON (SEN. C. VILLAR). [off-mike] Hindi ba doon, wala na iyon?

SEN. DELA ROSA. Iyon nga, ang sabi ni Senator Binay—

THE CHAIRPERSON (SEN. C. VILLAR). We discovered in the investigation that the original beneficiaries are not there anymore.

SEN. DELA ROSA. Patay naman.

THE CHAIRPERSON (SEN. C. VILLAR). Itong kulto, hindi sila iyon.

SEN. DELA ROSA. Hindi sila, ma'am.

THE CHAIRPERSON (SEN. C. VILLAR). So, illegal na sila.

SEN. DELA ROSA. At saka, ma'am, ang nakita nga natin doon, ma'am, iyong problema ng DENR, bakit hindi sila nag-inspeksiyon? Kasi kung nag-inspection sila, hindi dapat tumubo nang husto iyong kulto

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doon, kung nag-i-inspection sila regularly. Ang sabi ng DENR sa akin, takot sila dahil hindi nga makapasok iyong mga taga-munisipyo. Hindi sila makapasok. Sabi ko, nandiyan naman ang PNP, nandiyan ang Armed Forces, puwede naman silang humingi ng assistance para makapasok sila doon. Sabi nga ng DENR, ang mandato nila, hindi nila gaanong ma-perform to the fullest dahil kulang sila ng tao. Hindi man kailangang punuin natin ng tao ang DENR. Kuwan lang, ma'am, iyong coordination lang with other government agencies para magampanan natin iyong ating mandato. So, ganoon lang dapat ang gawin natin. Makipagtulungan tayo para magampanan natin.

Iyon lang, iyong tungkol sa Socorro, Madam Chair.

Thank you.

THE CHAIRPERSON (SEN. C. VILLAR). Nakatira ngayon sa Socorro are not the beneficiaries. They are not there anymore. This cult is different. Hindi sila iyon. Kaya puwede silang paalisin. In fact, ang usapan doon, ire-relocate na sila in other places. And madali namang mag-relocate kasi kami doon sa aming Las Piñas-Parañaque Wetland Park, I discovered 300 squatters. I called MMDA; tinanggal nila because there is such thing as the *Mandamus* of Manila Bay, that it is the responsibility of 13 government agencies to clean Manila Bay. So, I

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called on MMDA because MMDA is one of them, and they removed the 300 squatters.

Bakit hindi ninyo magawa iyon sa Socorro?

MS. LOYZAGA. Madam Chair, if I may, I will turn over to Usec Marc Fragada to explain the process that we undertook, together with the DILG, DOJ, and DSWD.

MR. FRAGADA. Madam Chair, Your Honor, good morning.

First off, for the Socorro incident, we coordinated with the DILG, DSWD, Gawad Kalinga, even the DepEd, and we had to conduct a series of meetings. We had five meetings since that incident, and actually, the consensus of the whole group was for cancellation. Actually, we have the cancellation here already, cancellation order, which is the first step.

Secondly, we decided that—because one of the problems was relocation. As you mentioned, these people have no right to stay in the area. We have suspended their rights under the provisions of the PACBRMA because of the violations. But we were trying to look for other places for them, which we have identified already. And if I remember correctly, even Senator Dela Rosa mentioned that we would like to look for areas that are not contiguous. We would like to break the cult that has started there. So, what we did is reintegration. Iyong mga dati pong tinirahan ng mga taong ito before they went up to the mountains, doon

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po namin ibinabalik, and a certain portion is relocated to identify the—
We identified, I think, around two hectares, two to three hectares
where—

THE CHAIRPERSON (SEN. C. VILLAR). [off-mike] ... their old
lands? Walang ano—when was the hearing na iyon ... Wala akong—

MR. FRAGADA. Actually, ma'am, mayroon na po tayong area.
Nahirapan po talaga, in coordination—

THE CHAIRPERSON (SEN. C. VILLAR). Hindi, mahirap mag-
relocate ng ISF. Kailangan desidido ka.

MR. FRAGADA. Yes, ma'am.

THE CHAIRPERSON (SEN. C. VILLAR). Kasi ako, I relocated
thousands of ISF. Desidido ako kaya I was able to do it. Pero kung hindi
ka desidido, hindi ka magsa-succeed.

MR. FRAGADA. Yes, ma'am. I agree, ma'am. The role of the
DENR—

THE CHAIRPERSON (SEN. C. VILLAR). Because the rule of
the Lina Law is suitable relocation. Basta may suitable relocation ka,
they cannot refuse. Otherwise, gigibain mo sila, kasi kung ayaw nilang
lumipat.

MR. FRAGADA. Yes—

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THE CHAIRPERSON (SEN. C. VILLAR). Dapat i-Implement iyon. You are willing to take that step na kapag ayaw nila—suitable relocation iyan. Kapag ayaw nila ng suitable relocation, then you have the right to bring them down, to demolish them. Kasi iyon lang naman ang ruling of the law: suitable relocation and/or two months' salary, which is ₱25,000. "Or," so mamimili sila: gusto ba nilang lumipat sa suitable relocation o gusto nila iyong pera. Otherwise, kapag ayaw nila—Kasi nangyari na iyan sa amin, giniba ng DPWH, wala silang nagawa kasi talagang ganoon ang Lina Law: suitable relocation or two months' salary. Kapag hindi ka desidido doon, walang mangyayari sa iyo. Puro salita tayo, walang mangyayari.

MR. FRAGADA. Yes, Madam Chair. Actually, part of that group, we discussed, which is the provincial government, which I think relocation is vested on them. The role of the DENR—

THE CHAIRPERSON (SEN. C. VILLAR). No, it's NHA.

MR. FRAGADA. Uh, NHA. The role of the DENR—

THE CHAIRPERSON (SEN. C. VILLAR). Not the provincial government. Kapag umasa ka sa provincial government—they are politicians, they do not want any relocation. Me, I never relied on the local government. Takot sila. Boto nila iyon. So, dapat talaga NHA ang kausap mo and you have the ano—Anong kinatatakot ninyo? Hindi

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naman kayo elected officials, anong kinatatakot ninyo? Kung hindi elected official, matatakot, sinong gagawa nito? You cannot rely on the provincial government because they are elected officials; matatakot iyan, mawawalan sila ng boto. Dapat kayo ang gumawa niyan.

Yes.

MS. LOYZAGA. Madam Chair, if I may. We already have identified the suitable area for relocation. The funds for the housing and construction are already available. The psychological—

THE CHAIRPERSON (SEN. C. VILLAR). You know, you do not have to provide houses; you can transfer their houses there. Iyong lalagyan ng bahay, kung mayroong funds ka to build houses. But if you do not have, you just transfer their houses there. Ang importante may lupa na pagtatayuan ng bahay.

MS. LOYZAGA. Yes, Madam Chair, respectfully, the LGU has provided funding for the housing construction so that the people will not be displaced. The DSWD has provided funding for the reintegration of those—to go back down into the village. And now, we already have the master plan for the area with the provision that was guided by Gawad Kalinga, as engaged by the DSWD.

Importantly, Madam Chair, we—

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THE CHAIRPERSON (SEN. C. VILLAR). Bakit hindi ninyo ilipat iyong bahay nila as is doon and then dahan-dahang magtayo ang local government ng bahay para sa kanila? Puwede iyon. Kasi kami sa Las Piñas, mayroon kaming tinatawag na community mortgage program. We did not provide the houses; we just provided the land and ni-relocate iyong houses nila doon. Ngayon, kung may pera ang local government to build houses, then they can build it leisurely. I do not think iyong local government has plenty of money. They can do it slowly.

SEN. DELA ROSA. Madam Chair, if I may. In the case of Socorro, in fairness to Governor Lyndon Barbers, talagang siya is aggressively nagmu-move siya talaga ... /jlf/jmb/agc

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SEN. DELA ROSA. ... nagmu-move siya talaga na ma-relocate na iyong mga tao. In fact, siya ang nag-promise ng relocation site at saka pondo, nagbigay na siya. So, siguro it is just a matter of time.

Pag nag-issue na kayo ng cancellation ng PACBRMA, talagang full scale na iyang paglipat ng mga tao. Kaya lang, iyon nga lang, kuwan natin. Sana huwag nating kalimutan na itong mga tao na ito ay mga biktima lang din ito sila sa kanilang faith. Kaya sana kung ma-cancel iyong PACBRMA nila, talagang huwag pabayaang ng gobyerno hanggang totally ma-relocate sila dahil kawawa rin ang mga tao na ito. Binenta na nila mga bahay nila; wala na silang mababalikan sa lowlands. Kaya kung i-cancel ninyo, i-implement na ninyo iyong closure order, sabi mo nga, ma'am, whole-of-government approach para iyong mga tao, hindi kawawa.

Thank you. Thank you, Madam Chair.

THE CHAIRPERSON (SEN. C. VILLAR). [off-mike] Hindi naman natin sila inaapi kasi ... [inaudible]. It is really for their benefit that they be given relocation sites na puwedeng maging kanila. Kasi iyong legislated protected area, under the law, cannot be yours. Kaya ako, I have no guilt.

Like iyong mga ISF sa amin, nakatira on the easement of the river; it cannot be there since the easement of the river is government

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property. Maski patayin nila ang gobyerno, hindi nila puwedeng kunin iyon. So, kung bigyan sila ng relocation area somewhere where the land will be theirs, that is for their benefit except that the poor people sometimes they do not understand that. But you have to provide the brains na it is better for them to be relocated in a land that can be theirs. Bakit nila ipagpipilitan ang sarili nila sa isang lupa na hindi magiging kanila forever? Iyon ang sinasabi ko sa kanila. It has to be explained to them that this is better for them.

Katulad noong aming mga ISF, ayaw pumunta e may bahay, may lupa tapos walang downpayment—700 ang hulog. Ano pa hahanapin mo na magkakarili ka nang bahay? Tingin ko upa nila doon sa lupa ay 1,500, hindi 700. Ito may sarili kang bahay at lupa and, at the same time—Ayaw pumunta doon pag walang pera. Di binibigyan ko ng pera para pumunta na lang doon, para matapos na ang away namin. Pag binigyan mo na ng pera, gusto na. Kasi mahilig sila na may cash silang dala, oo.

So, isa-psychologize mo din sila kung anong gusto nila. Tingin ko, you have to give financial assistance in addition to the relocation area. And then I think the local government or DENR or the DSWD can do that, sa AICS, hindi ba?

MS. LOYZAGA. Madam Chair, if I may?

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THE CHAIRPERSON (SEN. C. VILLAR). Yes.

MS. LOYZAGA. Just to acknowledge the contribution of and the role of DSWD. They have actually been able to convince some of those that were already up there to go back and reintegrate into the neighborhood. They have also provided funding for, in fact, accompanying the relocation. They have also provided, Senator Bato, please, on psychological support for the victims of the indoctrination of the cult. This was the main reason for some of the delays. We could not instill more trauma on, for example, the child soldiers that were being trained or those that had already been abused. So, DSWD stepped in and provided psychosocial intervention for this particular group of residents in the area.

So, if I may, Madam Chair, we are already about to implement the whole plan and it just took this time because of everyone's contribution. And I should also say the role of DOJ in proceeding with the criminal cases of those that are involved in the cult.

Thank you, Madam Chair.

THE CHAIRPERSON (SEN. C. VILLAR). Maybe you should give us every quarter an update, so we will know what is happening. Kasi the problem is, kaya tayo nagku-question, it has been a year, wala kaming news kung may nag-move na o wala pa o ganoon.

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So, we will go back to Chocolate Hills. You just give us an update of what is happening in Socorro or Siargao, hindi ba? This is a Siargao protected area.

The schedule would be that we will first discuss Chocolate Hills and then the Mount Apo. And if we will not be finished on time, we will reserve the two others—the Masungi and the Siargao next time kasi I do not think we will have enough time.

So, we go back to Chocolate Hills. So, you can make now your presentation on Chocolate Hills.

SEN. TULFO. Madam Chair.

THE CHAIRPERSON (SEN. C. VILLAR). Yes.

SEN. TULFO. Can I be given an opportunity to ask some questions?

THE CHAIRPERSON (SEN. C. VILLAR). Yes.

SEN. TULFO. Thank you, Madam Chair.

Didiretso na lang po muna ako doon sa Mount Apo. Ninety-seven iyong mga structure na nandoon around Mount Apo, covered ng reserved—as reserved area. Bakit anim lamang ang nabigyan ng ECC at karamihan ay walang ECC at in process? Anong plano ninyo doon? Actually, 57 walang ECC; 32 in process; and then six lang ang may ECC.

So, what is the game plan?

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MS. LOYZAGA. Thank you, Madam Chair; and thank you, Senator.

I will turn it over to RED Dumagan. That is part of her presentation on Mount Apo and she can respond directly to the questions.

RED.

THE CHAIRPERSON (SEN. C. VILLAR). We will ask if we will go with Mount Apo first or Chocolate Hills—will go na to Mount Apo, okay.

Thank you.

MS. LOYZAGA. Thank you, Madam Chair.

RED.

MS. DUMAGAN. Good morning, Madam Chair; good morning to our honorable senators.

Your Honor, per our latest update, there are a total of 96 establishments within MANP, and three are with complete—it is with PAMB clearance, ECC, and SAPA, sir. And with PAMB clearance and with ECC, there are six establishments.

SEN. TULFO. That is right.

MS. DUMAGAN. Yes, sir.

SEN. TULFO. But there are 57 structures na walang ECC and 32 ay pina-process pa lamang iyong kanilang ECC. So, what is your plan

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for these structures na walang ECC and they're within the protected area?

MS. LOYZAGA. Madam Chair, with your indulgence, Senator, may we present the full presentation on Mount Apo so you will see the details and the ways forward, Mr. Chair, Senator?

SEN. TULFO. Yes, ma'am, I understand. Pero sa akin, gusto ko lang sana direct to the point na muna doon sa question ko kasi mapapahaba pa tayo.

Iyon lang po ang tanong ko, bakit pinayagan--Na alam naman natin, protected area iyon, pinayagan ninyo pa ring patuloy na magpatayo ng mga istraktura doon at patuloy pa rin kayo nagpo-process ng mga ECC permit knowing na protected area iyon at bawal na doon at mayroon po tayong mapa. Bakit po?

MS. DUMAGAN. Yes, Your Honor. It was just-- we strengthened our conduct of monitoring and inventory sometime in 2018 and 2019 and these establishments were discovered. And so, these establishments applied for PAMB clearance with the PAMB. So, they were also given clearance, and then they were encouraged to then apply for ECC.

SEN. TULFO. Yes. Nabigyan nga sila ng clearance ng PAMB pero alam naman natin, within the protected area 'yan. At alam naman natin

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na dapat wala sila doon and yet we continue entertaining their application saying na it is in process. So, ibig sabihin, may balik kayong bigyan pa sila. So, parami nang parami, parang mga kabuti nagsusulputan itong mga illegal structures doon sa Mount Apo. At kapag kami ay magtawag sa inyo, sa DENR, nagtuturuan kayo. Iyon po ang masakit, hindi ba, you are supposed to be, tinatawag nating, "taga-bantay ng ating kalikasan"? Pero parang bantay-salakay ang dating ninyo rito.

So, what are your plans pertaining to these structures na walang ECC at iyong mga structures na pina-process pa lang ang ECC?

THE CHAIRPERSON (SEN. C. VILLAR). [off-mike] How many ang walang ECC?

MS. DUMAGAN. There are 53, latest update, Your Honor.

SEN. TULFO. Fifty-seven.

MS. DUMAGAN. Sir, may ECC na iyong iba, opo.

SEN. TULFO. Okay.

MS. DUMAGAN. So, 34 with PAMB clearance and no ECC; 53 are without PAMB clearance and no ECC.

SEN. TULFO. So, anong balak ninyo po rito sa wala pang clearance at walang ECC? At alam ninyo na bawal; dapat wala sila doon.

MS. DUMAGAN. Yes.

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SEN. TULFO. So, anong plano? Kasi we were told nabigyan daw ng two years—sabi ng DENR, bibigyan daw ng two years palugit itong mga walang ECC to continue to operate. Ang binigay yatang rason, para makabawi raw doon sa kanilang itinayo, sa kanilang investment ...

/jbc/agc

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SEN. TULFO. ... itinayo sa kanilang investment. In the first place, bakit sila pinayagan na tumayo doon? Sana hangga't hindi po sila nakakakuha ng permit, ng ECC permit, hindi dapat sila pinapayagang magpatayo ng istraktura doon. Kaya nga binanggit mo kanina, monitoring, wala kayong ginagawang proper monitoring.

MS. DUMAGAN. Sir, to answer the question as to what do we do with—those without ECC, we are going to issue notices of violation.

SEN. TULFO. Notices of violation?

MS. DUMAGAN. Yes, and—

SEN. TULFO. Hanggang doon lang po?

MS. DUMAGAN. Iyong sa walang mga PAMB clearance, mag-iisyu po kami ng mga—

SEN. TULFO. Teka muna. So, you issue notice of violation?

MS. DUMAGAN. Yes po.

SEN. TULFO. Okay. So, hanggang doon lang, notice of violation. And then what, ma'am?

MS. DUMAGAN. And then they will be called for a technical conference, and if—for the conduct of case build-up. But if they can explain properly or if it is deemed that the project is not detrimental to the environment, they can be issued ECC.

SEN. TULFO. Ma'am.

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THE CHAIRPERSON (SEN. C. VILLAR). In the first place, dapat hindi napatayo iyon. I think your problem, Secretary Loyzaga, your regional is very poor, or walang concern sa ginagawa ninyo. I think the regional is ano. Kasi pag pinag-report mo sila nang pinag-report, iyong report nila, nakakatawa. Bakit mo pababayaan na walang ECC at walang PAMB, Itatayo? So, you are not watching over it, hindi ba?

SEN. TULFO. Hindi ba sabi mo kanina, mayroon kayong ginagawang monitoring dito sa mga istraktura na itinatayo sa mga protected areas. Okay. Kung mayroon kayong ginagawang monitoring, dapat itong 57 na structures na nakatayo na ngayon doon, hindi dapat nangyari ito; dapat napigilan ito. Ang ginawa ninyo, pinayagan ninyong magpatayo diyan and then pina-process ninyo. While processing their application, dapat mag-apply muna sila. Once na-approve na ang application nila, saka pa lang sila magpatayo ng istraktura. Iyon po dapat ang patakaran; iyon po iyong standard. Ang nangyari, pinapayagan ninyo na magtayo nang magtayo rian, and siguro alam mo na ang dahilan. Sa magkanong kadahilanan siguro po ang katanungan ko doon, follow-up.

MR. FRAGADA. With your indulgence, Madam Chair, can I say something po regarding Mount Apo? Just to answer the query of the good Senator.

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THE CHAIRPERSON (SEN. C. VILLAR). I think you should be—
iyong regional, what their responsibility is. Kasi parang wala silang
pakialam, tumayo ka nang tumayo diyan kahit walang ECC, walang
PAMB, wala silang pakialam. You cannot do that. You cannot do that.

SEN. DELA ROSA. Dati rin siya, Madam Chair, na RED doon sa
XI kaya puwede rin siyang sumagot.

MR. FRAGADA. Madam Chair, sir, just to go on further with what
RED Dumagan was saying, actually po, the region ensued 57 show cause
orders already and 24 notice violations and seven cease and desist
orders.

THE CHAIRPERSON (SEN. C. VILLAR). But you should not
allow them to build. Kasi pag in-allow mo nang to build, mahirap nang
tanggalin. Iyon ang problema.

MR. FRAGADA. Well, Madam Chair—

THE CHAIRPERSON (SEN. C. VILLAR). Dapat kayo, hindi ninyo
Ina-allow to build. Kasi pag nag-build na iyan, tell it to the marines,
napakahirap magtanggap niyan. Walang gagawa niyan.

SEN. TULFO. Usec Fragada.

MR. FRAGADA. Yes, sir.

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SEN. TULFO. Mayroon kayong monitoring team kung tawagin? Ano pong tawag sa monitoring team ninyo? Can you give me the exact name?

MR. FRAGADA. Sir, it is through the Protected Area Management Office po, mayroon po silang—

SEN. TULFO. Ano ang tawag?

MR. FRAGADA. PAMO office po.

SEN. TULFO. PAMO office?

MR. FRAGADA. Yes.

SEN. TULFO. What does PAMO stand for?

MR. FRAGADA. Protected Area Management Office.

SEN. TULFO. Okay. Sila sa monitoring?

MR. FRAGADA. Yes, sir.

SEN. TULFO. So, kailangan, itong mga taga-PAMO na may jurisdiction sa Mount Apo, pagsisibakin mo. Totoo, hindi ako nagbibiro. Dahil kapag hindi mo pagsisibakin iyan, pagdududahan ng mga tao, hanggang sa kataas-taasan, tumatanggap din.

MR. FRAGADA. Yes, Your Honor—

SEN. TULFO. Prove to us na malinis kayo.

MR. FRAGADA. Yes, Your Honor.

SEN. TULFO. Na protector talaga kayo ng environment.

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MR. FRAGADA. Yes, Your Honor.

SEN. TULFO. Kasi tama nga naman—sinasabi rin ni Senator Cynthia na in the first place, hindi ninyo sana pinayagan Iyon na makapagpatayo iyan. Sinasabi kanina pa paulit-ulit, kailangang permit muna bago structure. Dito, ang nangyari, structure muna saka mag-a-apply ng permit, tapos in process pa iyong permit, *et cetera*. Ngayon, 57, paano mo pa ipapasara itong 57 na ito, at sinabihan kami na give them two years daw.

THE CHAIRPERSON (SEN. C. VILLAR). Mahirap nang tanggalin iyan.

MR. FRAGADA. We agree, Your Honor, with your recommendation. One of the problems actually, and we would like to recommend to the Senate to help us with this, nabanggit ninyo po iyong constitution noong PAMO office, for Mount Apo *per se*, we only have around one plantilla officer there and around, maybe, 30 job orders po na umiikot over 62,000—

SEN. TULFO. So, ibig sabihin po, 31 ang empleyado ninyo sa monitoring?

MR. FRAGADA. Opo. Sixty-two over—they have to monitor 62,000 hectares of Mount Apo. So, that is one of the areas we would

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like to recommend na matulungan po kami ng Senado, to increase our people.

SEN. TULFO. Sir, there is such thing as drone. Puwede naman kayong gumamit ng drone para ma-monitor iyong the whole area kahit na ilang hektarya pa iyan, kahit na thousands of hectares iyan. Kung gusto, maraming paraan; kung ayaw, maraming dahilan, hindi po ba?

MR. FRAGADA. Yes, sir. Actually po, this year, because of the budget, it would increase—the budget on the drones were increased para nga po further ma-monitor.

SEN. TULFO. Sir, we were not born yesterday. All of us were not born yesterday here. Alam ng DENR na itong 57 na mga illegal structures na itinayo doon ay hindi dapat naroon. Pinayagan nila, sabi kanina, sa magkanong kadahilanan. Dahil kapag hindi, sila ay deretso lamang, hindi sana naitayo itong mga istraktura na ito. Ngayon, mahihirapan kayong ipatanggal ito, nakatayo na, hindi po ba?

MR. FRAGADA. Yes, sir.

SEN. TULFO. So, sabi ko, iyong mga taga-PAMO ninyo, sir, disiplinahin ninyo iyon, dahil sigurado ako, kasabwat iyon ng mga nagpatayo ng illegal structures.

MR. FRAGADA. Yes, sir. Yes, You Honor, we will do that.

SEN. TULFO. Salamat, Madam Chair.

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THE CHAIRPERSON (SEN. C. VILLAR). Tingin ko, mali nga ang regional nila.

Can we now go on with the presentation of Mount Apo?

So, one of the findings is mahina ang regional office, hindi ba? Kasi we are listing our findings, hindi ba? So that if we are going to make changes, we know what to make changes. Mayroong problema ang regional office.

SEN. BINAY. Madam Chair.

THE CHAIRPERSON (SEN. C. VILLAR). Yes.

SEN. BINAY. Kasi katulad nang nabanggit na parang—well, kulang talaga naman ho iyong personnel ng DENR. But with the use of technology, hindi ho ba dapat hindi na excuse iyong kakulangan ng tao? Hindi ba, Sen Raffy, alam naman natin may drone. Iyong reach ng drone ay napakalawak, at hindi naman kailangang madaming tao iyong nag-o-operate ng drone. Are we already starting to use technology in monitoring our protected areas?

MS. LOYZAGA. Madam Chair, if I may?

THE CHAIRPERSON (SEN. C. VILLAR). Yes.

MS. LOYZAGA. By virtue of this year's budget and the transfer of 1.2 billion from the NGP to the protected areas through the initiation of Madam Chair, we are establishing drone teams for the protected

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areas, specifically. Previously, these were only being used in FMB, the Forest Management Bureau. But because of the new budget that we have, we are in the process of procurement of the specific drone teams, including the actual technology and the personnel, ma'am, that will be actually trained to operate this. These are fixed wings; there are longer range; they are not small drones that will be—that are normally assumed. And so that is what we have actually been able to secure in this year's 2024 budget.

THE CHAIRPERSON (SEN. C. VILLAR). We now proceed with the presentation of Mount Apo. You said you have a presentation.

MS. DUMAGAN. Okay. With the permission of the honorable Chair, we would like to make a presentation on the Mount Apo Natural Park.

Please, next slide. This is the outline of our presentation: the map of the Mount Apo Natural Park, including the political boundaries, the management zones, areas covered by CADT and CADC, the operating establishments, and actions taken.

Mount Apo is a legislated protected area by virtue of Republic Act 9237 or the Mount Apo Protected Area Act of 2003. It has a total area of 64,053 hectares. It is covered by two regions: Region XI and Region XII. We have seven municipalities and 44 barangays. For our PAMB

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composition, we have 92 members. Region XI has 81 percent coverage of MANP, while 19 percent is within Region XII.

THE CHAIRPERSON (SEN. C. VILLAR). Kaya nga. May I ask a question there? Dito sa ibinigay mong hectarage, ang buffer zone is 6,000; ang multiple-use zone is 24,000; ang strict protected zone is 30,000. Ang laki noong multiple-use zone, na iyon ang tinayuan noong mga ano.

MS. DUMAGAN. Iyong resorts, ma'am.

THE CHAIRPERSON (SEN. C. VILLAR). Bakit ang laki-laki noon, kasinglaki ng protected? Bakit ninyo pa dineclare (declare) na protected area iyon kung multiple-use zone lang iyon? Magkasinglaki sila halos.

MS. DUMAGAN. This was pursuant to the land cover and this was per guidelines to—

THE CHAIRPERSON (SEN. C. VILLAR). No, no.

MS. DUMAGAN. In classification of the ...

THE CHAIRPERSON (SEN. C. VILLAR). Hindi ba sinabl ninyo na 20 percent ang multi-purpose zone?

MS. DUMAGAN. ... legislation.

SEN. BINAY. [off-mike] Bakit, part ba ng legislation, puwedeng—

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THE CHAIRPERSON (SEN. C. VILLAR). Iyon nga, ngayon lang
ako nakarinig ... */pgpc//agc*

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THE CHAIRPERSON (SEN. C. VILLAR). ... ngayon lang ako nakarinig ng ganito.

MS. DUMAGAN. It depends on the—

THE CHAIRPERSON (SEN. C. VILLAR). Ang laki. Ang laki ng multi-use zone.

SEN. BINAY. Ano ba ho dapat iyong percentage ng multiple use zone?

MS. DUMAGAN. There is no specific percentage provided.

SEN. BINAY. But I am sure dapat mayroong minimum percentage.

MS. LOYZAGA. Madam Chair, may we turn over to our OIC for Biodiversity Management Bureau, he will indicate—Asec Mars Amaro.

MR. AMARO. Madam Chair, Your Honors, fellow workers in the government, good morning.

There is no specific provision under our existing guidelines on what would be the percentage of the multiple use zone and the strict protection zone.

SEN. BINAY. So, you mean to say, puwede hong 80 percent iyong multipurpose zone tapos iyong strict zone is 20 percent?

MR. AMARO. Yes. Yes.

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THE CHAIRPERSON (SEN. C. VILLAR). Kasi, dito, halos magkalaki sila.

MR. AMARO. If I have to cite the case of the Chocolate Hills, it is 98 percent alienable or disposable. So, basically, we expect existing structures, establishments, town centers, and you cannot use and declare these areas as strict protection zones. So, we have recognized—so, it is on a case-to-case basis per PA.

But as I have mentioned, we have in the IRR of the ENIPAS categories, such as for strict protection zones, those with natural vegetation of representative of any of the ecosystem types, habitats of endemic and threatened species, areas prone to natural and manmade hazards, areas set-aside. So—

THE CHAIRPERSON (SEN. C. VILLAR). Pero kalahati.

MR. AMARO. So, we have all this being looked into and guiding the PAMB in—

THE CHAIRPERSON (SEN. C. VILLAR). But this one is, one-half is multipurpose zone.

MR. AMARO. That is right, ma'am.

SEN. BINAY. Madam Chair, so, parang ang dating nag-declare pa tayo.

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THE CHAIRPERSON (SEN. C. VILLAR). Bakit pa dineclare (declare)?

MR. AMARO. I guess, if I may, as I have mentioned, we will have to look into the history of the many proclamations that have happened before the enactment of the ENIPAS.

VOICE. Is it in the presentation?

MR. AMARO. Yes, it is in the presentation, ma'am.

THE CHAIRPERSON (SEN. C. VILLAR). Yes, but it is very clear. Unang presentation pa lang questionable na.

MR. AMARO. Yes, ma'am.

THE CHAIRPERSON (SEN. C. VILLAR). Kasi kalahati multipurpose zone. So, what kind of a protected area is that, kalahati multipurpose zone?

SEN. DELA ROSA. Madam Chair, hindi kaya—prangkahin na lang natin. Dineclare ninyo na multiple use zone iyong areas na maraming settled—may mga tao na ba na area, iyon ang dineclare ninyo na multiple use zone; that is the prime consideration of declaring that, am I correct?

MR. AMARO. Yes, Your Honor. If I may?

SEN. DELA ROSA. So, iyon pala.

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MR. AMARO. For multiple use zone—I just mentioned iyong strict protection zone.

SEN. DELA ROSA. Kasal iyong Mount Apo, wala pa iyang NIPAS Law, nandiyan na iyong tao diyan, ilang generation na iyong mga taong nakatira diyan. So, iyong nag-declare kayo ng protected area, klinassify (classify) ninyo as multiple use zone iyong lugar ng kapatagan area na may mga tao nang nakatira. Ganoon, hindi ba?

MR. AMARO. Yes, Madam Chair, Your Honor.

SEN. DELA ROSA. Iyon pala ang main consideration kaya maraming tao ang nakatira, mas malaki ang multiple use zone. Parang ganoon?

MR. AMARO. Yes.

THE CHAIRPERSON (SEN. C. VILLAR). How can you control that? You tell me how you control if kalahati ng area punong-puno ng tao, how can you control that?

MR. AMARO. Actually—

SEN. BINAY. Madam Chair, siguro maganda hong tanungin, doon ba sa multiple use zone, halos lahat iyan na-occupy ng tao? That half is already occupied?

THE CHAIRPERSON (SEN. C. VILLAR). Yes. Yes. Okay. We proceed.

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MS. DUMAGAN. There are dwellings, structures, and farm lots,
Your Honor.

THE CHAIRPERSON (SEN. C. VILLAR). Okay lang iyong farm
lots pero iyong ano—

SEN. BINAY. May barangay ba?

MS. DUMAGAN. Yes, Your Honor.

THE CHAIRPERSON (SEN. C. VILLAR). Ilan ang farm? Ilan ang
farm diyan? Para ano—kasi kung agriculture, puwedeng lpasa iyon.
Pero—

Yes, yes. Okay. Go ahead.

MS. DUMAGAN. Okay. May I proceed?

THE CHAIRPERSON (SEN. C. VILLAR). Okay. You go ahead.

MS. DUMAGAN. Okay, ma'am. I would like to show you the
historical or legal basis on the proclamation of Mount Apo.

To start with, in 1936—next slide, please.

In 1936, President Manuel Quezon declared Mount Apo as a
national park.

In 1957, President Carlos Garcia released 3,946 hectares for
agricultural purposes.

In 1965, President Ferdinand Marcos Sr. released 140.41
hectares, again, for agricultural purposes. In 1965, President Marcos Sr.

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declared 39,050 hectares as timber forest for logging. And then, in 1966, President Ferdinand Marcos Sr. revoked Presidential Proclamation No. 507-A. And in 1971, Republic Act No. 6210, which is the Act Creating Barrio Kapatagan in the Municipality of Digos, Province of Davao del Sur. In 1983, President Marcos Sr. declared 44,771 hectares as alienable and disposable.

In 1986, President Corazon Aquino reverted the alienable and disposable portion back to the protected area. In January 30, 1992, President Corazon Aquino excluded 701 hectares in Kidapawan for geothermal reservation.

In 1996, President Fidel Ramos declared 72,112.59 as the area covered by the Mouth Apo Natural Park.

And then President Gloria M. Arroyo issued Republic Act 9237 or the Mount Apo Protected Area Act of 2003 on February 3, 2004 with 64,053 hectares as the total area of the Mount Apo Natural Park.

Next slide, please. May we also mention that 96 percent of the park is covered by ancestral domain title or claim with the three major tribes: the Tagabawa (Bagobo-Tagabawa), the Manobo, and the Jangan or Bagobo-Klata.

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Next slide. So, we have here our conduct of our protected area occupants; it is still ongoing. For Region XI, there are 18,013 occupants; for Region XII, 13,506, of which 20,000 are mostly tenured occupants.

Next slide, please. For the inventory of structures in Mount Apo Natural Park, we have small structures: we have sari-sari stores, small dwellings, houses, for a total of 8,060; and we have the resorts, we have 93 resorts; we have government-owned structures, like schools, barangay halls, gymnasiums, clinics, barangay clinics - for a total of 49; we have 21 churches; we have energy production facility, the EDC and HEDCOR, with approved SAPA already, three; and our banana growers who are also SAPA applicants, 108 - for a total of 8,366.

SEN. DELA ROSA. Ma'am, excuse me.

MS. DUMAGAN. Yes, sir.

SEN. DELA ROSA. Sinabi mo "banana growers, SAPA applicants," meaning wala pa silang SAPA?

MS. DUMAGAN. Wala pa, sir.

SEN. DELA ROSA. Ongoing iyong pag-a-apply nila?

MS. DUMAGAN. Ongoing pa, sir.

SEN. DELA ROSA. Ilang taon na silang ongoing?

MS. DUMAGAN. They applied last 2022.

SEN. DELA ROSA. 2000 ...?

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MS. DUMAGAN. They have PAMB clearance now and ECC, sir.

SEN. DELA ROSA. Bago lang iyong SAPA na requirement?

MS. DUMAGAN. Yes, sir.

SEN. DELA ROSA. Nandiyan na iyong sagingan na iyan, wala pa
iyong SAPA requirement dahil wala pa iyong ENIPAS Act?

MS. DUMAGAN. Yes, sir.

SEN. DELA ROSA. Okay. Thank you. Salamat.

MS. DUMAGAN. Okay. For the establishments, for their status of
compliance, we have three complete with PAMB clearance, ECC, and
SAPA; six with PAMB and with ECC; with PAMB clearance and no ECC,
34; without PAMB clearance and no ECC, 53 – for a total of 96.

So—

SEN. BINAY. Question. May we just—

MS. DUMAGAN. Yes, ma'am?

SEN. BINAY. Can we go back doon sa ano—kasi, hindi ba, parang
ang total number of structures is 8,366, tama?

MS. DUMAGAN. Yes, ma'am.

SEN. BINAY. Ano iyong 96?

MS. DUMAGAN. The 96 are the resorts, to include HEDCOR and
EDC structures.

SEN. BINAY. Ang wala pang ano—?

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MS. DUMAGAN. No, no. HEDCOR—

SEN. BINAY. Sila lang ang nag-apply?

MS. DUMAGAN. HEDCOR and EDC have SAPAs already, ma'am.

SEN. BINAY. So, ang kasama doon sa establishments with
MANP are just the resorts and the energy production facility?

MS. DUMAGAN. Yes, ma'am.

SEN. BINAY. Thank you.

MS. DUMAGAN. For our inventory of structures ... */jacs/peg/agc*

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MS. DUMAGAN. ... For our inventory of structures, these are the resorts mentioned during the privilege speech of the Honorable Senator Tulfo: for the Monte Frio Resort, they have their PAMB clearance issued last 2019, and their ECC issued last 2021; the Twin Mountain View Resort, with PAMB clearance issued last 2022, and their ECC issued last 2023; the Villa Recurso, PAMB clearance issued last 2022, but no ECC yet.

SEN. BINAY. Ma'am, question. Itong mga resort ho na ito, kailan sila naitayo?

MS. DUMAGAN. I believe during the pandemic. I think they started 2019. That is the time when we get to monitor and conduct inventory on the structures ...

SEN. BINAY. Hindi. So, for example, si Monte Frio Resort, mayroon siyang PAMB. Noong nag-apply siya ng PAMB resolution, wala pa siyang structure that time?

MS. DUMAGAN. Ongoing—I think it started as a private resort—private rest house, and they expanded to a resort. So, I think—

SEN. BINAY. Wait. So, noong private rest house siya, mayroon ba siyang clearance to be a private resort?

MS. DUMAGAN. None, Your Honor.

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SEN. BINAY. So, may violation na siya to begin with, tapos binigyan ninyo pa rin ng permit?

MS. DUMAGAN. It was the—

SEN. BINAY. So, parang lyong mali, kinorek ninyo by giving them a permit, hindi ba?

MS. DUMAGAN. May we mention also that these resorts are within the multiple-use zone, Your Honor.

SEN. BINAY. Hindi, regardless. But they—

MS. DUMAGAN. Yes, I am the OIC regional—

THE CHAIRPERSON (SEN. C. VILLAR). Ikaw ang head, ikaw ang nagbigay ng permit na iyan?

MS. DUMAGAN. No, Your Honor.

THE CHAIRPERSON (SEN. C. VILLAR). Sino?

MS. DUMAGAN. It was not yet my—

THE CHAIRPERSON (SEN. C. VILLAR). Sino?

MS. DUMAGAN. I reported 2023, I think the—Ma'am, are you asking for the regional executive director during that time, ma'am?

THE CHAIRPERSON (SEN. C. VILLAR). Yes, kung sino ang nagbigay ng permit.

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MS. DUMAGAN. The permit was—the ECC, ma’am, or the PAMB clearance? For the PAMB clearance, it was the PAMB; for the ECC, it was the EMB.

THE CHAIRPERSON (SEN. C. VILLAR). E?

MS. DUMAGAN. EMB, ang ECC po, director.

SEN. BINAY. Iyon na nga, secretary, for example, this case, itong Monte Frio Resort. While it was a private resort, so paano siya naitayo as a private resort? And then, nag-apply siya para magling open to the public na resort when, to begin with, parang may violation na siya sa umpisa pa lang.

MS. LOYZAGA. Thank you very much, Madam Chair, for that question.

If I may refer to the LGU to also provide information that is needed, because any structure that will be built requires a building permit. As in the case of the Captain’s Peak, they were given a building permit without an ECC. So, it is not—

THE CHAIRPERSON (SEN. C. VILLAR). But you are supposed to protect the protected area. [off-mike] Bakit ninyo ia-allow ang—alam mo naman ang local, gusto lang nila—napakadaling impluwensiyahan iyang local. Kapag ang local ang nasunod sa protected area, we have no more protected area—from my experience, huh. Kaya hindi kayo

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dapat kasali doon sa mga local na iyon. And do not allow them to give permit; inyo iyan, primary responsibility niyo iyang protected area. Why are you allowing the local? Ako, kapag in-allow namin sa Las Piñas-Parañaque Wetland Park iyong local, tapos na iyong Las Piñas-Parañaque Wetland Park. Wala na iyon. Wala na iyon.

MS. LOYZAGA. Thank you, Madam Chair.

If I may just point out, these were all basically ongoing before my administration, and so we are dealing with what is on the ground now.

THE CHAIRPERSON (SEN. C. VILLAR). Yes, but you have to tell ...

MS. LOYZAGA. Yes, Madam Chair.

THE CHAIRPERSON (SEN. C. VILLAR). ... the DENR—iyon ang palagi kong sinasabi sa DENR, when you are not about protecting the environment, do not join DENR; join DTI. Because DTI is the one promoting business. But if you are with DENR, you are supposed to protect the environment. So, if you want to make money, join DTI; do not join DENR.

SEN. TULFO. Thank you, Madam Chair.

Puwedeng makasingit?

Napapansin ko kanina pa—mahilig kayo dito magturuan. Kung hindi magturuan, maghugas ng kamay. Ang pinaka-last, sinabi ninyo

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po, Secretary Loyzaga, it was before your term. Okay. Sige, granting ganoon na nga. Now, ikaw na nakaupo at alam mo may mga violation, correct it. Do not blame other people; do not blame the previous administration.

MS. LOYZAGA. Very respectfully, sir, I am not blaming anyone. I am acknowledging the facts as they are on the ground when I assumed office.

SEN. TULFO. Exactly.

MS. LOYZAGA. And this is why I have begun to institute these investigations, and we have suspended the power of the region to actually issue ECCs.

SEN. TULFO. Kasi ang sinabi ninyo po kanina, Madam Secretary, na ang nag-issue ng building permit ay iyong LGU, right?

MS. LOYZAGA. That is the reality on the ground, sir.

SEN. TULFO. Correct. Exactly, exactly. I know that. BPLO, okay, kasama pa rin diyan, magbibigay ng permit kung kinakailangan.

Now, kayo bilang taga-monitor ng environment sa DENR, you should have monitored that. Now, nakarating sa inyong kaalaman na bawal iyan, you should have coordinated with the LGU and tell the LGU dahil may tinatawag din na CENRO, "Bawal diyan kasi protected area

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lyan. Dapat hindi ninyo binigyan ng building permit iyan in the first place.” That is part of your monitoring.

MS. LOYZAGA. Thank you very much, sir. And all these investigations have surfaced, in fact, these facts. We are being very careful as far as establishing whose responsibility and authorities were put in line during the process of the construction of these particular structures. We cannot just point fingers, as you said; we have to acknowledge that the investigation and the evidence need to be quite thorough. And that is what we are doing now, respectfully, sir, if I may.

At this point, we cannot establish the exact facts during the time that these constructions actually occurred. Even RED Dumagan was not the RED during that time. And, therefore, we are actually constituting now and actually constructing now these events in order for us to take the appropriate action.

So, your recommendations, sir, are very well taken. I would just like to humbly represent that we are not pointing fingers here. We are acknowledging the facts on the ground. We are acknowledging the gaps in the law. And we are acknowledging also the possible gaps in our implementation having seen that, in fact, these structures were erected even if these are in protected areas.

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I think, sir, at this point; and Madam Chair, with your indulgence, it is really important for us to understand the circumstances behind these actual constructions. We are not fully in control of these areas, as you know, given the kind of manpower that we have. The local governments are partners in the protection of the environment. This is not the DENR's sole job. This is the job of the DENR—

SEN. TULFO. You did mention na kayo ay partners ng LGU in protecting the environment.

MS. LOYZAGA. Yes, sir.

SEN. TULFO. So, bakit wala kayong ginagawang coordination sa LGU na each time may magpapatayo, kukuha ng building permit para magpatayo sa isang protected area, dapat kinukonsulta kayo, dumadaan muna sa inyo. Wala bang ganoong klaseng coordination?

MS. LOYZAGA. Thank you very much, sir. In fact, that is what we are doing at this point. I have also had very close coordination with Secretary Benhur Abalos. We are going to try to produce the process that is required in order for, in fact, this to be stopped at the inception rather than the corrective measures that we are having to take now.

So, between the DILG and ourselves, and the DOT, because ecotourism is such a big part of, in fact, this actual activity. We are now coordinating very closely, and we have recommendations on the

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process as well as the constitution and function of the PAMB. That will be submitted as part of our position paper, sir.

SEN. TULFO. Okay. Kasi iyong BPLO or iyong LGU, bago sila magbigay ng building permit, mayroong tinatawag na zoning, right? Tama? At doon sa zoning, malalaman kung anong area iyan, whether that area is protected, whether that area ay hindi dapat mapatayuan o puwedeng patayuan. Then, proper coordination with the LGU, you should know—malalaman mo kung ano iyong mga areas na dapat hindi nila pinatayuan ng building, na dapat iyong LGU may coordination din sa inyo para mutually masasabi ninyo na hindi puwede diyan or puwede diyan, okay diyan.

So, sa nakikita ko po kasi marami nang naipatayo na istraktura at sinasabi ninyo nga—okay, sige, hindi ninyo po kontrol iyon; kontrol po ng LGU. Pero kung mayroon talaga kayong proper coordination, hindi sana naipatayo iyong building na iyon through proper coordination with the LGU.

MS. LOYZAGA. Respectfully, sir, I agree with you. And, therefore, the coordination needs to be made more effective. I also recognize the point of Madam Chair on the difficulty regarding local dynamics and the pressures that we face in this type of activities.

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If I may also, sir, I think that we need to acknowledge that in some of these areas, there are titles: alienable and disposable lands that are already with title. And, therefore, we have no option but to recognize the rights, and have that regulation be part of the LGU and DENR coordination as you have suggested, sir.

SEN. BINAY. Madam Chair.

Itong Twin Mountain View Resort, naitayo na ba ho itong structure na ito before nabigyan ng PAMB at saka ECC—the second resort?

MS. DUMAGAN. Yes, Your Honor.

SEN. BINAY. So, naitayo na rin siya?

MS. DUMAGAN. Yes, Your Honor.

SEN. BINAY. And I would assume ikaw na ang nagbigay ng permit because this was given November 10, 2022 ... /jlf/alcc/agc

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SEN. BINAY. ... November 10, 2022.

MS. DUMAGAN. No. PAMB clearance is 2022. The ECC, 2023. This was issued by our EMB, Your Honor.

SEN. BINAY. So, not you?

MS. DUMAGAN. Not me, Your Honor.

SEN. BINAY. Pero kasi katulad nito, it is not the previous government; this was done 2022. Same issue, naitayo na iyong—bakit hindi iyong naging ruling was to demolish the structure? Bakit ang naging ano is to give the PAMB and the ECC when to begin with, may violation na siya kasi natayo niya na wala siyang PAMB, wala siyang ECC? So, bakit hindi ninyo na lang right there and then, in-issue-han sila ng—to demolish the structure kasi they already violated?

MS. DUMAGAN. Your Honor, it was the PAMB which granted the clearance. But our EMB called them for a technical conference and penalized them, Your Honor.

SEN. BINAY. And what was the penalty?

MS. DUMAGAN. They were made to pay, I think, 50,000.

SEN. BINAY. Hindi. So, bakit hindi ninyo naisip na ang ibigay na penalty, to demolish? Why not use that option?

MR. ADOBO. Madam Chair and Honorable Senator, the process is, they have to secure PAMB clearance. First, we have to be very clear—

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SEN. BINAY. Yes. Pero, Usec, wala hong PAMB clearance, naitayo. I mean, it is a fact, naitayo iyong structure, walang PAMB clearance, walang ECC.

MR. ADOBO. In this case, this would fall under prohibited acts and the law says "mutilation, alteration, defacing, construction of—" the law provides penalty for those acts from 50,000 to--

SEN. BINAY. And hindi ho penalty ang—hindi option ninyo to issue--

MR. ADOBO. And rehab the area that they have defaced and mutilated.

SEN. BINAY. Yes.

THE CHAIRPERSON (SEN. C. VILLAR). Pag PAMB, we can understand because there are local government in PAMB. But ECC, completely, DENR iyan, so huwag ninyong ipalusot iyan. Pati kayo kasali. Pag nag-issue ng ECC, kasali ang DENR. Puwede ninyo pa ipalusot iyong PAMB, may local government doon. But ECC, kayo lang iyan. Walang nag-i-issue ng ECC kung hindi ang DENR. So, kasalanan iyan ng DENR.

Sa amin ang nag-issue ng ECC sa reclamation, DENR. Hindi palusot iyon.

SEN. BINAY. Hindi ba, kasi, Usec, parang kaya hindi rin nga sila natatakot kasi alam nila, "Magbabayad lang naman kami ng ₱50,000 e."

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Kasi you have never use that option na i-demolish iyong property kasi nga—clearly, they are already in violation of the law.

MR. ADOBO. Yes. But that is what the law provides. Finding of the prohibited acts, mayroong corresponding penalty.

THE CHAIRPERSON (SEN. C. VILLAR). Kasali talaga ang DENR; kasali kayo. Huwag ninyong sabihin na hindi kayo kasali; talagang kasali kayo.

Sa amin, lahat kayo, kasali. Huwag ninyo nang sabihing hindi kayo kasali diyan. You agreed with the local government; kasabwat kayo. Hindi mai-issue ang ECC without DENR. Talagang DENR ang nag-i-issue ng ECC.

SEN. TULFO. Bakit, naghuhugas kamay na naman, Madam Chair?

THE CHAIRPERSON (SEN. C. VILLAR). Ano?

SEN. TULFO. Naghuhugas kamay na naman?

THE CHAIRPERSON (SEN. C. VILLAR). Hindi, ang ECC talaga, DENR.

SEN. TULFO. I know.

THE CHAIRPERSON (SEN. C. VILLAR). Ang PAMB, combination ng local iyan at saka DENR; puwede pa silang lumusot diyan. Katulad

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noon, ang nag-issue, mga barangay captain, oo. Pero iyong ECC, hindi puwedeng i-issue iyon ng hindi DENR.

SEN. TULFO. As a follow-up doon sa sinabi ni Senator Cynthia, It make sense o it does not make sense na iyon bang building na illegal ang pagkatayo ay pagmumultahin ninyo ng 50,000 versus dapat pinatanggal ninyo na lang, pina-demolish ninyo na lang, hindi ba?

SEN. BINAY. Kasi kung susundin natin, Sen Raffy, Iyong mga pending na wala pang permit, parang ang direksiyon niya ay magkakaroon din sila ng permit.

SEN. TULFO. So, itong mga pending, bibigyan ninyo lang—sinabi naman kanina ni—I am sorry, iyong taga-region. Pending pero eventually, magkakaroon ng permit after certain compliance, kung ano pa man iyong compliance na iyon. Pero the fact of the matter remains na illegal ang pagtatayo nila roon. So ang mangyari, mumultahan ninyo lang ng 50,000 and then after na makapagbayad ng 50,000 and then igo-go ninyo na.

Dapat noong makita niyo na illegal Iyong structure na iyon, pina-demolish na lang kaysa naman pagbayarin mo ng 50,000 and then igo-go later on.

MR. ADOBO. Madam Chair, if I may, what the law mandates us to do upon the passage of the ENIPAS is, inventory existing structures

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and then there should be a determination if they are detrimental to the spirit of the proclamation or law making it a protected area. And then—

THE CHAIRPERSON (SEN. C. VILLAR). [off-mike] Ako, I can understand kung iyong A and D mga agricultural land; I can understand that. But magpapatayo kayo ng mga resort, that is another one.

You should ask them to build the resort outside of the protected area on the way to the protected area. They should not build it in the protected area. Ako, I can understand kung ang pagagawa ninyo, iyong mga nakatira roon, mag-agriculture sila. Kasi iyong agriculture, mas bagay sa protected area. Magtatanim sila, okay lang iyon. Pero building resort, i-issue-han ninyo ng ECC in a protected area, that is really something. And ang ECC, talagang DENR lang iyan; hindi iyan local government. I can understand pa iyong PAMB.

Pero rito, you have to have PAMB resolution and ECC. Kung ibinigay ng PAMB iyong kanilang resolution, huwag ninyong ibigay ang ECC because that is your responsibility. Ngayon, kung gusto nila, kung magtatanim, okay lang sa akin iyon kasi bagay iyon, hindi ba, sa protected area na taniman natin? Pero iyong lalagyan mo ng mga hotel, mga kung ano-ano, sabihin ninyo sa kanila mag-build sila outside the protected area on the way to the protected area kasi kikita rin sila doon. Oo, kikita lang sila roon. Iyong mga lupa on the way to the protected

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area but not on the protected area. Kasi iyong protected area, bakit pa natin idinikleyr (declare) na "protected area" tapos gagawin nating hanapbuhay?

SEN. DELA ROSA. Hindi, Madam Chair. Hindi na rin sila interesado mag-build ng mga resort outside of the protected area realistically dahil wala namang pupunta roon sa outside the protected area. Dahil ang malamig na lugar, na klima, nandoon sa protected area. Nandoon iyong pumupunta iyong ang mga turista kaya roon sila nagbi-build.

THE CHAIRPERSON (SEN. C. VILLAR). Huwag na nating i-declare na protected area; gawin na lang nating negosyo.

SEN. DELA ROSA. Iyon nga, iyon nga.

THE CHAIRPERSON (SEN. C. VILLAR). We are just pretending; we are just pretending.

MR. LEONES. Ma'am, if I may?

THE CHAIRPERSON (SEN. C. VILLAR). Ako naman, if you do not want to declare it as a protected area, it is okay with me. Kaya lang, pag na-declare na "protected area," we have to protect, hindi ba?

Ngayon, kung iyong hindi natin mapigil ang local, issue-han nila iyong PAMB. But the ECC, hindi kumpleto. So, we have a case against them because walang ECC.

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SEN. DELA ROSA. Madam Chair, puwedeng tanungin iyong DENR kung—may power ba kayo to dismantle? Halimbawa, nakita ninyo na kuwan, i-demolish ninyo kaagad. Kaya ninyong gawin iyan?

MR. ADOBO. Ito po nasa batas, Your Honor.

SEN. DELA ROSA. Nasa batas.

MR. ADOBO. Ang nasa batas, sinabi niya, kung kailangan ng secretary paalisin, we have to go to court and get a writ.

SEN. DELA ROSA. Ha?

MR. ADOBO. Nandoon po sa batas. Mayroong—

SEN. DELA ROSA. Hindi right away—nakita ninyo na unauthorized structure iyan, walang ECC, walang PAMB, walang SAPA o anong requirement, “Tanggalln ninyo iyan.” Hindi puwedeng ganoon?

MR. ADOBO. Ganlto. Pagka ang—mayroong allowable activities within multiple-use zone.

SEN. DELA ROSA. Yes.

MR. ADOBO. Kaya ang karamihan nga pala na nadideklara na multiple-use zone—kanina binabasa po ni Asec Mars iyong characteristics noon kaya more often than not, ang natitira kakaunti na lang talaga iyong strict-protection zone. Nandoon na po sila, ma’am. That is why the law—

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SEN. BINAY. Pero balikan ho natin, Usec—you are muddling the issue. For example, this resort, iyong Twin Mountain, hindi naman ito dati nandiyan, hindi ba? Pero binigyan ninyo pa rin ng permit.

MR. LEONES. Ma'am, if I may?

SEN. BINAY. Matagal na ba iyang resort na iyan diyan?

MR. LEONES. Madam, just to answer your question whether we allow development in protected areas, the answer is, it depends ...

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MR. LEONES. ... The answer is, it depends. Ang DENR po nag-iisyu ng ECC sa mga development—vertical or horizontal development. Pero dapat po may dalawang conditions: (1) we can issue development if the area is a multiple use zone. It is indicated in the law. The second one is that if the activity is consistent with the project protected area management plan. If the activity will not be consistent with the project protected area management plan, then the ECC will not be issued.

In the case of these illegal structures, nakita po natin na ang mga resort ay talagang hindi naman po talaga consistent iyon. So, that is the reason why we are looking at it, and na-interview na po ang DENR, na talagang kailangan pong matanggal diyan iyan. Kaya lang ang proseso po natin, the DENR has no power to immediately demolish, like what we have experienced in Boracay Island. Most of the areas in Boracay Island are located in a forestland. So, talagang illegal po iyong nandoon, kaya lang hindi po namin siya magawa dahil kailangan pong pumunta kami sa court.

SEN. BINAY. Pero nagawa, nagawa. Nalinis ang Boracay, hindi ba?

MR. LEONES. Ginawa po na—

SEN. BINAY. We have to give credit kay President Duterte.

MR. LEONES. That is correct.

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SEN. BINAY. Kasi talagang nagkaroon siya ng—ano ba iyon? Talagang ipinaglaban niya na ma-rehabilitate iyong Boracay. At lahat naman sumunod, hindi ba? So, kung gusto, I mean, kayang gawin.

MR. LEONES. Ang nangyari po sa Boracay, doon sa mga areas na kaya natin, katulong po natin iyong local government na nag-demolish. Pero DENR alone, under the existing law, we don't have the power, Madam Senator, to immediately demolish; and we need to go to court.

SEN. BINAY. Yes. But you have never exercised the option to demolish. The mere fact na binigyan ninyo, pinalty (penalty) ninyo na nga lang ng 50,000. Well, ilang beses ninyo in-exercise iyong power ninyo to demolish?

SEN. TULFO. Puwede ring makasingit, makadagdag, Senator, ma'am?

Okay. Kapag halimbawa, iyong isang illegal structure within the protected area, dinemolish (demolish) ninyo, madedemanda ba kayo? Alam ninyo na kayo ay nasa tama; alam ninyo na may batas na dapat hindi siya nagpatayo—halimbawa, iyong isang negosyo hindi dapat nagpatayo diyan ng istraktura, wala siyang ECC, marami siyang violation, *et cetera*. Kapag dine-molish (demolish) ninyo iyan,

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madedemanda ba kayo? Makukulong ba kayo? Matatanggal ba kayo sa puwesto ninyo?

MR. ADOBO. Kung madedemanda, sir, Madam Chairman...

SEN. TULFO. No. Pakisagot.

MR. ADOBO. ... yes, madedemanda.

SEN. TULFO. Madedemanda kayo?

MR. ADOBO. Madedemanda po, opo.

SEN. TULFO. At matatanggal kayo sa trabaho?

MR. ADOBO. I will take the Boracay as example. I have faced several cases, kami po iyong nagpatanggal. Ang totoo niyan, kaya napadali po iyong Boracay, iyong Municipality of Malay, mayroon po siyang ordinansa, pero that only pertains to the beach area doon sa— they have this so-called “25 plus five” ordinance. Ang requirement lang po doon, kailangan ng notice—isyuhan nila ng notice. In 10 days, pag walang ginawa, they can summarily demolish. So, pumasok kami with DPWH, napadali po.

SEN. TULFO. So, puwede pala.

MR. ADOBO. Puwede po, puwede po.

SEN. TULFO. So, basta’t may proseso lang. After 10 days—

MR. ADOBO. Pagka mayroon pong ordinansa. In the case of Boracay—

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SEN. TULFO. Kaya nga.

MR. ADOBO. In other areas—in fact, there are areas in Boracay that we were not able to do that. Those structures in the forestland, we went to court for the demolition of those structures. Some are still pending.

SEN. TULFO. Pero hindi ho ba parang masakit Iyon, na alam ninyo na na illegal iyong pagtayo ng istraktura diyan, mayroon silang binayoleyt (violate) na batas natin dahil protected area Iyan and, yet, all you can do right away or for the meantime is mumultahan ng 50,000, and then pupunta ka sa korte, which is mahaba iyong prosesong, tama? Sometimes, it will take years bago ma-grant iyong request ninyo ng korte, tama? Whereas, iyong nangyari sa Boracay, napakabilis, agad-agad na maraming na-demolish.

MR. ADOBO. Tama po. In fact, in our position paper, mayroon po kaming in-include na baka magkaroon kami ng summary—an authority to summarily demolish areas, structures in protected areas, gagawin po namin iyon.

SEN. TULFO. So, are you saying na kailangan ng legislation for that para—

MR. ADOBO. Yes po. Kasal ang sabi ng—

SEN. TULFO. Magkaroon kayo ng outright authority?

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MR. ADOBO. Sa batas, which sinabi po, we have to go to court po.

SEN. TULFO. Okay.

SEN. DELA ROSA. Madam Chair, with the indulgence of Senator Tulfo. Iyong sabi mo, Attorney, na equipped kayo ng municipal ordinance, iyong lugar sa Boracay, kaya napabilis?

MR. ADOBO. Opo. Yes, Your Honor.

SEN. DELA ROSA. So, in the case of Mount Apo, nandito man ang mayor ng Digos, nandito iyong mayor ng Kidapawan, baka puwede natin silang pakiusapan din na maggawa rin ng Boracay model na resolution.

Nasaan si Mayor?

THE CHAIRPERSON (SEN. C. VILLAR). They have a presentation. They want to present it.

SEN. DELA ROSA. Nandito si Mayor Cagas ng Digos, si Mayor—Saan si Mayor ng Kidapawan? Ah, nandoon si Mayor ng Kidapawan.

Mayor, narinig ninyo iyong sinabi ni Attorney na mayroong resolution? Baka puwede rin kayong—para ma-empower ninyo pati national agencies na ma-preserve iyong ating lugar.

THE CHAIRPERSON (SEN. C. VILLAR). Senator Bato.

SEN. DELA ROSA. Yes, ma'am.

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THE CHAIRPERSON (SEN. C. VILLAR). I think the provincial governor of Davao del Sur would like to make a presentation.

SEN. DELA ROSA. Yes, ma'am. Nandito pala si governor.

THE CHAIRPERSON (SEN. C. VILLAR). Can we ask her to make the presentation?

MS. CAGAS. Madam Chair, good morning.

I have decided to furnish the Committee with the statement that I have prepared to save time as there are other issues to be tackled. Most of the matter have already been said and also in my statement.

Thank you, Madam Chair.

THE CHAIRPERSON (SEN. C. VILLAR). Can you give your presentation? If you are not willing to make it, give us a copy of your presentation.

MS. CAGAS. Yes, ma'am. Yes, ma'am, I will.

THE CHAIRPERSON (SEN. C. VILLAR). Okay. Thank you.

MS. LOYZAGA. Madam Chair. With your indulgence, Madam Chair, if I may be excused? There is a full cabinet meeting this afternoon. I have to head to—

THE CHAIRPERSON (SEN. C. VILLAR). Yes.

MS. LOYZAGA. Thank you, Madam Chair.

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And, certainly, Madam Chair, all the different advice and guidance will be taken very seriously by this administration. We are here, in fact, to actually present a position paper as to how we can strengthen the protection capacity of the DENR, including such a measure as demolition summarily.

I also wish to thank Senator Bato for coming with us yesterday to Kapatagan. Because it really needs to be established that this area is established as a settlement and barangay area by law. It is a township already long before the ENIPAS Act. So, we have to contend, of course, with that particular reality.

THE CHAIRPERSON (SEN. C. VILLAR). So, why did we include that in the protected area? What is the reason if it is really a town already?

MS. LOYZAGA. Madam Chair, it is only a portion of the large area of Mount Apo.

THE CHAIRPERSON (SEN. C. VILLAR). Half—almost one-half of the entire area.

MS. LOYZAGA. If I may turn over to Asec Mars Amaro of Biodiversity?

THE CHAIRPERSON (SEN. VILLAR). Yes.

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MS. LOYZAGA. With your indulgence, Madam Chair, if I may be excused?

THE CHAIRPERSON (SEN. C. VILLAR). Okay.

MS. LOYZAGA. Thank you po.

THE CHAIRPERSON (SEN. C. VILLAR). We recognize Asec Amaro.

MR. AMARO. Thank you, Madam Chair, Your Honor. And with the indulgence of the Secretary.

If I got it right, the query is, what to do with the settlements that are in the PA? Tama po ba?

SEN. DELA ROSA. Ang tanong ni Madam Chairman, bakit natin pinapa-declare na protected area, na alam naman pala natin na marami nang tao na nakatira doon? Iyon nga, para bang it defeats the purpose of declaring it as a protected area, na hindi naman natin ma-protect dahil nagkalat na ang tao doon, matagal nang nakatira ang mga tao doon. Parang iyon ang tanong ni Madam Chair.

MR. AMARO. Siguro we will have to—thank you, Your Honor.

Perhaps we should go back in time when these areas were subject to existing laws and regulations without the recognition of biodiversity conservation as a very important aspect in our day-to-day lives.

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SEN. DELA ROSA. Hindi pa uso noon iyong biodiversity ...

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SEN. DELA ROSA. ... Hindi pa uso noon iyong biodiversity—

MR. AMARO. Opo, biodiversity conservation.

SEN. DELA ROSA. Iyong mga environmental protection, hindi pa uso siguro. Ang uso noon is...

MR. AMARO. Tao lang po.

SEN. DELA ROSA. ...paano mabuhay ang tao, paano makapag-gamit ng natural resources.

MR. AMARO. Opo.

SEN. DELA ROSA. Iyan iyong trend noon.

MR. AMARO. Yes. Thank you, Your Honor.

SEN. DELA ROSA. Thank you.

MR. AMARO. Because of the recognition which are not just within the national context but international at that, we are forced to comply with the requirement because biodiversity and with other global concerns are global in nature and, therefore, we have to contribute to at least addressing them. So, in the process—and the latest was in last year, 2022—we are now required to provide for bigger areas as targets to be declared for protected areas in both terrestrial and marine.

So, that is the challenge because we are not starting with zero virgin nature of this area.

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THE CHAIRPERSON (SEN. C. VILLAR). Are you issuing ECC? Kung hindi na sinunod, bakit dinagdagan ninyo pa iyong ano? Why did you issue the ECC?

MR. AMARO. Madam Chair, on the part of ECC, if these proposed activities are within the allowable that we call, such as in the multiple-use area, which is enshrined in the law, so we subject them to the environmental impact statement system. And since we cannot just disapprove because—

THE CHAIRPERSON (SEN. C. VILLAR). [off-mike; inaudible] ... sa amin na lalagyan ng reclamation, alam ninyong mamamatay iyong mga mangrove namin at babaha kami, bakit in-issue ninyo rin iyong ECC doon? Eh `di, kasali kayo.

MR. AMARO. Ma'am, can we go to the process, ma'am?

THE CHAIRPERSON (SEN. C. VILLAR). Kayo, sabi kayo nang sabi na in-issue ninyo iyong ECC dahil kailangan. Hindi kailangan iyon.

MR. AMARO. Ma'am—

THE CHAIRPERSON (SEN. C. VILLAR). Sana kayo, nahiwalay kayo sa kalokohan. Kung ang local government nag-issue ng PAMB because they are local government, kayo nagmatigas kasi kayo ang DENR. Bakit kayo nag-i-issue?

MR. AMARO. Ma'am, ganoon nga po, ma'am.

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So, in the process, because these are allowed under other laws and because of the reality on the ground, we subject them to the environmental impact statement system.

SEN. BINAY. Yes. Pero, Asec—

MR. AMARO. Yes, ma'am.

SEN. BINAY. Kasi, at the moment, ang dating sa aming lahat, on paper lang itong konsepto ng proteksiyon. Walang actual implementation. Parang, on paper, na declared siyang protected pero hindi talaga siya protected, "protected."

MR. AMARO. Siguro, on a personal note, Madam Senator, I have been just over one year as BMB concurrent director—

THE CHAIRPERSON (SEN. C. VILLAR). [off-mike] Sasabihin mo na naman iyang reason every—

MR. AMARO. Ma'am, hindi po on paper lang, ma'am.

THE CHAIRPERSON (SEN. C. VILLAR). Iyon ang tama, sinasabi, pinalulusot ninyo.

Ako, I can understand, nag-issue ng PAMB kasi may mga local government doon. But iyong ECC, purely DENR iyan. Bakit kayo nag-issue ng ECC?

MR. AMARO. Ma'am, first reality check is through the PAMB.

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THE CHAIRPERSON (SEN. C. VILLAR). Hindi ba, DENR iyong EMB?

MR. AMARO. Ma'am—

SEN. LEGARDA. Madam Chair, may I be acknowledged?

THE CHAIRPERSON (SEN. C. VILLAR). Senator Legarda.

SEN. LEGARDA. Thank you very much, Senator Villar, for conducting this hearing, and thank you to everyone present here today.

Mula po sa simula ay nandito po ako, nakikinig sa inyong lahat. Simple lang po ang katanungan at tama po ang aking mga kasamahan sa sinabi: Ginawa po natin iyong batas para proteksiyunan.

Ayon sa ating batas, ang PAMB, ang Protected Area Management Bureau, na ang head ng bawat PAMB ay iyong regional executive director ng DENR—siya po ang chairman. Sa ilalim po ng RED, nandiyan po iyong regional director ng MGB (Mines and Geosciences) ng region, at sa ilalim din ng RED ay iyong EMB ng region (Environmental Management Bureau). Maliban siyempre sa central, sa Maynila.

Ang mga miyembro ng PAMB ay samu't sari na nakasaad sa batas. Ang mga PAMB po ang siyang nagtatalaga kung ang ating itinalaga na protected area ay magiging multiple-use zone at strict protection. Sa aking pagkaalam ay dalawa—sinimplehan na lang nila, multiple use. So, ang multiple use po na ito, ano? Agrikultura. Tama si Senator Villar,

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okay iyan. Hindi dapat may mga settlements o mga negosyo na sinisira iyong aming konsepto, na sabi ni Senator Binay, sa proteksiyon nga ng protected area.

Kaya, nakaka-shock na, let us say, iyong sinabi ninyong idineklara na multiple use—mamaya tatalakayin—ng Bohol ay 97 percent multiple use. Ngayon, tinatalakay ninyo ang Davao, ang Mount Apo, na ang dami ring mga seeming violations.

So, huwag pong pasa-pasa, "Ah, one year pa lang po ako. Ah, bago pa po ako," kasi madali po, tingnan lang iyong petsa na itinayo iyong settlement, iyong resort, kung anuman at kung sino ang chair ng PAMB noon ay Iyon Iyong regional executive director ng DENR na, sigurado ako, nandiyan pa at iyong taong Iyon ay dapat kaya niyang sagutin.

Maliban diyan, iyong pag-issue nga ng ECC. Maski sabihin ninyong multiple use iyan sa PAMB at chair diyan ang DENR, na regional executive director—sabihin mo nang nakalusot at maluwag ang PAMB—ay dapat iyong pag-issue ng ECC ng EMB region ay hindi ibinibigay kung maluwag man ang pag-interpret ng chair ng PAMB na DENR regional executive director.

And I will ask more questions when it comes to Bohol. I will leave it to my colleagues itong sa Davao, pero iyong konsepto na pinag-

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uusapan po natin sa Davao ay applicable sa Siargao, applicable sa lahat ng protected areas, including and especially Bohol.

So, Madam Chair, may I request the DENR to state who was the regional executive director/chair of PAMB who issued the management plan and allowed the multiple-use zones that all the settlements were granted during that time? And this question, aside from Davao, will also pertain to the Bohol protected area of the Chocolate Hills.

Thank you, Madam Chair.

THE CHAIRPERSON (SEN. C. VILLAR). [off-mike] Can you give the names na lang?

MR. ADOBO. Madam Chair.

THE CHAIRPERSON (SEN. C. VILLAR). Give the names na lang. Itinanong na niya. Give the name. Sino iyong in-charge noong bigyan iyan?

MR. ADOBO. The RED of Region VII may be able to provide the answer.

SEN. LEGARDA. Hindi. Ganito po, ang tanong ko—

THE CHAIRPERSON (SEN. C. VILLAR). [off-mike] Give the names.

SEN. LEGARDA. Ang tanong ko po, Madam Chair—Davao pa po ang inyong pinag-uusapan. Kasi, I see the frustration of my colleagues.

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Pinapasa-pasa po kayo, "Ay, bago lang ako dito. Ay, hindi pa ako noon," *et cetera*.

So, from Davao, punta tayo ng Bohol. Iyong sa Davao, sabihin nila, sino ba iyong RED noong panahong iyon.

Ako, dederetsuhin ko na. Kaibigan ko lahat ng DENR pero I want answers. Sa Bohol, sa aking pagsaliksik, ang RED yata noong panahong iyon ay asec ngayon, Gilbert Gonzales. I know Gilbert. So, siguro, pagdating natin sa diskusyon ng Bohol, siya iyong regional executive director noon na nagbigay ng permit sa Chocolate Hills, dapat sagutin ng DENR, namely: si former RED, ngayon naman ay asec na si Gilbert Gonzales. Tapos, alamin din natin, mayroon din nagbigay ng isa pang—let me see. Iyong sa Captain's Peak, dalawa iyong pumirma: Central Visayas Director, at that time, Gilbert Gonzales—correct me if I am wrong; another one is a DENR Central Visayas Director Paquito Melicor. Ito iyong July 14, 2022 na inindorso iyong Captain Peak's Resort.

Kasi, kapag ang tatanungin po natin, Madam Chair, iyong nakaupo na sumasagot, usec, "Ah, hindi ko po alam. Ah, sa next hearing," *et cetera*. Simple lang po. Sagutin ng mga nakaupo noong panahong iyon na nagbigay ng permit para matuon natin: ano ba iyong problema ng batas o ng PAMB o ano pa ba ang gaps? At kailangang mayroong managot, hindi puwedeng puro hearing lang.

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Thank you very much, Madam Chair. I would like to hear from the DENR their answers to my very basic and simple queries.

Thank you.

THE CHAIRPERSON (SEN. C. VILLAR). Ito iyong ano, PAMB is Gilbert Gonzales, ECC is for—ito, Mount Apo?

SEN. BINAY. [off-mike] Hindi ho. Chocolate Hills.

THE CHAIRPERSON (SEN. C. VILLAR). Chocolate Hills, ang PAMB is Gilbert Gonzales. Ang ECC is Melicor ... */jacs/ges/agc*

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THE CHAIRPERSON (SEN. C. VILLAR). ... ang ECC is Melicor. Tapos doon sa Mount Apo, sino ang nag-issue ng PAMB? Ikaw rin, Gilbert? Sino ang ECC?

VOICE. [off-mike] Wala po hong ECC, ma'am.

THE CHAIRPERSON (SEN. C. VILLAR). So, ikaw ang magsalita; ikaw pala lahat. Kaya ka siguro na-promote.

MR. ADOBO. Ma'am, if I may be given 59 seconds. I would like to put in the correct context iyong sagot ko kay Senator Bato—

THE CHAIRPERSON (SEN. C. VILLAR). Hindi, they just want to know who issued the ano.

MR. ADOBO. Yes, they are ready po.

THE CHAIRPERSON (SEN. C. VILLAR). Pagsalitain ninyo para sabihin niya anong reason niya bakit in-issue niya.

MR. ADOBO. Kasi baka ma—nandito ang local governments. Iyon pong Malay Ordinance is only in the A and D area kasi baka—kasi ito, ibang forest na protected area.

THE CHAIRPERSON (SEN. C. VILLAR). Hindi, may ECC.

SEN. DELA ROSA. Kuwan sila, dagat iyon. Itong sa kanila, bundok, iyong Mount Apo, kaya hindi applicable. Baka puwede rin silang gumawa ng—

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MR. ADOBO. Pagka A and D, kasi ano rin iyon, curtailing the right—

SEN. DELA ROSA. Ano ang A and D?

MR. ADOBO. Alienable and disposable.

SEN. DELA ROSA. Alienable and disposable?

MR. ADOBO. Opo, opo.

SEN. DELA ROSA. Thank you.

SEN. LEGARDA. Madam Chair.

THE CHAIRPERSON (SEN. C. VILLAR). Yes.

SEN. LEGARDA. Yes, opo. Iyong akin pong katanungan applies to each and every protected area. On the table now is Davao; after Davao will be Bohol; others will be Siargao, *et cetera*. So, iyong—

THE CHAIRPERSON (SEN. C. VILLAR). Because we have no time, we will be discussing Chocolate Hills and Mount Apo. That is our agreement.

SEN. LEGARDA. Okay. Thank you.

THE CHAIRPERSON (SEN. C. VILLAR). Kasi we will go back to Masungi and Siargao because we have done investigation, ia-update na lang tayo nila. Kasi we have investigated Masungi and Siargao.

SEN. LEGARDA. Okay.

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THE CHAIRPERSON (SEN. C. VILLAR). So, we are now giving priority to Chocolate Hills and Mount Apo.

SEN. LEGARDA. Yes.

THE CHAIRPERSON (SEN. C. VILLAR). Kasi we have not done any investigation with regard to these two protected areas.

SEN. LEGARDA. Yes.

THE CHAIRPERSON (SEN. C. VILLAR). And they said that the one who issued the PAMB is Gilbert Gonzales.

So, why don't you tell us your story?

MR. GONZALES. Yes, ma'am.

THE CHAIRPERSON (SEN. C. VILLAR). We recognize Asec Gilbert Gonzales.

MR. GONZALES. Yes, ma'am. Thank you, Madam Chair.

Indeed, ma'am, I was the regional executive director of Region VII when Resolution No. 1 was issued in February 15, 2018. But I would like to explain first, ma'am, that when this was submitted to the PAMB, this was the time when there was Presidential Proclamation 333, which declared that the flatlands of the Chocolate Hills are considered to be multiple-use zones. And being alienable and disposable lands, under the presidential proclamation—

SEN. BINAY. Who declared that?

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MR. GONZALES. Time of President GMA, ma'am.

THE CHAIRPERSON (SEN. C. VILLAR). But I think they are doing this because they want to develop it as agricultural land, not ano, hindi ba?

MR. GONZALES. Yes, ma'am.

THE CHAIRPERSON (SEN. C. VILLAR). Palaging ang reason why they declare it like this is because nagko-complain iyong mga farmer, and they want to plant. There is nothing wrong with people planting near the protected area. But what you did is to establish resort and businesses in the protected area, that is a different story altogether.

So, you explain to me what came into your mind na iyan ang gagawin mo.

MR. GONZALES. Yes, ma'am. Ibibigay ko po lahat ng detalye. So—

SEN. BINAY. Asec, iyong mga in between ba ng Chocolate Hills, lahat iyon titled na?

MR. GONZALES. Yes, ma'am. Kanina prinesent (present) po iyong ano—2.5 percent lang po ang ...

SEN. BINAY. Titled?

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MR. GONZALES. ... timberland within the entire area of the Chocolate Hills, ma'am. So, 97.5 percent of the entire Chocolate Hills are alienable and disposable.

MR. ADOBO. Madam Chair, if the Chair may—

THE CHAIRPERSON (SEN. C. VILLAR). Even if they are titled, if you are protected area, you are not supposed to destroy the protected area. Ang ano noon is baka na-title iyon for agriculture, not for businesses.

MR. GONZALES. Actually, ma'am, mayroon po sana kaming presentation para mabigyan kayo ng—

MR. ADOBO. If the Chair may allow, ma'am—

THE CHAIRPERSON (SEN. C. VILLAR). Iyong mga presentation ninyo nga, mali-mali. Lalo lang kayong naaano.

SEN. LEGARDA. Madam Chair, if I may, Madam Chair.

THE CHAIRPERSON (SEN. C. VILLAR). We recognize Senator Legarda.

SEN. LEGARDA. Thank you, Senator Villar.

Maliwanag po sa ating ginawang batas, dahil ako po iyong principal author ng ENIPAS, na sakop po ito. At kayo po ang nag-sponsor sa floor. Kung maaalala po ninyo, noong 2018 na in-sponsor ninyo ito, itinanong ito sa floor kaya natin inilagay sa ENIPAS Law, at

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babasahin ko, "In the development of the CLUPs and the barangay development plans,"—up to the barangay level—"due consideration shall be given to the Intended for conservation and biodiversity as well as the objectives for protected areas to keep human habitation and environmental conservation in harmony." Hindi po natin inilagay na gusto natin ito para sa kabuhayan, na kumita ang mga tao. Inilagay po natin, habitation, environmental conservation in harmony with the principal objective of biodiversity conservation.

Hindi po kaya, at nararapat sabihin ng DENR—kasi sinabi naman ninyo, "Kasi may presidential proclamation noong panahon ni GMA. Kasi puwede namang alienable and disposable kasi puwede namang patitulohan." Maski na may titulo, dahil dapat ang prayoridad ay konserbasyon at proteksiyon, at iyan ay kino-serve at prino-protect dahil magugunaw na ang mundo sa init at sa baha dahil sa pagwawalang-bahala sa ating mga batas, ay mali po ang inyong interpretasyon ng aming ginawang batas. Alam ko po iyon dahil ako po ang principal author. Alam po ni Senator Villar, siya po ang nag-sponsor nito. Iyon po ay pinag-usapang masusi. Kaya hindi po ninyo kayang gamitin ang A and D na reason. "Ah, may titulo." Ah, may titulo? Maski ano na lang gagawin? Respetuhin ang biodiversity conservation.

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Pakisagot po na mga nananagot ang aming katanungan. Hindi PowerPoint ang sagot; salita.

Hihintayin ko po, Madam Chair.

THE CHAIRPERSON (SEN. C. VILLAR). Thank you, Senator Legarda.

I just want to acknowledge the presence of Senator Tolentino.

And we will ask Asec Gilbert Gonzales to answer.

SEN. BINAY. Madam Chair, siguro bago ho sumagot si Asec Gonzales, can we ask LRA, or maybe they can submit, iyong mga titled, hindi ba ito lahat agricultural?

MR. SIRIOS. Good morning, Madam Chair. Good morning, Your Honors.

Based on our records, there are about 5,652 titled properties in the area, equivalent to about 7,860 hectares. So, iyon po iyong titled. And we agree with Senator Legarda that while the lands are titled, and it is proof of ownership, the owners cannot exercise absolute rights over the property, and they must be subject to the restrictions in law.

SEN. BINAY. Kaso lang, hindi ba, usually sa title, may nakasulat kung agricultural—

MR. SIRIOS. Opo.

SEN. BINAY. Itong 7,000—

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MR. SIRIOS. We have no information yet, Your Honor, but we can submit later on ...

SEN. BINAY. Yes. Can you please submit it to the Committee?

MR. SIRIOS. ... the kinds of titles because we have patents and CLOAs over it.

SEN. BINAY. Yes.

MR. SIRIOS. Yes, Your Honor.

SEN. BINAY. Thank you.

THE CHAIRPERSON (SEN. C. VILLAR). [off-mike] Definitely, ang CLOA, agricultural iyan. Kapag hindi tinaniman iyan, babawiin ng DAR iyan.

MR. SIRIOS. Yes, Madam Chair.

THE CHAIRPERSON (SEN. C. VILLAR). Iyan ang rule ng DAR.

MR. SIRIOS. Yes, Madam Chair.

THE CHAIRPERSON (SEN. C. VILLAR). So, if you are a CLOA beneficiary, you have to plant. Otherwise, puwedeng bawiin ng DAR from you.

MR. SIRIOS. Yes, Madam Chair.

SEN. BINAY. And, Admin, you have that data kung alin doon iyong CLOA—

MR. SIRIOS. We can collate it, ma'am.

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SEN. BINAY. Okay. Can you submit it to the Committee?

MR. SIRIOS. Yes, we will, Your Honor.

SEN. BINAY. Thank you.

THE CHAIRPERSON (SEN. C. VILLAR). Now, we recognize
Asec Gonzales.

MR. GONZALES. Yes, ma'am. Ma'am, before I continue my
discussion, I would like to suggest po to allow Region VII to present
or—PowerPoint—

THE CHAIRPERSON (SEN. C. VILLAR). I do not want your
presentation.

MR. GONZALES. Hindi, ma'am, there are—

THE CHAIRPERSON (SEN. C. VILLAR). Bakit hindi mo sagutin
ng answer. Sabi ni Senator Legarda, ayaw na namin ng presentation;
gusto namin, answer.

MR. GONZALES. Yes, ma'am. Hindi, kung mayroon pong—

THE CHAIRPERSON (SEN. C. VILLAR). Lalo kayong nadidiin
kapag nagpe-presentation kayo kasi nakikita pa iyong depekto ninyo.

MR. GONZALES. Thank you, madam. Ang purpose lang naman
po that is why we are requesting, because there's a lot of details po
doon sa presentation that can enlighten the ...

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THE CHAIRPERSON (SEN. C. VILLAR). Sabihin mo sa akin
lyong details. Sabihin mo.

MR. GONZALES. ... Committee on the concerns.

THE CHAIRPERSON (SEN. C. VILLAR). Sabihin mo lyong
details ... /jlf/imjv/agc

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THE CHAIRPERSON (SEN. C. VILLAR). ... sabihin mo iyong details.

MR. GONZALES. Sige po. Ito po kasing proposed Captain's Peak Garden, actually, was requested for the inclusion of their intent to secure PAMB clearance, one of the agenda of the, based on our record, agenda in that special meeting that was called on February 15, 2018.

Actually, nagkataon po na during this time, hindi po ako present during the PAMB meeting. I was on an official travel in Baguio. We were attending the launching of the Task Force Mining Challenge as well as the launching of the—

THE CHAIRPERSON (SEN. C. VILLAR). Bakit mo in-schedule na wala ka, hindi ba?

MR. GONZALES. Hindi, ma'am, kasi na-schedule naman po iyon talaga. Nauna iyong ano but just so happened—

THE CHAIRPERSON (SEN. C. VILLAR). Ay naku, ay naku. Parang ano naman iyan, nagkataon naman iyan. Ako pag wala ako, hindi ko na ini-schedule baka kung anong gawin.

MR. GONZALES. Yes, ma'am. Provided naman po kasi sa—

THE CHAIRPERSON (SEN. C. VILLAR). Tanungin mo kay Director Caancan. Pag hindi ako, walang mai-schedule kasi baka pag-alis ko kung ano-anong gawin.

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MR. GONZALES. Ma'am, it has been the common procedure po kasi that in the case—

THE CHAIRPERSON (SEN. C. VILLAR). Ay naku, it is not a common procedure. Kung talagang—baka nga umabsent ka para maipasa.

MR. GONZALES. Hindi naman po, ma'am.

THE CHAIRPERSON (SEN. C. VILLAR). Ay naku.

MR. GONZALES. Actually, iyong—

SEN. BINAY. Madam Chair, siguro in light of doon sa statement ni Asec Gonzales na it is a common practice—

MR. GONZALES. Hindi siya practice, ma'am. It is a procedure as stipulated in the IRR.

SEN. BINAY. Yes. But I think baka, Usec Adobo, there is a need to correct that common procedure na wala iyong chairman or baka you need to tighten that procedure.

MR. ADOBO. Sige, ma'am. If I may be allowed by the Chair, mayroon kasi kaming department administrative order saying that when a quorum is held and the presiding officer, as designated by law, is not present, they can elect. The members present can elect a presiding officer.

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THE CHAIRPERSON (SEN. C. VILLAR). Katulad nito, ang member ng PAMB, puro barangay captain, pinabayaan ninyo.

MR. ADOBO. We will revisit our procedure, ma'am.

THE CHAIRPERSON (SEN. C. VILLAR). Ang nag-approve nito, puro barangay captain.

SEN. BINAY. Usec Adobo, baka there is a need na pag wala iyong taga-DENR na member ng PAMB, baka hindi puwedeng magkaroon ng— I do not know, baka hindi puwedeng magkaroon ng hearing.

MR. ADOBO. Sige po, ma'am.

SEN. BINAY. Baka it can be just a policy.

MR. ADOBO. Yes, Madam Chair. We will revisit our department's administrative order regarding this matter.

SEN. LEGARDA. Madam Chair.

THE CHAIRPERSON (SEN. C. VILLAR). Yes.

SEN. LEGARDA. Madam Chair.

THE CHAIRPERSON (SEN. C. VILLAR). We recognize Senator Legarda.

SEN. LEGARDA. Salamat po.

Sa aking pagkaintindi sa sinabi ng PAMB chair at that time, who is now Asec Gonzales ng DENR, absent siya o wala siya noong na-approve. Alam po natin na ang pag-a-approve ng isang paggamit o zoning ng

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proyekto sa isang protected area ay hindi lang isang meeting. Iyan ay, parang ating batas, marami pong hearing. At siyempre, maski wala iyong chair na DENR regional director, meron pong minutes of the meeting; kung absent siya noon, isasangguni. At kung ayon sa kanya ay hindi tama iyon ay hindi naman po matatapos iyong proseso para sa pagtayo ng resort. Anim na taon na po nakaraan.

So, gusto kong mas maliwanagan. Hindi pupuwedeng one day absent, in-approve ng PAMB, walang alam ang PAMB chair, ang DENR, at nagtayo na lang sa walang kaalaman. I cannot believe that the absence of the PAMB chair, who is the regional director at that time, will allow it to happen and thus did not know what was going on under his nose and eyes at that time. I cannot believe that. Otherwise, Madam Chair, babalewalain ng lahat, hindi lamang ng DENR, ng buong byurukrasya ang ating mga batas. Pag sasabihin, "Absent ako noon" and we will just leave it at that? "Absent ako noon, so wala akong kinalaman doon. At saka ang miyembro ng PAMB ay hindi ko naman kilala or hindi nagsumite. Overruled ako; may quorum." Iyon na lang, ganoon na lang? Ha, ha, ha [laughter] Hindi po.

Ayon po sa batas na isinulat nating lahat at ini-sponsor ninyo, Madam Chair, ay mananagot dapat ang implementing agency. That is the reason why we put a PAMB, a Protected Area Management Bureau.

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Kaya nga ang itinalaga natin na chair ay iyong regional executive director para mangalaga—mag-alaga for biodiversity conservation, not for hotel management. Kasi kung gusto namin ng puro kita at hotel management ay sana iyon ang inilagay namin sa batas.

Kaya maaari po ba ay dinggin ko ng muli ang mas madetalyeng sagot ng nagbigay ng pahayag kanina tungkol sa pagbigay ng permiso sa Captain's Peak sa ating protected area na Chocolate Hills?

Thank you.

Banggitin din po ang pangalan ng ibang miyembro ng PAMB at that time. And this question, please, goes for Davao as well and all other protected areas because we have to see accountability. Hindi po puwedeng puro PowerPoint ang sagot sa ating mga tanong or "Wala ako roon; absent ako noon." I am sorry.

Thank you, Madam Chair.

THE CHAIRPERSON (SEN. C. VILLAR). If you would see the list of that day, they are all barangay captain and presiding officer is barangay captain also. Walang iba, oo.

SEN. LEGARDA. Thank you, Madam Chair.

THE CHAIRPERSON (SEN. C. VILLAR). If you see the list of ano na nagbigay.

So, maybe Asec Gilbert Gonzales can explain this.

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SEN. LEGARDA. Yes, paki-paliwanag po.

Thank you.

MR. GONZALES. Iyon nga po ang situation natin in the membership and composition of the PAMB. Mostly each barangay is represented as it is covered by the entire area of the protected area. So, kaya karamihan ng ating PAMB, majority ng composition is barangay captain, as stipulated naman iyan sa batas. Kaya kung dito sa Chocolate Hills, kung—hindi po kakaiba na iyong mga members ng PAMB ay karamihan ay barangay captain.

THE CHAIRPERSON (SEN. C. VILLAR). Pero, you did not do anything? Nakita mo ng puro barangay captain ito, you did not do anything?

MR. GONZALES. Ma'am, if you will let me explain.

THE CHAIRPERSON (SEN. C. VILLAR). Bakit lahat kayo absent, ang natira lang ay barangay captain?

MR. GONZALES. Well, actually, ma'am, we have records na in that special meeting, hindi naman Garden Peak lang ang agenda.

THE CHAIRPERSON (SEN. C. VILLAR). Hindi ninyo na dapat itinuloy ang special meeting na ito kung puro barangay captain ito. What will we profit out of it na wala man lang nakakaintindi? There is no urgency. Bakit ginawa ito?

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Ako, para i-allow mo ito, may intent kang gawin dito. Puro barangay captain ito.

MR. GONZALES. Ma'am, if I may explain further?

THE CHAIRPERSON (SEN. C. VILLAR). Alam mo sa amin, ang PAMB mayroong NGO na may mga sinabi. Bakit ito puro barangay captain? Nakakapagtaka, walang nangyayaring ganito.

MR. GONZALES. Ma'am, if I may explain further, hindi naman ho siguro natin masasabi na walang kaalaman iyong mga barangay captains—

THE CHAIRPERSON (SEN. C. VILLAR). Binigyan mo ng PAMB clearance ang isang ano, puro barangay captain. That is a very important decision, hindi ba, bigyan ng PAMB clearance iyong isang magtatayo, which is really against the principle of protected area? Tapos biglang noong day na iyon, puro barangay captain ang nagbigay. Wala man lang kayo roon. Parang hindi na dapat natuloy ito. Hindi na ito dapat natuloy.

MR. GONZALES. Ma'am—

THE CHAIRPERSON (SEN. C. VILLAR). If they are deciding on a very important issue in Chocolate Hills and then nagkataon na puro barangay captain ang magdi-decide, ano ito?

SEN. LEGARDA. Madam Chair,

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THE CHAIRPERSON (SEN. C. VILLAR). Yes, Senator Legarda.

SEN. LEGARDA. Madam Chair, thank you.

Bagamat wala po iyong pipirma, pagkatapos niyan ay aakyat sa kanya as regional executive director, ayon sa ating batas. At kung itinalaga ng PAMB na gusto nila ng resort doon sa mga burol ay maaari namang hindi niya pirmahan. Kaya hindi dahilan iyong "Absent ako noong panahong iyon kaya iyong bundok, iyong burol, naging resort."

So, gusto ko pong sagutin niya sana, please, pagkatapos ng mga in-approve ng mga PAMB member ... /jbc/peg/agc

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SEN. LEGARDA. ... pagkatapos ng mga in-approve ng mga PAMB members—dahil tama si Senator Villar, ang PAMB hindi puro kapitan, may local governments at mayroong mga NGO. Walang PAMB na walang representante na NGO. Kasama iyan ng ating batas. So, gusto kong malaman, pagka-pass nito na absent siya, bakit niya pinirmahan at Ina-approve bilang chair ng PAMB at regional executive director? Pakisagot po.

MR. GONZALES. Okay. Thank you, Madam Senator.

Actually, marami pa sana ako kaninang gustong ipaliwanag, pero medyo nakakaligtaan ko na pero—ito po kasing nag-attend ng PAMB meeting na ito, although mga barangay captains, hindi ko naman po masasabi na wala silang kaalaman. Kasi kung titingnan ninyo po doon sa Resolution No. 1 na pinirmahan at in-approve ng—In-endorse ng PAMB, marami po silang mga condition na in-stipulate dito. In fact, mayroon din silang mga isinaad dito na hindi nila Ina-allow na ilagay. Sinabi dito, “There should be no structures to be erected at the top of the hill.” So, meaning, nagkaroon talaga ng deliberations dito. Pinag-usapan nila what is acceptable to the PAMB. So, hindi naman po talaga outright ng nag-oo lang sila. In fact, in-emphasize nga dito, “That the proponent should secure pertinent permits from other offices as required, including the Environmental Compliance Certificate.”

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Dito po kasi, kung nire-require ng—at sa tingin ko, the reason why—at saka talaga pong i-impose iyong ECC because it is a requirement for any undertaking within protected area. Dito po kasi sa environmental, sa proseso po ng, yes, iyong system wherein an ECC is secured, dito po sana mahihimay nang husto iyong ano, iyong project na gusto nilang ilagay. But because the proponent did not secure the ECC, we were not given that opportunity to scrutinize further the project.

Ito pong pagkaka-approve, kung titingnan ninyo po, dumaan naman dito sa mga proseso. This is a decision of the PAMB which is embodied in their authority to decide over policy that can be applied in the particular protected area. Actually, this was administered by one of the barangay captains, si Tito Ancog, who was designated as the presiding officer. Kung makikita ninyo, hindi naman ako solo nagpirma dito. Dumaan ito sa process. Dumaan po ito doon sa CENRO, the PASu. Dumaan po ito doon sa ARD default technical to review whether this document is valid or qualified. Kami po, provided under the IRR that the regional executive director, as the PAMB chair, will affirm the decision of the PAMB even if they are not present. Kaya hindi ko sinasabi na pumirma lang kami nakapikit dito. This went through a process. And we

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recognize the decision of the PAMB on this particular decision, why this resolution.

I would like to explain also, when the project was presented, it was located in a particular lot. And the location of the actual development that was undertaken was no longer implemented or erected in that particular lot, which was presented under this resolution. Kaya po nagkaroon ng Resolution No. 2, because there was a new site wherein the Captain's Peak was located. So, kaya kung hindi—hindi po nangyari itong in-issue ng Resolution No. 1 doon sa prinopose (propose) nila. There is a new location for this, and that was covered by the Resolution No. 2 that was issued In 2022, to make it clear po, ma'am.

SEN. DELA ROSA. Ano ang laman noong kuwan, Resolution No. 2?

MR. GONZALES. Iyong nga po, sir, iyong Resolution 2, the same, sir, endorsing the project with certain conditions, but it is now on a new location.

SEN. DELA ROSA. New location.

MR. GONZALES. Yes, sir. Hindi po dito, Mr. Chair, Madam Chair.

SEN. DELA ROSA. Thank you.

SEN. BINAY. Siguro, magandang malaman, ano ho bang nangyayari sa isang PAMB hearing? May standard ho ba kayo na—may

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guidelines ba iyon na pag may PAMB hearing, kailangan may technical presentation—ano pa ba—may minutes of the meeting; kailangan bang mag-appear lyong may-ari, and mag-explain kung anong gagawin niya doon sa property? May ganoon ho bang procedure na nakasulat ang DENR?

MR. AMARO. Madam Senator, Madam Chair, wala pong specific in the law and in the implementing rules and regulations, because conducting meeting, I believe, is—

THE CHAIRPERSON (SEN. C. VILLAR). [off-mike] Common sense.

MR. AMARO. Yes, ma'am.

THE CHAIRPERSON (SEN. C. VILLAR). Common sense, hindi ba?

MR. AMARO. Yes, ma'am.

THE CHAIRPERSON (SEN. C. VILLAR). Oo. You don't have to—gusto mo ilalagay pa namin sa batas how to conduct a meeting?

MR. AMARO. Yes, ma'am.

THE CHAIRPERSON (SEN. C. VILLAR). Ano ba iyon? Ganoon ba kayo ka-bobo?

SEN. LEGARDA. Madam Chair, Madam Chair.

SEN. BINAY. Si Sen Loren po, Sen Loren.

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THE CHAIRPERSON (SEN. C. VILLAR). We recognize Senator Loren.

SEN. LEGARDA. Thank you, Madam Chair.

Sumasang-ayon po ako sa inyo ni Senator Binay dahil maliwanag po na ang PAMB, chaired by the DENR regional director, ay dapat binibigyan ng guidance ng DENR. At sino ba ang representante ng DENR sa PAMB, kung hindi iyong RED. Siya po iyong RED Region VII ang dapat magbigay ng guidance na ang mga desisyon ng PAMB ay ayon, in conformity with the management plans and the prohibitions of the ENIPAS. Kaya iyong mandato po ng mandate is to ensure that all the clearances are given only to the projects that support the objectives of the PA. I go back to the objective of the protected area, which is conservation of the PA, not to build structures.

Having said that, Senator Villar is correct. And I think that is righteous, anger and frustration, because it is—you are correct, common sense, that the DENR must follow the soul and the intent of the law. Ano bang ibig sabihin ng batas, "protected area"? Ano mang interpretasyon ng titulo ng batas, protection, hindi pagtatayo ng gusali. Kaya nga po ay talagang frustrated kami sa pag-implement ng magandang batas. Hindi puwedeng gawing dahilan ang IRR na mali; hindi puwedeng dahilan iyong absent ako noong panahong iyon; hindi puwedeng gawing

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dahilan na mayroon ng quorum, etcetera. Maliwanag, at the end of the day, the DENR has the mandate through the region executive director, to implement the law with the sole objective of biodiversity, protection, and conservation, sa ikabubuhay rin nating lahat, hindi lang para makita. Hindi lang iyan aesthetics eh. Sa ikabubuhay natin lahat.

So, the answer of the DENR is not accepted. I am not content with a very frivolous answer. Hindi po puwedeng palusot, Madam. Chair.

Thank you.

THE CHAIRPERSON (SEN. C. VILLAR). Paano ngayon? Ayaw nila noong mga answer ninyo.

MR. FRAGADA. Madam Chair, if I may?

Actually po, nabanggit ni Sec Loyzaga kanina that, that is why we're undergoing: number one, an inventory of all the illegal structures; number two, administratively, ma'am, we are also taking a look at the personnel, and iyong mga nagawa sa—iyong ginagawa po nila sa trabaho nila, it is part of the entire process now that she instructed us to do para po makita iyong lapses and gaps.

And with regard to the request of Senator Legarda, we will provide the names po doon sa PAMB sa—what do you call this—iyong composition po ng PAMB, iyong RED at iyong RD po. We will provide that. Actually po, as we speak, pinag-aaralan po natin talaga kung

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anong nangyari noong mga times na iyon para makita po natin. I do agree and we do accept that, so, we are doing the investigation now, ma'am. We will submit to you kung ano pong kinakailangan.

THE CHAIRPERSON (SEN. C. VILLAR). So, there are 114 protected areas in the Philippines. How many provinces iyong 114? How many regions? Lahat ba ng region, may protected area?

MR. FRAGADA. Yes. Yes, Madam Chair.

THE CHAIRPERSON (SEN. C. VILLAR). So, ang head ng PAMB sa lahat ng region is the RD, regional director.

MR. FRAGADA. Correct, ma'am.

THE CHAIRPERSON (SEN. C. VILLAR). Iyong Regional Director ba nila, hindi nifa alam iyong responsibility nila na alagaan iyong mga protected area? Wala bang training iyan na marunong silang mag-alaga ng protected area? Bakit sila nagde-decide ng ganyan? There is something wrong. There is something wrong. Kasi bakit nade-decide nang ganiyan nang hindi ano? Ako, I can understand baka iyong PAMB—well, of course, we will improve the PAMB. But iyong ECC, hindi ko na iyon ma-understand. Kasi kung hindi ninyo makontrol ang PAMB, iyong ECC kontrolado ninyo sa DENR. Bakit magsasabay iyon? Kami naman, okay lang sa amin ... /pgpc/alcc/agc

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THE CHAIRPERSON (SEN. C. VILLAR). ... okay lang sa amin kung, halimbawa, ginagawa ninyong agricultural land owned by a private person kasi maganda rin iyon sa protected area, iyong may mga tanim. But iyong sinasabi ninyo na tatayuan ng kung anu-ano at pumapayag kayo, that is a different story altogether. That is a different story altogether.

SEN. BINAY. Madam Chair?

THE CHAIRPERSON (SEN. C. VILLAR.) Yes.

SEN. BINAY. And siguro, Usec, since wala na si Secretary, parang nakakagulat lang na there is a possibility na nagko-conduct ang PAMB ng hearing ng walang minutes kasi—Mayroon naman?

MR. AMARO. Actually, ma'am, all these are documented and submitted to the central office--iyong mga minutes and the resolutions.

SEN. BINAY. So, for this, dito sa Captain's Peak, can you submit to the Committee the minutes of the meeting and—wala din sa submission.

MR. AMARO. Ma'am, may quarterly report on the PAMB meetings and that includes all that happened in the—all transpired.

SEN. BINAY. No, but the actual meeting, may recording ba iyan, kung ano iyong prinesent (present), ano iyong naging exchange?

MR. AMARO. Minutes lang po, Madam Senator. Minutes lang po.

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SEN. BINAY. Hindi. Pero, siguro nga, baka now na lumalabas iyong ganito, baka mas maigi na may actual recording iyong mga ginagawa nating hearing. Well, we assumed na ganoon iyong gagawin but, apparently, hindi pala ganoon. Maybe you could start requiring na hindi lang minutes but there is an actual recording of the PAMB hearings, lalong-lalo na katulad ngayon. Kasi kung minutes lang iyon, parang hindi ganoon ka-clear kung ano iyong naging exchange, ano ba iyong naging explanation.

I would assume—mayroon ho ba? During that time, may invited ba na technical expert na would explain doon sa mga present na ito iyong gagawin, ano iyong hindi dapat gawin? May ganoon ba during the meeting?

MR. GONZALES. Well, our Bureau Protected Area superintendent is present in the PAMB meeting most of the time because the—

SEN. BINAY. No. But who explained to the members na ito iyong gagawin, ganyan, ganyan, mga ganoon?

MR. ADOBO. If I may, Madam Chair? Iyong PAMO which serves as secretariat of the board, hinihimay po nila. These are composed of technical people, and they are the ones that have interactions with specific members, proponents.

SEN. BINAY. So, siguro, let us be specific. For this case, sa Captain's Peak...

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MR. ADOBO. I believe the—

SEN. BINAY. ...si PAMO ba was present and explained to the members iyong gagawin ng Captain's Peak doon sa Chocolate Hills?

MR. ADOBO. Yes. The PAMO is the office. The PASu is always there.

SEN. BINAY. Wait. Nalilito na ho ako. Sino naman iyong PASu? PAMO?

MR. ADOBO. Iyon iyong superintendent po.

SEN. BINAY. So, si superintendent, in-explain niya doon sa mga present na kapitan—

MR. ADOBO. That is one of his duties as—

SEN. BINAY. Well, sa case na ito, did he do that?

MR. ADOBO. I'll throw it to the—

SEN. BINAY. Hindi. Pero hindi naman ikaw iyong magpresent, hindi ba, iyong superintendent. Absent din iyong superintendent?

MR. FRAGADA. Ma'am, with your Indulgence, if you will allow us, we will submit the entire process, the minutes of that PAMB meeting, who presided.

SEN. BINAY. So, absent din si superintendent?

MR. FRAGADA. Sorry, ma'am, I'm not privy to that.

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THE CHAIRPERSON (SEN. C. VILLAR). [Off-mike] Hindi. May listahan ng present? Wala. Present members.

MR. FRAGADA. Madam Chair, if it is okay, the PASu is here. We can have her—She is the head of the secretariat.

SEN. BINAY. So, for Captain's Peak, who explained doon sa PAMB meeting? Kasi, hindi ba, sinabi ninyo nga kailangan ng technical study muna ng PAMO, tapos sila iyong magre-recommend sa PAMB, tama ba?

THE CHAIRPERSON (SEN. C. VILLAR). Hindi. Ang gulo-gulo nga nila. Iyong mga Senador, kung ano-anong tinatanong, ayaw nilang mag-follow ng ano. Natatamad na ako kasi ang mga sagot eh naiinis na ako. Nag-online na nga ako sa kanila. Naiinis na ako dito.

SEN. BINAY. Siguro, Usec, can you please confirm the process? Sa PAMB hearing, nag-e-explain si PAMO about the technical study?

MR. FRAGADA. Well, sa isa pong PAMB meeting, for example, there is a proposed agenda, of course, kung may proponent, they have to defend their project, ipapakita po nila.

THE CHAIRPERSON (SEN. C. VILLAR). Nasaan ang PASu dito?

MR. FRAGADA. I-a-assess ngayon ng mga miyembro at saka ng secretariat at iyong mga miyembro po ng PAMB kung nararapat iyong project doon sa lugar na iyon. So, it makes—

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THE CHAIRPERSON (SEN. C. VILLAR). Walang explanation dito, puro barangay captain ito. Wala namang resource person ditong present.

MR. FRAGADA. Yes, Madam Chair.

THE CHAIRPERSON (SEN. C. VILLAR). Wala. Wala.

MR. FRAGADA. Madam Chair—

THE CHAIRPERSON (SEN. C. VILLAR). Palagay ko, intentionally, walang present para masisi lang iyong mga barangay captain.

MR. FRAGADA. Madam Chair, if I may, we have the PASu of—

VOICE. APASu.

MR. FRAGADA. APASu, the assistant who was present during the meeting. Yes, so she can enlighten us.

SEN. BINAY. Ma'am, you were present during the meeting?

THE CHAIRPERSON (SEN. C. VILLAR). Wala. I-o-oath daw.

SEN. BINAY. Mag-oath muna daw po.

THE CHAIRPERSON (SEN. C. VILLAR). We recognize the secretary to ano the oath.

MS. FERNANDEZ. Good afternoon, Madam Chair.

THE CHAIRPERSON (SEN. C. VILLAR). You take your oath.

THE COMMITTEE SECRETARY. Ma'am, please raise your right hand.

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Do you swear to tell the truth, the whole truth, and nothing but the truth in this Senate inquiry?

MS. FERNANDEZ. Yes, Your Honor.

THE COMMITTEE SECRETARY. Okay. Thank you.

MS. FERNANDEZ. Good afternoon, Madam Chair, and the rest of the Honorable Senator.

I am Lorna Fernandez, the secretariat during the PAMB meeting.

So, actually, during the PAMB meeting, the project was deliberated by the member of the Protected Area Management Board, and the area was—they decided to approve, during the deliberation, because the project was then within the five—

THE CHAIRPERSON (SEN. C. VILLAR). Why are you not present--the present member who—why are you not present here?

MS. FERNANDEZ. Nandiyan po sa secretariat, ma'am.

THE CHAIRPERSON (SEN. C. VILLAR). Wala namang secretariat na nakalagay dito.

SEN. DELA ROSA. So, present ka, noong panahon na iyon nandoon ka?

MS. FERNANDEZ. Yes po, Senator.

SEN. BINAY. [off-mike] Present din pala siya, hindi lang siya pumirma. Hindi required.

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MS. FERNANDEZ. Hindi kasi ako member. I am the only secretariat. Yes.

SEN. DELA ROSA. Kaya pala wala dito, Madam Chair, kasi secretariat siya.

MS. FERNANDEZ. Oo. Pero sa minutes—

SEN. DELA ROSA. Membership lang ito.

SEN. BINAY. Pero dapat siguro may attendance din kayo.

MS. FERNANDEZ. Sa minutes ng meeting po, ma'am, mayroon po.

So, to proceed po, the project was properly deliberated by the member of the board. Then, the area was found—

THE CHAIRPERSON (SEN. C. VILLAR). Can you describe to me your personal data, iyong your resume mo?

MS. FERNANDEZ. I am Lorna Fernandez po, the concurrent—assistant protected—the APASu of Chocolate Hills Natural Monument.

THE CHAIRPERSON (SEN. C. VILLAR). [off-mike] To date?

MS. FERNANDEZ. Yes po.

THE CHAIRPERSON (SEN. C. VILLAR). [off-mike] During that time, ano ka?

MS. FERNANDEZ. Ganoon pa rin po, ma'am.

THE CHAIRPERSON (SEN. C. VILLAR). [off-mike] Only assistant?

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MS. FERNANDEZ. Yes, ma'am.

THE CHAIRPERSON (SEN. C. VILLAR). [off-mike] Sino ang head mo?

MS. FERNANDEZ. Iyong PASu namin po is at—during 2018, the CENRO Laurentino Bautista po, and—

THE CHAIRPERSON (SEN. C. VILLAR). CENRO?

MS. FERNANDEZ. CENRO.

THE CHAIRPERSON (SEN. C. VILLAR). Hindi ba ang CENRO, local government?

MS. FERNANDEZ. Hindi po, ma'am. Iyong sa CENRO, the Community Environment and Natural Resources Officer.

THE CHAIRPERSON (SEN. C. VILLAR). Sa amin ang CENRO, local government employee.

MS. FERNANDEZ. Mayroon po. Sa DENR kasi po, ma'am, may CENRO, iyong sa operation talaga; tapos iyong PENRO, iyong sa provincial level. Iba kasi iyong sa city, ma'am.

THE CHAIRPERSON (SEN. C. VILLAR). So, hindi ito LGU, itong CENRO ninyo?

MS. FERNANDEZ. Hindi po, ma'am.

THE CHAIRPERSON (SEN. C. VILLAR). Under DENR?

MS. FERNANDEZ. Under DENR po, ma'am.

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THE CHAIRPERSON (SEN. C. VILLAR). Bakit kami, wala kaming CENRO na galing sa DENR?

MR. ADOBO. If I may, Madam Chair? Iba ang structure ng NCR. We used to have CENROs--east, west, south, north. But we reconfigured the region. All the concerns in the NCR go directly to the RED (Regional Executive Director).

THE CHAIRPERSON (SEN. C. VILLAR). So, walang CENRO kami?

MR. ADOBO. Wala po. Wala po.

THE CHAIRPERSON (SEN. C. VILLAR). Aling wala?

MR. ADOBO. Dati, mayroon. Dati, mayroon.

THE CHAIRPERSON (SEN. C. VILLAR). Bakit ang nagse-CENTRO sa atin local government, wala namang ... */jacs/rjo/agc*

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THE CHAIRPERSON (SEN. C. VILLAR). ... local government.

Wala namang DENR doon.

MR. ADOBO. Sa city po iyon, ma'am, city ENRO.

THE CHAIRPERSON (SEN. C. VILLAR). Lahat ng city, except Pateros. Lahat ng National Capital Region, city.

MR. ADOBO. The CENRO, the Community Environment and Natural Resources—

THE CHAIRPERSON (SEN. C. VILLAR). Wala kayo sa NCR, ano?

MR. ADOBO. Wala po, ma'am. Iyong CENRO namin sa field covers, normally, more than—several LGUs. Hindi rin siya nakasunod doon sa political subdivision. Pero, more often than not, iyong distrito, covered ng isang CENRO. At times, more pa po, mas marami pang LGUs.

THE CHAIRPERSON (SEN. C. VILLAR). So, ano ang resumé mo para ikaw ay maging PASu? Nasaan iyong PASu? Wala iyong PASu. Ikaw iyong protected area supervisor?

VOICE. [off-mike] Assistant.

THE CHAIRPERSON (SEN. C. VILLAR). Assistant PASu. Walang PASu?

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MS. FERNANDEZ. Actually, at that time, the PASu is our CENRO, si Laurentino Bautista, but he was already retired.

THE CHAIRPERSON (SEN. C. VILLAR). So, ikaw bale ang PASu?

MS. FERNANDEZ. Sa ngayon, hindi ako PASu, ma'am; APASu pa rin.

THE CHAIRPERSON (SEN. C. VILLAR). Ano ka?

MS. FERNANDEZ. Assistant pa rin, ma'am.

THE CHAIRPERSON (SEN. C. VILLAR). Wala ka nang PASu, hindi ba?

MS. FERNANDEZ. Mayroon naman. Presently, the PASu of Chocolate Hills and other protected areas of Bohol is under our PENRO, si PENRO Ariel Rica po.

THE CHAIRPERSON (SEN. C. VILLAR). Local iyon?

MS. FERNANDEZ. Yes po.

THE CHAIRPERSON (SEN. C. VILLAR). Local.

MS. FERNANDEZ. So, under DENR po, PENRO.

THE CHAIRPERSON (SEN. C. VILLAR). So, ngayon, ano ang capability mo, *hija*? Sabihin mo sa akin. Ano ang natapos mo? Ano ang experience mo?

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MS. FERNANDEZ. I am a forester by profession, ma'am.
Forester by profession.

THE CHAIRPERSON (SEN. C. VILLAR). Saan ka nag-graduate
ng forestry?

MS. FERNANDEZ. Graduated in University of Bohol, Tagbilaran
City, way back 1984. Then, I was connected by then Bureau of Forest
Development pa as ISF technician or the social forestry. Until the
reorganization, napasok na rin sa DENR, and now, holding Salary Grade
15.

THE CHAIRPERSON (SEN. C. VILLAR). 1984.

MS. FERNANDEZ. Yes po.

THE CHAIRPERSON (SEN. C. VILLAR). How old are you?

MS. FERNANDEZ. I am already 59.

THE CHAIRPERSON (SEN. C. VILLAR). You will be retiring?

MS. FERNANDEZ. Yes po, ma'am.

THE CHAIRPERSON (SEN. C. VILLAR). So, your experience
all your life is forestry?

MS. FERNANDEZ. Not—I am also assigned in planning for—mga
almost 10 years.

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THE CHAIRPERSON (SEN. C. VILLAR). So, anong sinabi mo sa kanila noong ipine-present mo iyong pagtatayo ng resort sa Chocolate Hills? Anong sinabi mo?

MS. FERNANDEZ. Actually, ma'am, during the deliberation, as secretariat, I was just only taking down notes of the proceedings. Then, as I understand, they approved the said project because it is within the titled property of the proponent and the location is within the multiple-use zone, and beside is—

THE CHAIRPERSON (SEN. C. VILLAR). Hindi mo naisip na kapag you are doing it in a protected area, the major consideration is if it adapts to the protected area?

MS. FERNANDEZ. Yes, ma'am, I know that the project is within the protected area, but then the—

THE CHAIRPERSON (SEN. C. VILLAR). That is a different story altogether. It is not any more a business; it is meant to enhance the protected area.

MS. FERNANDEZ. Yes, ma'am. But then, I understand that the PAMB—because in our law, we also—in Rule 22 of the IRR, it is said that we also respect the vested rights of the proponent.

THE CHAIRPERSON (SEN. C. VILLAR). Ano?

MS. FERNANDEZ. The vested right of the property owner.

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THE CHAIRPERSON (SEN. C. VILLAR). When you are in a protected area, the first consideration is the protection of the protected area; it is not the right of the homeowner. Malas ka kung ang lupa mo nasa protected area.

MS. FERNANDEZ. Yes, ma'am. But maybe it is also the—

SEN. BINAY. Ma'am, question lang ho.

MS. FERNANDEZ. Yes po, ma'am.

SEN. BINAY. During the hearing, hindi naman ho kayo nagsalita at nag-present doon sa— During the PAMB meeting, did you make any presentations?

MS. FERNANDEZ. Hindi po.

SEN. BINAY. So, who did the presentation?

MS. FERNANDEZ. The committee chair presented the project kasi—

SEN. BINAY. Si Kapitan?

MS. FERNANDEZ. Yes po, my—hindi iyong presiding officer.

SEN. BINAY. So, sino ang nag-present noong ano?

MS. FERNANDEZ. Iyong chairman ng committee po.

SEN. BINAY. And during the presentation, ano iyong—mayroon ba doong explanation kung ano iyong negative, positive effect noong itatayo in between the Chocolate Hills? May ganoon ho bang study?

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MS. FERNANDEZ. They only presented the project, kung ano iyong nai-present ng proponent. Then, during sa inspection nila—

SEN. BINAY. So, technically ho, parang lumalabas sa PAMB hearing, you do not provide a study of the negative impact? Or, kung walang negative impact, ano iyong—walang ganoong presentation?

MS. FERNANDEZ. That is why, ma'am, after the issuance of PAMB clearance, they also required...

SEN. BINAY. The ECC.

MS. FERNANDEZ. ...to secure ECC.

SEN. BINAY. Iyon na nga. Pero ang sa akin lang ho kasi dapat doon sa PAMB level pa lang, we already provide the members technical knowledge doon sa ia-approve nila na bagay. Kasi kung hindi rin pala natin binibigyan sila ng explanation kung ano iyong magiging impact doon sa protected area, 'di parang walang—sayang lang iyong hearing na ganoon because we are not, iyon na nga, giving them knowledge kung ano ba iyong implication na ia-approve nila. Kasi kung ganyan, lahat na lang ng PAMB hearings, maa-approve na iyan kasi wala naman palang ganoong discussion or exchange.

MR. ADOBO. If I may be allowed, ma'am. The board, the PAMB, is allowed to create committees. In the committee, may role din iyong PAMU na mga staff. They are to provide—of course, the selection of the

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members of the committee and the chair of the committee, kung ano iyong kanyang committee, iyong mayroon siyang relevant training, profession niya—ganoon po. And then, our staff—

SEN. BINAY. Hindi. For example nga ho, Usec, kung iyong committee chairperson—in this instance, I would assume barangay captain iyong committee chairman, tama po ba?

MR. ADOBO. Kaya nga po, ma'am, I am going further, that it is also the duty of the people at our PAMU to give timely relevant information.

SEN. BINAY. And in this case, was that given?

MR. ADOBO. I will give its—

SEN. BINAY. And in this case, was that given, that timely—ano iyong sinabi ninyong word?—timely, ano iyan?

MR. ADOBO. Relevant information for decision making.

SEN. BINAY. Relevant information. Was this given doon sa mga members ng PAMB?

MS. FERNANDEZ. Yes, ma'am.

SEN. BINAY. It was given?

MS. FERNANDEZ. Yes, ma'am.

SEN. BINAY. So, doon sa presentation, sinabi ninyo kung ano iyong magiging negative impact?

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MS. FERNANDEZ. Kasi before they presented the project to the *en banc*, they conducted site inspection, the committee. So, during the site inspection, they discussed—

SEN. BINAY. But, ma'am, babalikan ho natin, kaya very important for me iyong DENR kasi it is more than just looking at it, hindi ba? So, dapat pag-aaralan ninyo; kapag naghukay ba dito, matatamaan ba iyong Chocolate Hills or—So, I think, for me, very important is the scientific study noong project. May ganoon ho bang ginagawang scientific study in our protected areas every time na may itatayo tayong structure?

MR. ADOBO. Ma'am, mayroon kaming request for staffing pattern; but let us go to the field. Ngayon, ina-assign lang namin doon sa PAMU iyong mga technical people. Every protected area, may kanya-kanyang objectives; may kanya-kanyang trait, may kanyang—

SEN. BINAY. Excuse me, Usec, hindi ho puwedeng kanya-kanya.

MR. ADOBO. No, no—

SEN. BINAY. You have one objective, and that is to protect.

MR. ADOBO. No. Ibig sabihin, iyong specific, like Biri Island protected landscape ... /jlf/jmb/agc

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MR. ADOBO. ... protected landscape, iba ang pinag-uusapan doon.

SEN. BINAY. Hindi. Pero lahat ho, constant iyong protection.

MR. ADOBO. Yes po. So, we see to it—

SEN. BINAY. Kasi parang ang lumalabas ho rito, mas nagfo-focus tayo roon sa multiple-use.

MR. ADOBO. Like this one, Chocolate Hills. We see to it that the people we assigned at the PAMU assisting the board have necessary training to be able to give—to educate the members of the PAMB.

SEN. BINAY. So, it is safe to assume that the PAMU gave a recommendation na okay lang magtayo ng resort doon sa in between ng Chocolate Hills?

MS. FERNANDEZ. Hindi naman ako iyong nag-approve, ma'am. So, as I said, ma'am, I am only the secretariat during the meeting. So, the decision—

THE CHAIRPERSON (SEN. C. VILLAR). Hindi ba sinadya ninyo na wala kayong lahat para iyong mga barangay captain, para sila ang masisi? Hindi ninyo ba sinadya iyon?

MS. FERNANDEZ. Hindi naman, ma'am. Nandiyan—kasi iyong mga—actually—

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THE CHAIRPERSON (SEN. C. VILLAR). Ako, kilala ko mga barangay captain sa amin; hindi naman nila alam ang environment, city pa kami, ha. Lalo na iyong barangay captain sa probinsiya, anong nalalaman niyan sa environment? Bakit mo pababayaang sila ang mag-decide? Bakit hindi kayo nakialam?

SEN. BINAY. So, iyon nga, iyong information na iyon. Iyon na nga, parang hindi na-capture ng, supposed to be, may technical capability iyong negative impact noong project sa Chocolate Hills.

MS. FERNANDEZ. Lahat iyong mga negative impact, ma'am, pag may ECC, ma-capture na iyon.

SEN. BINAY. Hindi ba, parang sayang lang iyong—bakit naghi-hearing pa tayo sa PAMB kung on that level, dapat nag-i-start na iyong protection on that level?

MS. FERNANDEZ. This is mandated by law, ma'am, that all projects shall pass through the PAMB.

SEN. BINAY. Iyon na nga. Pero ang nagiging mindset ninyo, all projects na dumadaan sa PAMB, for approval. But on your level, puwede ninyo nang itigil iyong project.

MS. FERNANDEZ. Uulitin ko lang, ma'am, the decision of the PAMB was based on their ano na the area is titled property before the law—

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THE CHAIRPERSON (SEN. C. VILLAR). Pag titled property ka—bini-brainwash na kita—kahit titled property iyan, pag iyan ay nasa protected area, you are not allowed to do anything with it ng hindi ninyo kino-consider iyong protection of the protected area. Hindi absolute ang power mo. Malas ka na ang iyong lupa ay nasa protected area. Hindi puwede iyon, hindi puwede iyon. Dapat i-brainwash mo sarili mo. Huwag mong sasagutin nang ganiyan. Kasi kung hindi, hindi ka na dapat nag-supervisor ng protected area; hindi ka marunong.

Bakit mo sinasagot nang ganoon na siya ang may-ari ng property? He can do anything with it because that is his title property. Hindi. Pag ang titled property mo ay nasa protected area, you are not allowed to do that. It should be analyzed if it will have a negative impact on the protected area. Ikaw pa naman ang supervisor ng protected area, ganiyan ang mentality mo. Kaya nagkakaganiyan ang mga protected area. Mali iyan, mali iyan. Hindi mo iri-reason na it is a titled property. Malas ka na iyong titled property mo ay nasa protected area. You are not allowed to do that.

Yes.

MR. AMARO. I-correct ko lang po iyong kay Madam Senator. We are talking of PAMB regular meetings, hindi po hearing. So, i-correct ko lang, meetings lang po.

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THE CHAIRPERSON (SEN. C. VILLAR). Hindi. Nag-approve sila.

MR. AMARO. Iyon nga po, it is a regular meeting, ma'am.

THE CHAIRPERSON (SEN. C. VILLAR). Maski regular meeting iyon.

MR. AMARO. Yes, I-correct ko lang po.

THE CHAIRPERSON (SEN. C. VILLAR). O baka meeting na hindi nag-a-approve, nag-approve sila.

MR. AMARO. Yes, ma'am.

THE CHAIRPERSON (SEN. C. VILLAR). Kaya natin tinatanong what happened during that meeting because in-approve nila iyong resort; it is not an ordinary meeting. If it is just an ordinary meeting, wala tayong pag-uusapan dito. It is the meeting that approved the resort.

MR. AMARO. That is right, ma'am. But let me siguro raise a very important issue. This is a realization in the implementation, which may have been the major cause for these problems coming out as a result of issuing clearances by way of the PAMB and the issuance of ECC. I think it is the understanding of our implementing arm—the DENR and iyong PAMB—on the zoning. I think we will really seek, and that is one of our recommendations, for a law to be provided in terms of zoning. Because

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our understanding is subject to private rights but within the bounds of the IPRA. And that is the reason why we have all the settlements under the multiple-use zone because I believe they are also provided with rights considering that they were there prior to the enactment—

SEN. BINAY. Actually, Asec, wala naman hong issue—I mean, for me—iyong mga settlements. Ang problema ho natin, itong mga resorts.

MR. AMARO. Yes. Ang dami po kasing nakalagay din sa law.

THE CHAIRPERSON (SEN. C. VILLAR). Alam mo, kung iyon lang settlement, and then nagtatanim at iyong mahihirap na tao, wala namang issue. Pinabayaan ninyo iyong mga resort. Hindi na ito ordinary na iyong mga nandoon ay—

MR. AMARO. Madam Chair, kasi ang premise po, naroon sila sa multiple-use zone na ang—

THE CHAIRPERSON (SEN. C. VILLAR). Wala sila roon dati. Binigyan ninyo lang ng right pumunta roon; wala roon. Ang mga years nila, 2020, 2021, 2022. Hindi naman iyan noong panahon ni Kulas.

MR. AMARO. Yes.

THE CHAIRPERSON (SEN. C. VILLAR). Siguro noong panahon ni Kulas, wala namang napunta roon kaya wala. Ngayon, they saw an opportunity to earn, hindi ba? Kaya pinag-interest-an na nila iyon.

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MR. AMARO. Madam Chair, if I may, 1927 pa po alienable and disposable iyong area, tapos natitulahan na po.

THE CHAIRPERSON (SEN. C. VILLAR). Alam ko. Pero may nagtayo ba ng resort noong 1927?

MR. AMARO. Iyon pong resort is a result of exercising their rights.

SEN. BINAY. Madam Chair.

THE CHAIRPERSON (SEN. C. VILLAR). Malas sila kasi nailagay sila sa protected area.

SEN. BINAY. Madam Chair, mayroon ho ba roon sa hill na titled? Maraming hills ang titled.

MR. ADOBO. Yes, ma'am. If I may—?

SEN. BINAY. How many hills are titled to individuals?

MR. AMARO. Thirty percent of the alienable or disposable lands.

SEN. BINAY. Iyong hill mismo.

MR. AMARO. Yes, covering iyong between and over the hills.

SEN. BINAY. Privately owned?

MR. AMARO. Yes, titled.

SEN. BINAY. Siguro, can we request LRA, part ng submission nila.

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MR. SIRIOS. Yes, Your Honor. In fact, we submitted some of the information po to the secretariat.

SEN. BINAY. Do you have data na roon sa Captain's Peak kung iyong title niya nakasulat "agricultural"?

MR. SIRIOS. Your Honor, we have here right now the Registry of Deeds for Bohol Province. Maybe he can Inform the body. May he be recognized?

MR. VILLAROJO. Good afternoon po, Your Honor. For the Captain's Peak Garden and Resort, iyong ano po is dalawa siyang title—iyong isa is one hectare, iyong may swimming pool; at saka iyong isa na nasa tapat is two hectares siya, bale iyong garden nila.

SEN. BINAY. May portion ng hill? Flat lang?

MR. VILLAROJO. Parang maano po siya sa portion. May ano po kami sa PowerPoint sana para makita iyong—

THE CHAIRPERSON (SEN. C. VILLAR). Ipakita mo na.

SEN. BINAY. Ipakita mo na. Tapos agricultural siya o walang ganoon?

MR. VILLAROJO. Hindi kasi indicated sa title po. Bale, patent issued po siya galing DENR, tapos iyong sa amin is registration. Bale iyong makita lang iyong classification is tax declaration po ng LGU.

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THE CHAIRPERSON (SEN. C. VILLAR). [off-mike] Ano iyong patent? Pag patent, ano ang ibig sabihin?

MR. VILLAROJO. Iyong administrative titling ng DENR po. Katibayan ng orihinal na titulo iyong—

THE CHAIRPERSON (SEN. C. VILLAR). [off-mike] Hindi. Alam ko iyang patent, may extra ano iyan, iyong patent. Pag patent ang title mo, may restriction iyan. Anong restriction ng patent?

MR. VILLAROJO. Iyong five years po na restriction.

THE CHAIRPERSON (SEN. C. VILLAR). Anong restriction ng patent?

MR. VILLAROJO. Hindi ma-transfer within five years bale.

THE CHAIRPERSON (SEN. C. VILLAR). Bakit hindi mata-transfer within five years?

SEN. BINAY. From DENR, deretso siya roon sa original owner ngayon or—?

MR. VILLAROJO. Yes. From DENR, mag-transmit po sila sa office ng dalawang title form—iyong vault copy at saka iyong owner's copy.

SEN. BINAY. And for this property, hindi iyan naano na may previous owner—

MR. VILLAROJO. Transferred na po siya.

SEN. BINAY. May previous owner?

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MR. VILLAROJO. Yes po, oo.

SEN. BINAY. So, secondary owner na iyong may-ari.

MR. VILLAROJO. Secondary na po siya, iyong ngayon.

THE CHAIRPERSON (SEN. C. VILLAR). Na itrinansfer (transfer)
sa kaniya within that restriction ng patent?

MR. VILLAROJO. Iyong pag-issue ng patent po is 1996, tapos
nabili niya, na-transfer po, 2007.

THE CHAIRPERSON (SEN. C. VILLAR). So, within ano ...
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THE CHAIRPERSON (SEN. C. VILLAR). ... So, within ano—
sinunod niya iyong restriction.

MR. VILLAROJO. Yes, more than ano na po.

THE CHAIRPERSON (SEN. C. VILLAR). Iyon ba lang ang
restriction ng patent?

MR. VILLAROJO. Iyon lang po iyong nakalagay. Basta may—

THE CHAIRPERSON (SEN. C. VILLAR). Hindi. Ikaw na taga-
LRA ka. Alam ko iyan, patent, may ibang klase iyan. Hindi madali iyan.
Ano iyong patent? Ikaw, nasa LRA ka, ano iyang patent? Bakit
sinasabing patent?

MR. VILLAROJO. Iyong patentee po is iyong parang nag-apply
siya ng—iyong imperfect title iyong sa lupa, bale siya iyong parang
ano—bale siya po iyong nag-apply sa DENR for titling. Then, tapos, si
DENR naman po iyong mag-issue ng title form at ita-transmit po sa
office for registration.

As to sa supporting documents po na ita-transmit ni DENR, bale
dalawang title form lang po at saka iyong transmittal letter, iyon lang
po iyong matatanggap namin. Tapos iyong sa registered owner, iyong
nakalagay, manghingi kami ng tax declaration niya at saka iyong tax
clearance po niya. Then iyon, I-register na po sa office. So, as to

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supporting documents for the processing of the application, wala po sa amin, wala po kaming copy, basta original certificate of title.

SEN. BINAY. And walang nakasulat na agricultural?

MR. VILLAROJO. Wala po.

SEN. BINAY. Wala.

MR. VILLAROJO. Oo.

SEN. BINAY. Okay. Thank you.

MR. VILLAROJO. Iyong form lang po, Madam Senator.

SEN. BINAY. Thank you.

[informal discussion]

SEN. BINAY. Wala na naman si Secretary. Siguro, Usec, baka there is a need to review kung ano ba iyong nangyayari during a PAMB hearing sa protected areas. Baka we are also not—hindi natin ini-equip iyong mga members during a hearing kung ano ba iyong mga implications sa mga ipapasa nila.

MR. FRAGADA. Yes, Madam, Your Honor. Actually, kasama po iyan doon sa tinitingnan namin. Number one is the procedure sa PAMB kung papaano nako-conduct iyong hearing, sino ba ang nagsasalita diyan, sino po ang nagmo-moderate talaga. Although, alam po natin, DENR is the secretariat, but like you mentioned—na-mention po kanina, there are committees that can be established to actually take a look at

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the conservation side. Lahat po, nandoon. So, we are taking a look at it now.

SEN. BINAY. And siguro maganda kung—mayroon ba kayong ano, regular training, seminar para sa mga members?

MR. FRAGADA. Yes, ma'am. Opo.

THE CHAIRPERSON (SEN. C. VILLAR). And with regard to the—furnish us the list of iyong land under all the protected areas in the Philippines: ilan iyong titled na A and D; ilan iyong sa government; ilan iyong ano. Ibibigay ninyo sa amin iyon para malaman namin. Let us say, sa Chocolate Hills, ilan iyong talagang sa government; ilan iyong na-title sa individual. Para hindi tayo magkaproblema nang ganiyan. Para masabi rin natin na although titled sa individual iyan under a protected area, they are not allowed to do whatever they want there.

MR. SIRIOS. Yes, Madam Chair.

THE CHAIRPERSON (SEN. C. VILLAR). It has to be according to the plan of the protected area, hindi ba?

MR. SIRIOS. Yes, Madam Chair.

THE CHAIRPERSON (SEN. C. VILLAR). You can give us.

MR. SIRIOS. We will collate all the data po.

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THE CHAIRPERSON (SEN. C. VILLAR). We have 114 protected areas, tapos lahat iyon mayroong hectarage, tapos may listahan na kung alin ang A and D, alin talaga iyang sa government, hindi ba?

MR. SIRIOS. Yes, ma'am.

THE CHAIRPERSON (SEN. C. VILLAR). Kasi ilan ba ang classification ng protected area, iyang government talaga?

MR. ADOBO. Strict protection, Madam Chair, at saka multiple-use zone. Dalawa na lang ngayon.

THE CHAIRPERSON (SEN. C. VILLAR). Hindi. Multiple-use zone, kahit na sa government-owned, puwedeng multiple-use zone?

MR. ADOBO. Ganito po. Lahat sila—most of the declared protected area, ano naman—

THE CHAIRPERSON (SEN. C. VILLAR). Sa government iyon?

MR. ADOBO. Sa government. Mayroon lang mga ilan—

THE CHAIRPERSON (SEN. C. VILLAR). Iyong buffer zone, kanino iyon?

MR. ADOBO. Actually, the board can designate a buffer zone. May iba ring guidelines, they can adopt it.

THE CHAIRPERSON (SEN. C. VILLAR). Kung hindi ari iyon ng government, kanino iyon? Kukunin mo iyon doon sa—iyong may-ari? O ari ng government ang buffer zone?

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MR. ADOBO. Kaya nga po the question then was, is a buffer zone part of the protected area? We say “no” kasi delineated po ang metes and bounds of the buffer zone.

THE CHAIRPERSON (SEN. C. VILLAR). Hindi. Katulad namin, ang buffer zone namin ay Manila Bay.

MR. ADOBO. In this case po, Madam Chair, nasa dagat po kasi kaya gobyerno siya.

THE CHAIRPERSON (SEN. C. VILLAR). Oo, gobyerno, hindi ba?

MR. ADOBO. Opo, opo.

THE CHAIRPERSON (SEN. C. VILLAR). So, we can ano that.

MR. ADOBO. There is one very—

THE CHAIRPERSON (SEN. C. VILLAR). That can be part of the protected area.

MR. ADOBO. Yes po. There is one—

THE CHAIRPERSON (SEN. C. VILLAR). Ang buffer zone lang na hindi part of the protected area is the one not owned by the government, hindi ba?

MR. ADOBO. Oho.

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SEN. BINAY. Siguro, Madam Chair, maybe in the future, pag-aralan na rin natin iyong option to expropriate. Kasi, in a way, kawawa—Kasi kawawa naman din ho iyong may-ari noong ano.

MR. ADOBO. We have that in our proposal. But before that, if I may? One important element in the protection of the protected area, there is a mandate to adopt a protected area management plan a year after it is—so, ito iyong bibliya po. Lahat ng activities in the protected area are governed by the plan.

SEN. BINAY. [off-mike] Pero, hindi ba, kailangan may ganoon iyon?

THE CHAIRPERSON (SEN. C. VILLAR). Wala nga.

SEN. BINAY. Hindi. Pero kailangan may ganoon—supposed to be ho, may ganoon na.

MR. ADOBO. Opo, opo. Dapat.

SEN. BINAY. Mayroon ba?

THE CHAIRPERSON (SEN. C. VILLAR). Bakit hindi nila alam?

SEN. BINAY. Supposed to be, kailangan mayroon nga noon. Mayroon ba?

THE CHAIRPERSON (SEN. C. VILLAR). Bakit hindi nila alam? Bakit ang idea nila ng A and D, they can do whatever they want? Hindi. Based on what is—

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SEN. BINAY. Madam Chair, siguro out of the protected areas, ilan lahat iyong may ganoong plan?

THE CHAIRPERSON (SEN. C. VILLAR). Lahat? Bakit hindi nila alam?

SEN. BINAY. Mayroon lahat? Can you submit to the Committee iyong plan?

MR. ADOBO. Iyong plan?

THE CHAIRPERSON (SEN. C. VILLAR). Management plan. Ibig sabihin, pag magde-decide ka whether to build or not, mayroon ka bang basis, hindi ba?

MR. FRAGADA. Yes, Madam Chair.

MR. ADOBO. We will, Madam Chair.

MR. FRAGADA. We will submit to you.

THE CHAIRPERSON (SEN. C. VILLAR). Bakit hindi nila alam? Sabi nila, basta A and D, they can do whatever they want, hindi ba?

MS. FERNANDEZ. Alam naman, ma'am, kasi—

THE CHAIRPERSON (SEN. C. VILLAR). Bakit sinabi mo sa akin?

MS. FERNANDEZ. Hindi ko lang siguro na-mention, ma'am. Sorry po.

THE CHAIRPERSON (SEN. C. VILLAR). Ano?

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MS. FERNANDEZ. Na aside from—kaya nga, being sa management plan is nakalagay iyon na within multiple-use zone.

SEN. BINAY. Hindi ba, siguro, Madam Chair—

THE CHAIRPERSON (SEN. C. VILLAR). Hindi naman komo multi-purpose zone, you can do whatever you want with it. Ano lang iyon, puwede mong for consideration, pero it should be based on the protected area management plan. Mukhang ito, hindi ito based, kasi bakit nagulat ang tao na nandoon iyan?

SEN. BINAY. Siguro, Madam Chair, like, for example, sa America ho, hindi ba, iyong Yosemite Park, so may area ho doon na dinesignate (designate) siya as parking area, camping grounds, may hotel din within the park. Mayroon ho ba tayong ganoon na type of planning within the protected area?

MR. FRAGADA. Madam Chair—

THE CHAIRPERSON (SEN. C. VILLAR). [off-mike] Sa Yosemite, may hotel?

SEN. BINAY. Mayroon, ma'am. Pero iyong—

THE CHAIRPERSON (SEN. C. VILLAR). Baka sa katabi lang iyon.

SEN. BINAY. Hindi, sa loob. Pero, Madam Chair, iyong hotel niya—

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THE CHAIRPERSON (SEN. C. VILLAR). Sino ang magmamane ng hotel?

SEN. BINAY. Kasi sa America, parang there is a park, hindi ba, Yosemite National Park, na sila iyong nagbabantay in—

THE CHAIRPERSON (SEN. C. VILLAR). Hindi. Okay lang iyon kung ang nagtayo noon, gobyerno. Pero private, patatayuin nila sa Yosemite?

SEN. BINAY. Hindi ko ho alam kung private or ano. But the structure itself, it blends with the environment. So, dapat kung multi-use siya, dapat it is still part—iyong bagay doon sa ano. Kasi iyong Captain's Peak, talagang sobra siyang ano—ang sakit sa mata, hindi ba? Kung gagamitin nila, kahit puwede siyang multiple-use, dapat iyong requirements niya, it will enhance the protected area ... /pgpc/imjv/agc

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SEN. BINAY. ... enhance the protected area.

MR. FRAGADA. Yes, Madam Chair. Actually po, iyong isang tinitingnan namin, hindi ba, nabanggit ninyo po kung mayroon tayong ganoon katulad ng Yosemite. Dito po sa atin, it is only the strict protection zone and the multiple use zone. Pero we are trying to look at that possibility that within the multiple use zone, na alam po nating may mga A and D, makagagawa rin po tayo na within that zone kung ano ba talaga ang pinapayagan, kung A&D, kung ano pong puwedeng i-allow for tourism. Iyon po iyong isang tinitingnan din namin ngayon, Your Honor.

MR. LEONES. Madam Senator, if I may?

Ma'am, gusto ko lang i-ano iyong sinabi ni Senator Nancy, tama po iyon. Gusto ko lang susugan po iyong sinabi ni Usec Adobo na all protected areas must have protected area management plan, and this will serve as a bible for all the development in the area. Kaya nga po nakalagay doon sa batas, very clear po sa batas na, "if there are private rights, this should be harmonized as far as practicable with the provision of this law." So, tama po iyon na dapat hindi talaga absolute na iyong private right ma-exercise, dapat may limitations. And I think this operates—

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SEN. BINAY. And ano ho ang naging compliance ng DENR doon sa limitation na iyon?

MR. LEONES. Siguro iyon po iyong sinasabi ni Usec Mark kanina na kailangan talaga ng another, perhaps, orientation sa mga PAMB natin on how they can interpret iyong provision ng law. Kasi medyo doon po nagkakaroon ng problema sa interpretations. Like, for example, in the case of Bohol, although they submitted to us the PAMP, pero records will bear us out that ibinalik po natin doon with some recommendations. Na, as of now, iyong PAMP nasa region, and then they are revising it. So, ito po iyong tinitingnan natin na dapat talaga maayos iyong PAMP and that will serve as the guidance for all the PAMB whenever they approve projects that such projects should be consistent with the real objective and intention of the Protected Area Law natin.

Thank you, ma'am.

THE CHAIRPERSON (SEN. C. VILLAR). Okay. So, what do you think? We will have another meeting? We will have another meeting with more information.

SEN. BINAY. [off-mike] Hindi na, okay na, unless gustong pagsalitain si governor.

THE CHAIRPERSON (SEN. C. VILLAR). Hindi. Sinong governor?

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SEN. BINAY. [off-mike] Ng Bohol po.

THE CHAIRPERSON (SEN. C. VILLAR). Yes. We want to recognize the governor of Bohol for his opinion on this matter.

MR. AUMENTADO. Thank you, Madam Chair.

Honorable members of this Committee, ladies and gentlemen, I never expected a hot issue involving Chocolate Hills Natural Monument would erupt under my watch. I am a young governor, and I find wisdom in the old saying, "Take good care of the land, and the land will take good care of you."

Much has been said and will still be spoken about the legal issue on the construction and operation of Captain's Peak Resort and other similar resorts and commercial establishments in the Chocolate Hills. Nonetheless, I want to start by presenting my view as the father of the province. This is not just an environmental issue, but also a social issue.

We are thankful that Bohol is blessed with so much natural beauty and unique geological features. The Chocolate Hills are just one of these which make our province famous and favorite tourist destination. They are declared as natural monument, a protected area, and swayed UNESCO to designate Bohol as global geopark, the first and only in the Philippines.

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As public servants at the helm of the provincial government, we take our responsibility seriously to preserve the natural wonder of our province so that the next generation can enjoy them as well. We appreciate that in Bohol, we have active advocates for the environment, concerned citizens, civil society organizations, who keep the government in check and help and help shape public policy. Of course, we want to maintain Bohol's designation as a global geopark. While tourists have been coming to our province even before the designation, being a geopark gives Bohol an added advantage in the world tourism industry.

What good is having a beautiful and naturally preserved province, but our ordinary people are deprived of the chance to benefit from the tourism boom? What good is a global geopark designation if our people could not have a fair chance to get out of poverty?

Twenty-five years ago, Bohol was among the top 20 poorest provinces in the country. Bohol was also a hotbed of communist insurgents blaming government neglect as the cause of their poverty. Our leaders then made poverty reduction a primary objective through agriculture and tourism as economic drivers. Several years later, Bohol is out of the poorest provinces list and was declared insurgent-free by the Armed Forces of the Philippines in 2010. This status is being challenged recently as insurgents tried to regain a foothold in our

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province. We are successful in staving them off so far. We don't want to create a social condition that would reignite the support for the few remaining insurgents.

As leaders, we aim for inclusive growth. We don't want that only the big and rich hotels, resorts, restaurants, food chains, will benefit from the Bohol's tourism industry. We want the barangay folks, the carinderia owners, kakanin peddlers, and other small and medium entrepreneurs to also ride on the train of the development. The municipalities that fall within the Chocolate Hills Natural Monument: Batuan, Sagbayan, Carmen, and the nearby towns, need investors and are happy to see local residents taking the initiative.

Naturally, we don't want uncontrolled and unregulated development either. We don't want to kill the goose that lays the golden egg. Much as we want to see the lives of Boholanos improve, we don't want it to be the cost of destroying our environment or to uglify lovely sceneries in our province.

On March 20, 2024, we received a copy of PAMB resolution which are, however, not yet concurred by the DENR regional executive director. We also examined the previous resolution Issued by PAMB which led to the operation of Captain's Peak and it is our impression that they are not in conformity with the existing laws, including Presidential

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Proclamation No. 333. Hence, I wrote the RED on March 26, 2024, requesting him to convene the Chocolate Hills Natural Monument Protected Area Management Board to revoke PAMB Resolution No. 5, Series 2012; PAMB Resolution No. 1, Series 2018; and PAMB Resolution No. 21, Series 2022. This will prevent the introduction of similar developments in the protected area that will violate the law.

Subject to the outcome of the inquiry of the House of Representatives and possibly of the Senate, I also urge the PAMB to approve a new set of regulations for development in strict conformity with existing laws and regulations as soon as clear guidelines are laid down. Further, PAMB Resolution No. 2, Series 2024, which reduces the buffer zone to five meters from the base of the hill appear to be inconsistent with the established 20-meter drawback. I suggested that this measure be subject to further study.

Since this Issue captured the national limelight, we have been saying there is a need to clarify and review our policy about our protected areas ... *//jacs/peg/agc*

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MR. AUMENTADO. ... about our protected areas, heritage sites, and other places with important cultural significance. In the light of early pronouncement of high government officials, comments and opinion in social media, we asked—from the standpoint of local officials—should we allow development in these areas or totally prohibit any human activity at all? If it is absolute prohibition, then there should be just compensation to private owners who could no longer benefit from their land. Long before these areas are declared as protected sites, there are communities and farm lands already. These are places where they were born. These are their homes going back several generations.

If development is allowed, then the guidelines should have no room for ambiguity. The responsibilities of the PAMB members, LGU officials, and others involved in the process should be clear. If we are to be a world-class tourist destination, we should have sufficient facilities to cater to the tourists' needs.

The members of the PAMB should be capacitated and given orientation on the crucial role they play. The PAMB needs technical assistance. The coordination between national government agencies concerned and the local government units should be strengthened because we have seen an instance where a mayor's permit was issued despite the absence of an ECC, and a case where no mayor's permit is

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issued even there is an ECC. Either way, the resort owners and the workers are at the losing end. This could discourage the inflow of investments that the local governments badly need.

Safety nets should be put in place to safeguard both the environment and the investors and workers in these establishments which may be adversely affected when stringent regulations are enforced.

We are proposing the creation of a Review and Development Committee (REDCOM), composed of environment consultants, landscape architects, and expert on aesthetics and design to assist the PAMB before giving any development clearance. This committee could be an independent body or part of the structure of the PAMB.

Just before we had a break for the Holy Week, the officers of the League of Municipalities in Bohol expressed to me their stand on this issue. They asked me to convey before this honorable committee that certain areas in their municipalities should be excluded or taken out from the protected zones in order for their local government to harness the full potential of their towns.

Conclusion: I humbly submit this is not just a simple case of protecting the environment. This is not merely a legal battle over environmental conservation or a quest to pinpoint accountability. This

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Is a reflection of the social ramifications that ripple through our communities when the sanctity of natural heritage is at stake. This controversy highlights the interconnectedness of our actions and their impact on society at large.

The closure of the resort, while a victory for environmentalists, also casts a shadow on the livelihood of those employed there and the economic aspirations of the local community. It is a brutal reminder that every environmental decision is also a social one, affecting real people with real needs. The challenge, therefore, is not just to protect our environment but to do so while nurturing the social fabric of our communities.

Thank you very much, Mr. Chair.

[applause]

THE CHAIRPERSON (SEN. C. VILLAR). Thank you, Governor.

I think I have expressed that the view of the politician is very different from the view of the environmentalists. Talagang ganyan, there is a conflict. And we should be able to manage that conflict.

So, if you declare your area—remember, the declaration of a protected area was done by your congressman. I did not pass any that was not passed in the House of Representatives. So, I thought that when you decided to declare it as a protected area, you know the

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Implication. And I admire those congressmen, those who ano—maybe
It is your father. I do not know. But that is the conflict. That is why if
you want to declare it as a protected area, you have to accept the fact
that there is a requirement. You were the one who filed. You know, I
never approved any protected area that did not pass in the House of
Representatives. So, I thought that when you passed it, the people
understood that there is a limitation to that. When you are declared a
protected area, there is environmental consideration already that
comes with the protection of the protected area.

Remember, I did not pass any protected area that was not passed
in the House of Representatives. That should have been considered
before you pass the Chocolate Hills, hindi ba? You can never say to me
that it should be ano—I know, because I know that also. That is why I
was telling them that the best protected area that we can ever pass is
iyong sa Batangas, Verde Island Passage, because it has 250 kinds of
coral reef, and there are only 256 in the world. So, it has 250 of the
256 remaining in the world. But no congressman is filing and doing that.
So, we are not able to declare it as a protected area.

So, depende sa Inyo. Kung gusto ninyong i-preserve iyong
environment, then you pass it. So, I just passed it after you. How come
now you are saying that it is not considering the lives of people, hindi

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ba? When we passed that, we considered that already. So, we have to strike a balance between taking care of the environment and taking care of the people.

As I was saying, if you will just—it will remain an agricultural land, there will be no problem because it goes with the protection of the environment. But when you are going to build structures and resorts, that is another story. So, you have to take care that it will not destroy your protected area.

I know. I know you are thinking. But I am warning you, we did not pass Chocolate Hills because it is our wish in the Senate; you passed it in the House of Representatives. So, I thought there were consultations before you passed it in the House of Representatives. So, that is my opinion on this. I have no qualms. If it is a protected area, we have to protect it. If there are sacrifices that we have to make, we have to make those sacrifices.

So, I think we have to do another hearing. The DENR should make a study of how better we can implement this without having all these problems. And maybe we will hear it again. Maybe the LRA will give us a list of those within the protected area, so we will know which is owned by the government and which is owned by the private people, and which is for development.

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SEN. BINAY. Madam Chair.

THE CHAIRPERSON (SEN. C. VILLAR). I just want to remind you that the Chocolate Hills, which is House Bill No. 4058, filed last Seventeenth Congress. I do not know who was the congressman during the Seventeenth Congress who filed this bill. So, it is your bill; it is not my bill. I just passed it in the Senate because I am so glad that there are congressmen who want to protect their areas from destruction.

So, you know, kapag nagpapasa kayo ng legislated protected area sa House ... /jlf/alcc/agc

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THE CHAIRPERSON (SEN. C. VILLAR). ... legislated protected area sa House, tuwang-tuwa ako kasi alam ko na may political consideration ito. So, para ka magkaroon ng guts to pass it, parang nag-consultation ka sa mga tao and nakita mo na iyong advantage and disadvantage, and you decided that you will be giving more importance to the preservation of the environment rather than many other things, which are considered by the politicians. So, iyon lang po.

SEN. BINAY. Madam Chair.

THE CHAIRPERSON (SEN. C. VILLAR). Yes.

SEN. BINAY. Siguro just to add, even ho iyong process noong UNESCO, it starts from the community. So, kung walang acceptance and support of the community, hindi rin ho siya madi-declare as a UNESCO Geopark. So, I guess noong we went through that process, dapat alam na rin na may implication iyong pagkakaroon ng declaration of UNESCO Geopark.

And just to add, iyong konsepto ng ecotourism, dapat iyong tourism slide noong ecotourism should not harm the environment. It should blend with the environment; it should enhance the environment. Ang nangyari ho kasi rito doon sa Captain's Peak, hindi niya na-enhance iyong environment; nasira niya iyong magandang destination na Chocolate Hills.

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So, iyon lang ho, we just need to find a balance. For example, hindi ba, sa Bali, iyong mga tinatayo nilang mga resort nila, blends with the environment, hindi ba? They follow the contour or halos hindi nagdi-disrupt doon sa mga puno iyong mga structures na tinatayo nila or as much as possible, prini-preserve nila iyong mga existing na trees doon sa area.

So, I guess, kailangan lang ho natin matuto iyong how tourism can blend with the environment. Iyon lang po, Madam Chair.

THE CHAIRPERSON (SEN. C. VILLAR). Thank you, Senator Binay.

So, with that, we are suspending the hearing of these legislated protected areas with the end in view of being able to conduct—

Yes.

MR. ENCILA. [off-mike] Madam Chair, Your Honor, we were invited. I am from the Philippine Institute of Environmental Planners.

THE CHAIRPERSON (SEN. C. VILLAR). Okay. Do you want to say something?

MR. ENCILA. [off-mike] I am not based in Metro Manila, so I would like to ... [inaudible]

THE CHAIRPERSON (SEN. C. VILLAR). Okay. So, you sit down, and we recognize you. Okay, we recognize you.

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Please introduce yourself to us.

MR. ENCILA. Yes. Good afternoon, Madam Chair, the Honorable Senator Cynthia Villar and members of the Committee; and Honorable Senators Dela Rosa and Binay.

I am Adolfo Encila Jr. I am a licensed environmental planner. I want to correct the title, I am not an engineer. And I am the national president of the Philippine Institute of Environmental Planners. And I am not based in Metro Manila, so I respectfully request this time, Madam Chair. And I would like to just read our position paper regarding the issue and in response to the proposed resolutions, in aid of legislation, of the honorable senators.

"The Philippine Institute of Environmental Planners, the professional organization of duly licensed environmental planners is grateful for the invitation of the Committee on Environment, Natural Resources and Climate Change, through its Chairperson, the Honorable Cynthia Villar, for giving us the opportunity to participate and share our insights on the subject matter that is to be deliberated today.

"Our position on the proposed resolutions, in aid of legislations, in relation to the construction and establishment of the tourism-related physical development in Chocolate Hills and on the reported exploitation of protected areas are hereto stated:

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"Number one, the PIEP is for the preservation of the natural landscape and land use of all lands declared as protected areas, protected landscapes, national geological monuments, and other declared watershed areas. Natural landscape has its God-given natural purpose of preserving what is to support life and to be enjoyed by the people and of the future generation, either by its natural beauty that provides comfort by appreciation or the natural purpose of supporting the light to the natural mechanism of ensuring the supply of fresh water, food supply, and sometimes support as barriers or protection for destructive winds and in preventing floods.

*As for the Chocolate Hills, Proclamation 1037 intends to protect and maintain its natural beauty and to provide a restraining mechanism for inappropriate exploitation, but subject to private rights. Although private land ownership is absolute and protected, it is also subject to the police power of the state. Hence, could impose limitations on its uses. The interest of the state to protect the natural landscape is primordial in order that it will be enjoyed by the future generations.

"Second, the need for synchronization and the strengthening of implementation of laws at the local level. In order to preserve and protect these declared protected landscapes or areas, including those areas that are vital as natural resources, specifically the areas that

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produce and supply fresh water, among others, we are looking at the need for synchronization and the strengthening of our laws in making it effective and efficiently implemented, especially at the local level.

"If we would take a look at the authority of the LGUs as mandated by RA 7160, Section 1 mandates that municipality or city, through an ordinance by the Sangguniang Bayan, has the authority to reclassify lands as agricultural lands and provide for the manner of their utilization or disposition. Section 447 also of Republic Act 7160 gives powers to the Sangguniang Bayan, subject to natural law process and approved subdivision plans for residential, commercial, or industrial purposes and other development purposes. Executive Order No. 71 devolved the power of then HLURB to approve subdivision plans to cities and municipalities pursuant to RA 7060 otherwise known as the 'Local Government Code.'

"In the case of the Chocolate Hills, it was declared a natural monument to protect and maintain its natural beauty and to provide a restraining mechanism for inappropriate exploitation. In paragraph six, the proclaimed area shall be under the supervision, jurisdiction, and control of the DENR. There is a gray area on this matter because what are the limitations for the landowner who has also the absolute

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ownership and is protected by law? The LGU also has the authority to issue development and building permits.”

So how we could reconcile this one that the LGU is issuing development permits without looking at the other permits that is being issued by other agencies?

“Since the area is declared a natural monument, therefore, not agricultural land, hence not subject to land reclassification, as mandated by RA 7160, whose authority is given to the Sangguniang Bayan of the LGU. How then change of land use be dealt with, specifically for that case in the Chocolate Hills? It must be necessary that private lands in these areas need government approval for change of land use ...”

/jbc/rjo/agc

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MR. ENCILA. ... change of land use. Land reclassification is the tool for the private owner to install or to put up development in the area. But Proclamation 1037 is silent on this change of land use. So, change of land use is the tool and the key.

Also, utilizing the professionals that are accountable in order to support sustainable development.

Section 4 of RA 10587 states that harmonizing, managing and regulating the use and development of land and water resources is mandated and provided by the law to a licensed environmental planner.

Section 5 states that development of sites for a particular need or special purpose, development zones, housing and ecological zones, tourism and other state development projects shall be under the profession of an environmental planner. So, the case of the Chocolate Hills, a tourism development project, falls within the mandate of the profession, also, the preparation of studies for environmental assessments.

Section 5, "Ensuring compliance with environmental laws including acquisition of regulatory permits." So, if this—Also, the environmental compliance certificate is a product of environmental assessment which, by law, licensed environmental planner should be the one that should be preparing or should be the preparer.

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Now, if this Chocolate Hills project has been submitted for review to a licensed environmental planner, these environmental laws, which are supposed to be reviewed, should be adopted, should have been complied with, and all necessary permits have been secured. And for the professional, there is a civil liability.

So, our recommendations. We have just five recommendations, Madam Chair. First is define those projects that may be permitted on privately-owned lands that are covered or within the protected areas or landscapes.

Second, all privately-owned lands—who wish to pursue and/or introduce development, shall be required to secure a land use reclassification. Hence, LGUs shall be equipped with the mandate to reclassify those lands in the protected areas.

Third, the Philippine Institute of Environmental Planners is proposing to local government units for an adoption of local ordinance in lieu of—in the absence of the national law or in support to the national law. The title should be, "An Ordinance Authorizing the Local Chief Executive Through the Municipal Planning Coordinator to Require the Seal and Signature of Duly Licensed Environmental Planners on All Projects Related to Land and Water Resources to Ensure Compliance with Environmental Laws and All Necessary National Government

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Permits Before Development and Other Permits Are Issued by the Local Government Unit.”

Another one is, we are proposing a training for barangay officials and municipal legislators on the significance of environmental planning focusing on land and water resources that impact on land utilization for the development of sustainable communities and ecosystems. It is the barangay officials that issue resolutions interposing no objections to all projects that are implemented in the locality. So, it is very important that these local officials should have the know-how, should have at least the knowledge on land utilization. Then, we are recommending that it be passed at the local level.

Then, we recommend to utilize the professional expertise of the profession, because we have the professional already, the environmental planner, as a license mandated by law to look into these projects and assist the government, especially the local government units, in implementing projects that will maintain—that will minimize the impact to the environment and to the communities, but rather support the creation and development of sustainable communities and ecosystem.

Now, before I end, Madam Chair, I just want to quote this article published in the Comprehensive Geographic Information Systems by Kai Cao that, “Sustainable land use planning is critical for steering new development towards a sustainable society, given that numerous

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environmental and social issues have been brought on by rapid urbanization. A community that destroys its lands, forfeits its future.”

So, we, as environmental planners, are more on planning for the utilization of land to make sure that land is available for shelter; to make sure that land is available for production, for sustainability as far as food is concerned and also the supply of fresh water.

THE CHAIRPERSON (SEN. C. VILLAR). Thank you very much.

MR. ENCILA. Thank you, Madam Chair.

THE CHAIRPERSON (SEN. C. VILLAR). We are—a copy of your position paper and we will study it on how we can apply it in managing our legislated protected areas.

MR. ENCILA. Yes, Madam Chair. Thank you very much.

THE CHAIRPERSON (SEN. C. VILLAR). So, I guess, our Committee will have to do some consultation with the Department of Environment and Natural Resources, so they can furnish us the details of all the protected areas in the Philippines, and what is the buffer zone, what is the strict protected area, what is the—and iyon, special use? Oo, SAPA. So, we will know, and how big it is, if that is acceptable, and maybe what is happening there. So that when we do our next hearing, we are more adept on what we are talking about.

And we will consider the suggestions of many and, maybe, we will do it with the local government also so they can learn, especially the

**COMMITTEE ON ENVIRONMENT, NATURAL RESOURCES AND
CLIMATE CHANGE JOINT WITH THE COMMITTEE ON LOCAL
GOVERNMENT**

PGCabral

I-7

April 3, 2024

2:08 p.m.

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DENR, because I do not expect the local government to be very familiar with environmental protection. It is the DENR that should be in the forefront of environmental protection.

Thank you very much. Until our next hearing. Thank you very much.

[THE HEARING WAS SUSPENDED AT 2:16 P.M.]

/pgpc/jmb/agc

9) **MR. NILO B. TAMORIA** **-CONFIRMED**
Regional Executive Director for Region IV-A and
Chairperson of the Protected Area Management Board for Upper Marikina River
Basin Protected Landscape

10) **MR. PAQUITO D. MELICOR, JR.** **-CONFIRMED**
Regional Executive Director for Region VII and
Chairperson of the Protected Area Management Board for Chocolate Hills
Natural Monument

11) **ATTY. MA. MERCEDES V. DUMAGAN** **-CONFIRMED**
OIC, Regional Executive Director for Region XI and
Chairperson of the Protected Area Management Board for Mount Apo Natural
Park

12) **ATTY. FELIX S. ALICER** **-CONFIRMED**
Regional Executive Director for Region XII and
Member of the PAMB for Mt. Apo Natural Park

13) **MR. NONITO M. TAMAYO** **-CONFIRMED**
Regional Executive Director for Region XIII and
Chairperson of the Protected Area Management Board for Siargao Island
Protected Landscape and Seascape

• **DEPARTMENT OF THE INTERIOR AND LOCAL GOVERNMENT (DILG)**

14) **HON. BENJAMIN C. ABALOS, JR.**
Secretary

Represented by: **ATTY. JUAN VICTOR LLAMAS**
Undersecretary for External, Legal and Legislative Affairs

• **DEPARTMENT OF TOURISM (DOT)**

15) **HON. MA. ESPERANZA CHRISTINA FRASCO**
Secretary

Represented by: **USEC. SHAHLIMAR HOFER TAMANO** **Coordination**
Undersecretary for Tourism Regulation,
and Resource Generation
Concurrent Regional Director of Region VII

• **DEPARTMENT OF PUBLIC WORKS AND HIGHWAYS (DPWH)**

16) **HON. MANUEL M. BONOAN**

• **ASEAN CENTRE FOR BIODIVERSITY (ACB)**

40) **DR. THERESA MUNDITA S. LIM** -CONFIRMED
Executive Director

• **FOUNDATION FOR THE PHILIPPINE ENVIRONMENT (FPE)**

41) **DR. JEROME L. MONTEMAYOR, PH.D.**
Executive Director

• **UPPER MARIKINA WATERSHED COALITION**

42) **MS. ANNA REYES** -CONFIRMED
Acting Secretariat

• **KAPWA UPLIFTMENT FOUNDATION, INC.**

Located in Matina, Davao City

43) **MS. ALMA DELA PAZ** -CONFIRMED
Executive Director will attend via Zoom

• **PHILIPPINE ASSOCIATION OF LANDSCAPE ARCHITECTS (PALA)**

44) **ARCH. NORMAN JUNE V. BRITO** -CONFIRMED
President

• **PHILIPPINE INSTITUTE OF ENVIRONMENTAL PLANNERS (PIEP)**

45) **ENGR / ENP ADOLFO ENCILA JR.** -CONFIRMED
National President

E. PRIVATE ESTABLISHMENT/S

Upper Marikina River Basin Protected Landscape

• **MASUNGI GEORESERVE FOUNDATION, INC. (MGFI)**
Located in the Municipality of Tanay, Rizal

46) **MS. ANN DUMALIANG**
Co-Founder and Managing Trustee

Represented by: MS. BILLIE CRYSTAL DUMALIANG
Director for Advocacy

Chocolate Hills Natural Monument

• **CAPTAIN'S PEAK GARDEN AND RESORT**

Siargao Island Protected Landscape and Seascape

• **SOCORRO BAYANIHAN SERVICES, INC.**
Located in Socorro, Surigao Del Norte

54) MS. JOHANNE LASALA
OIC

Represented by: ROMERO H. AJOC
SBSI Authorized Representative

Together with:
ATTY. ARTURO M. DE CASTRO
Counsel for SBSI