

29 December 2022, Thursday



DENR

NEWS ALERTS

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STRATEGIC COMMUNICATION AND INITIATIVES SERVICE



72-29-22

TITLE: _____

PAGE _____

DATE _____

DENR launches GTI contest for Manila Bay rehab

THE Department of Environment and Natural Resources (DENR) is stepping up its collaboration with local government units (LGUs) and communities in maintaining clean and trash-free esteros and rivers in the National Capital Region (NCR) through the annual region-wide search for the most improved waterways.

Gawad Taga-Ilog (GTI) is part of the initiatives of the DENR in tapping LGUs and communities into the greater goal of rehabilitating Manila Bay.

Now on its third year, the Gawad Taga-Ilog (GTI): Search for the Most Improved Estero seeks to recognize the most improved esteros or waterways in Metro Manila and honor their respective barangays for the efforts.

The DENR said that all barangays in Metro Manila are automatically qualified to join the GTI which will run from November 2022 to February 2023.

Awarding of winners will be in March 2023, to coincide with World Water Day.

For the GTI contest, LGUs will nominate their chosen estero or waterway within their jurisdiction. Nominees will be judged according to the LGUs' management of their solid and liquid waste, informal settler families and illegal structures, habitat and resources, and sustainability and partnership, said DENR OIC Assistant Secretary for Field Operations - Luzon and Visayas Gilbert Gonzales.

Joel dela Torre



NBP excavation illegal

Bureau of Corrections officer-in-charge Gregorio Catapang Jr. revealed that the excavation work inside the New Bilibid Prison in Muntinlupa City was illegal, according to the report by the Department of Environment and Natural Resources.

This comes as the BuCor sought a study by the DENR following the discovery of a huge excavation at the time when the agency's chief Gerald Bantag was suspended for other allegations.

Catapang stressed that the BuCor will seek the guidance of the Department of Justice over the specific charges to be filed against Bantag in relation to the excavation.

To recall, Catapang – a former Armed Forces chief of staff – disclosed that they found a hole and tunnel near the director's office in NBP which was 200 meters wide and 30 meters deep.

The suspended BuCor chief, meantime, denied that the digging inside the NBP was meant to become a tunnel for escape and stressed that the excavation was meant for a deep swimming pool to train BuCor personnel in scuba diving.

Bantag claimed there was no tunnel there but there was an excavation for the construction of a scuba diving pool intended to train personnel for disaster preparedness.

ALVIN MURCIA



02-29-22

TITLE:

PAGE

DATE

Excavation work inside BNP illegal - DENR

By HECTOR LAWAS

SUSPENDED Bureau of Corrections (BuCor) chief Gerald Bantag has challenged his accusers to prove his "guilt" in charges linking him to the Percy Lapid slay and other cases such as plunder and hurting inmates.

Interviewed over GMA News' "Unang Balita," Bantag, who was preventively suspended for 90 days over the death of middleman Jun Villamor, pointed out that the charges being pressed against him are just nothing but "lies."

Bantag was accused of masterminding the murder of broadcaster

Percy Lapid last October 3 in Las Piñas City.

Also, two gang leaders claimed that Bantag, who was "extremely drunk" during that time, stabbed them in his office last February 1.

The next day, they were again summoned to Bantag's office, and a certain "Zulueta" gave them P50,000 each to remain "silent."

For his part, BuCor Officer-in-Charge (OIC) Gregorio Catapang Jr. said that the bureau is now readying plunder charges against Bantag over unfinished prison projects worth P300 million and the controversial

Bilibid diggings where an unauthorized joint venture agreement (JVA) was entered into with a private firm.

This developed, the Department of Environment and Natural Resources (DENR) has concluded that the excavation work inside the New Bilibid Prison (NBP) in Muntinlupa City during the time of Bantag was illegal.

This was revealed by Catapang during an interview with Teleradyo's "Kabayan" program.

According to Catapang, BuCor will now seek the guidance of the Department of Justice

(DOJ) over the specific charges to be filed against Bantag concerning the excavation.

Catapang, a former Armed Forces chief of staff, recently disclosed that they found a hole and tunnel near the director's office in NBP.

According to Catapang, the hole was 200 meters wide and 30 meters deep.

Bantag firmly denied that the digging inside the NBP was meant to become a "tunnel for escape."

He disclosed that the excavation was to build a deep swimming pool to train BuCor personnel in scuba diving.



PAGE



UPPER

LOWER



PAGE 1
STORY



BANNER
STORY



EDITORIAL



CARTOON

72-29-22

TITLE: _____

PAGE _____

DATE _____

Bantag dares accusers to show proof

By Hector Lawas

SUSPENDED Bureau of Corrections (BuCor) chief Gerald Bantag dared his accusers to prove his guilt linking him to the Percy Lapid slay, and other cases such as plunder and hurting inmates.

Interviewed by GMA News' Unang Balita, Bantag, who was preventively suspended for 90 days over the death of middleman Jun Villamor, stressed that the charges being pressed against him were pure lies.

"Patunayan nila. Mga gawa-gawa at imbento lang mga akusasyon nila laban sa akin," Bantag said.

Bantag was accused of masterminding the murder of broadcaster Percy Lapid last October 3 in Las Piñas City.

Also, two gang leaders claimed that Bantag, who was extremely drunk during that time, stabbed them in his office last February 1.

The next day, they were again summoned to Bantag's office and a certain "Zulueta" gave them P50,000 each to remain silent.

For his part, BuCor officer-in-charge Gregorio Catapang Jr. said that the bureau is now preparing plunder charges against Bantag over unfinished prison projects worth P300 million and the controversial Bilibid diggings where an unauthorized joint venture agreement (JVA) was entered into with a private firm.

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TITLE:

PAGE

DATE

purpose for felled trees seen

The construction site where the trees were taken is part of the protected Samar Island Natural Park, which is under the direct control of the DENR

BORONGAN CITY — The Department of Public Works and Highways in Eastern Samar has recently turned over to the Department of Environment and Natural Resources Regional Office a total of 877 cut trees that fell due to an ongoing construction project.

The Eastern Samar District Engineering Office disclosed that the cut trees — amounting to 222.43 cubic meters taken from the construction of slope protection along Wright-Taft Road in the municipality of Taft — were composed of naturally growing trees such as *Bagonito*, *Narra*, *Kulipapa*, *Hagakhak*, *Patsaragon*, *Tiga* and *Mamitin*.

District Engineer Margarita Junia said the partial turnover of the cut logs relieves the office with the safekeeping task and will benefit the local government units who are the intended beneficiaries of the good lumber.

The construction site where the trees were taken is part of the protected Samar Island Natural Park, which is under the direct control of the DENR.

The turnover was held at the SINP's Eagle Sanctuary Station in San Rafael, Taft, Eastern Samar near the stockyard where the felled trees are located.

Based on the application of the tree cutting permit, the DPWH ESDEO has a total of 3,151 affected trees to be cut with a total volume of 1,154.558 cubic meter.

However, DENR Forester Flordeliza de la Cruz said that they are only expecting at least 60 percent of the total volume considering the defective trees and the wastage of cut because of swerving. **ELMER RECUERDO**



MWC, partners unveil facility for IP community

MANILA Water Foundation, together with its institutional partners, Manila Water Co. (MWC), Metropolitan Waterworks and Sewerage System (MWSS), and One Meralco Foundation (OMF), recently inaugurated a water treatment facility with a chlorinator and sand filter for a Dumagat community.

The facility will produce clean potable water to be stored in the five- water-tank reservoir over a 3-kilometer water line, and 17 watering points in Sitio Sapang Munti in Norzagaray, Bulacan.

Agreements were formalized among the water concessionaires, MWSS, and the Department of Environment and Natural Resources (DENR) to collaborate and complement resources for the Ipo Watershed Management Plan, which safeguards its responsible protection, development, management and conservation.

Manila Water Foundation said it responds to the call for environmental sustainability within the watershed through the development of a program on WASH or water access, sanitation and hygiene, designed to address the needs of the indigenous peoples in Sitio Sapang Munti.

A series of technical and social assessments were conducted, with the cooperation of the MWSS Watershed Division and the community members, enabling the development of a water access project under the Integrated WASH program of Manila

Water Foundation.

During the water treatment facility handover, Manila Water Foundation Executive Director Reginald Andal pointed out the importance of having a clean source of water to the community and how it can help protect individuals from having illnesses and diseases.

"Isa po sa pinakamahalagang elemento ng ating pamumuhay ay ang ating tubig. Sisiguraduhin nating lagi po tayong may tubig para maligtas sa kahit anong sakit," he said.

The water system project will be operated and managed by the community of Sitio Sapang Munti, to ensure a more sustainable, safe, and reliable water source for at least 100 families.

Sitio Sapang Munti resident Mari-tess Cruz shared the challenges of living in a waterless community. *"Hindi po kami marunong maghugas ng kamay nang tama. Basta ganun-ganun lang. Hindi rin po namin alam na 'yung kinukuhanan namin ng tubig noon ay marumi pala. Sa tagal po ng panahon, pakiramdam kong ayon lang kami nagising,"* she said.

Manila Water said the water access project demonstrates synergy across business groups. Along with Manila Water Foundation's Integrated WASH program, One Meralco Foundation will provide solar panels that will energize the water treatment facility. Hence, the water system and the solar electricity can enable the proper WASH practices in schools as their existing handwashing facility and toilet are now directly connected to the water line.



TITLE: _____

PAGE _____

DATE _____

Manila Water and partners supply treated water for Dumagat community

MANILA Water Co., Inc. has opened a water treatment facility in Norzagaray, Bulacan for an indigenous community in the area, the water concessionaire announced on Wednesday.

The facility will produce clean potable water which will be stored in the five water-tank reservoirs over a 3-kilometer water line, and 17 watering points in Norzagaray town.

Manila Water, which serves Metro Manila's east zone, said the water treatment facility includes a chlorinator and sand filter to provide water supply for the Dumagat indigenous peoples' community.

The project is a collaboration between Manila Water Foundation, Metropolitan Waterworks and Sewerage System, and One Meralco Foundation.

Its launch came after agreements were finalized among the parties and the Department of Environment and Natural Resources to collaborate and complement resources for a management plan that will safeguard the Ipo dam watershed as well as its development, protection and conservation.

The water concessionaire serves Metro Manila's east zone network, which comprises Marikina, Pasig, Makati, Taguig, Pateros, Mandaluyong, San Juan, portions of Quezon City and Manila, and several towns of nearby Rizal province.

Earlier this month, the listed water company said it is ramping up its water sampling measures to ensure water potability in the area it serves.

Meanwhile, the company also announced that its unit, Manila Water Philippine Ventures, Inc. (MWPVI) secured a P3 billion 10-year term loan facility with Security Bank Corp.

Loan proceeds will be used for MWPVI's capital expenditure budget, and its existing projects or equity investments.

At the stock exchange on Wednesday, shares in Manila Water closed 2.63% lower to end at P18.50 apiece. — **Ashley Erika O. Jose**



DoJ: No more limit on foreigners utilizing renewable energy resources

PURSUANT to the request of the Department of Energy (DoE), the Department of Justice (DoJ) issued a legal opinion that revisited foreign investment limits in the exploration, development and utilization (EDU) of solar, wind, hydro and ocean/tidal energy resources in relation to Section 2, Article 12 of the 1987 Constitution, which states that the EDU of natural resources, including all forces of potential energy, is limited to Filipino citizens or entities whose capital is at least 60-percent owned by Filipino citizens. Put differently, the foreign equity participation for the EDU of natural resources is limited to 40 percent.

On Sept. 29, 2022, the DoJ, through DoJ Opinion 21, Series of 2022, accepted the DoE's contemporary views on the matter and adopted an innovative and pioneering interpretation of the term "natural resources" in relation to the term "all forces of potential energy" under the Constitution. The DoJ opined that the EDU of kinetic energy (energy from water, marine current, wind, solar or the ocean) should not be subjected to the 40-percent foreign equity limitation under Section 2, Article 12 of the Constitution because such energy resources are beyond the



MORE TO FOLLOW

RAMON VAUGHNE F. DY 3RD

ambit of the term "natural resources" as used in the said section and that the term "all forces of potential energy" should be understood in its technical sense, which necessarily excludes kinetic energy.

The enumeration accompanying the term "natural resources" in Section 2, Article 12 (i.e., lands of the public domain, waters, minerals, coal, petroleum and other mineral oils, all forces of potential energy, fisheries, forests or timber, wildlife, flora and fauna) are all susceptible of appropriation. Thus, the term "natural resources" could not include the sun, the wind or the ocean as they are not subject to appropriation.

Since these energy sources (the sun, the wind and the ocean) are not subject to appropriation as understood under the constitutional provision, they could be used, exploited or harnessed by anyone. While the sun itself cannot be owned by the Philippines, the sunlight that

reaches the Philippines can be considered as an energy source for the Philippines.

The overriding notion by the Constitutional Commission for the 1987 Constitution for the limitation of foreign participation in the EDU of natural resources stemmed from the fear of depletion of the country's exhaustible resources by foreigners. This finds no application to renewable energy sources such as the sun, the wind and the ocean because by their very nature, such energy sources are incapable, under normal circumstances, of exhaustion. Solar energy, for as long as there is the sun shining above the sky, will not run out. The same can be said of the wind and the tides; for as long as the winds continue to circulate around the globe and the waters continue to ebb and flow, energy harnessed from these resources may be considered inexhaustible.

Another point that supports the view that renewable energy sources are not covered by the constitutional provision is that at the time of crafting the 1987 Constitution, such energy sources are not yet developed, used or exploited. The change of circumstances with the advent of new technology and processes magnifies the inapplicability of the limitations under the Constitution with respect to such energy sources.

In line with this DoJ Opinion, the



PAGE

UPPER
 LOWER

PAGE 1
STORY

BANNER
STORY

EDITORIAL

CARTOON

TITLE:

DoJ:

PAGE

2/8

02-29-22

DATE

DoE, through Department Circular DC2022-11-0034, removed Section 19(A) of the Rules and Regulations Implementing Republic Act 9513, otherwise known as the "Renewable Energy Act of 2008" (RE Act IRR), indicating that potential energy sources include kinetic energy sources from water, marine current and wind, solar, ocean, geothermal and biomass, and the amendment of Section 19(B) of the RE Act IRR by expressly indicating that the state may enter into renewable energy service or operating contracts with Filipino and/or foreign citizens or Filipino and/or foreign-owned corporations or associations.

The DoJ, however, qualified its opinion by stating that the Water Code and jurisprudence limiting to Filipino citizens or juridical persons the appropriation of waters, direct from the source, for power generation shall continue to prevail, unless repealed or reversed.

Similar to the developments introduced by Republic Act 11659, or the "Public Service Act," as amended, which resulted in the removal of foreign equity restrictions on most public service entities not classified as public utilities in accordance with Article XII, Section 11 of the 1987 Constitution, this innovative and progressive interpretation by the DoJ that renewable energy sources is not subject to the 40-percent

foreign equity participation limit for its exploration, development and utilization will be a significant step toward the influx of foreign direct investments in the Philippine economy for many years to come. To avoid any doubt, it would be more fitting, of course, if new legislation was set in motion by Congress to solidify the interpretation of the DoJ toward the progressive growth of the renewable energy sector in the Philippines.

Removing the nationality requirement imposed on foreign-owned businesses engaged in the EDU of kinetic energy allows the entry of much-needed foreign capital into the country's renewable energy industry. With these foreign direct investments, it is hoped that our country shall soon achieve the goal of making cleaner energy more accessible to the greater public.

Ramon Vaughn F. Dy 3rd is a graduate of the Ateneo de Manila University School of Law and an Associate of Mata-Perez, Tamayo & Francisco (MTF Counsel). This article is for general information only and is not a substitute for professional advice where the facts and circumstances warrant. If you have any question or comment regarding this article, you may email the author at info@mtfcounsel.com or visit MTF website at www.mtfcounsel.com



TITLE:

PAGE

DATE



Department of Environment and Natural Resources
Community Environment and Natural Resources Office

NOTICE OF BIDDING

Notice is hereby given that the DENR – CENRO Bislig City will auction through sealed bidding at 10:00 o'clock in the morning on January 10, 2023 the right to lease for commercial purposes the tract of land herein described below. Written bids in the prescribed form must be submitted not later than 10:00 A.M. on the said date.

Location	:	Mabua, Lawigan, Bislig City, Surigao del Sur
Description	:	Mla-13-000001
Area	:	8,384 square meters
Appraised Value of Land	:	Php 10,899,200.00
Appraised Value of the Improvements (Existing/Proposed)	:	Php 499,825.61
Applied by	:	Lumino Land and Port Mgt. Inc. Mla-166803-01

The right to lease the land will be awarded to the person offering the highest annual rental which shall not be less than three (3) per centum of the value of the land plus one (1) per centum of the value of the proposed and/or existing improvements, *equivalent to Php 826,801.61*. In order that a person may be entitled to participate in the bidding, he must be a qualified lease applicant, and must, before the commencement of the same, make a deposit equivalent to at least three (3) months rental, *equivalent to Php 206,700.39*. Only deposits in cash shall be accepted. A person bidding in representation of another may do so under a duly executed Special Power of Attorney. During the bidding, the bidder has to make an additional deposit every time his bid is raised, to complete the three (3) months rental, otherwise such bid as raised shall not be accepted. The right is reserved by this Office to reject, any or all bids.

The successful bidder if other than the applicant must reimburse the latter of the value of the improvements and the expenses for the publication of the notice of auction.

NATHANIEL E. RACHO, RPF
OIC, CENR Officer

For and in the Absence of the OIC, CENR Officer

MAMERTO V. VALBARES
DMO IV/Chief, RPS

CENRO R13-D4, Manggoy, Bislig City, Surigao del Sur
Email Address: cenrbislig@denr.gov.ph



TITLE:

PAGE

DATE



Department of Environment and Natural Resources ENVIRONMENTAL MANAGEMENT BUREAU DENR Compound, Visayas Avenue, Diliman, Quezon City 1116



NOTICE OF PUBLIC HEARING

On the ENVIRONMENTAL IMPACT STATEMENT (EIS) of the proposed SHELL LNG IMPORT TERMINAL PROJECT of SHELL ENERGY PHILIPPINES, INC. located in BARANGAY LIBJO, MALITAM, AND TABANGAO AMBULONG, BATANGAS CITY.

Notice is hereby given to all parties who wish to give their opinion regarding the implementation of the proposed SHELL LNG IMPORT TERMINAL PROJECT to attend the Public Hearing scheduled on:

Table with 3 columns: Date, Time, Venue. Date: 13 January 2023, Friday; Time: 9:00 AM (Registration starts at 8:00 AM); Venue: Grand Hall, Ginazal's Hotel and Restaurant, Pastor Village, Barangay Guind Labac, Batangas City

The Public Hearing is being conducted in connection with the review of the EIS of the aforementioned project by the Environmental Management Bureau (EMB) of the Department of Environment and Natural Resources (DENR).

The following is the project information:

Table with 2 columns: Project Name, Project Location, Project Capacity/Area, Project Type, Project Rationale, Project Components, Proponent. Project Name: Shell LNG Import Terminal Project; Project Location: Barangay Libjo, Malitam, and Tabangao Ambulong, Batangas City; Project Capacity/Area: 3.8 MTPA peak throughput, 175,000 m3 FSRU capacity, 53 hectares (construction) to 14 Hectares (operation phase); Project Type: Heavy Industries - Petrochemical and petroleum-based products (including LNG and CNG) > 30,000 MT; Project Rationale: Accordingly, the assessment was primarily based on the projected economic growth and energy consumption and the national and international sustainability commitments of the Department of Energy (DOE) and the Philippine Government, lower greenhouse gas (GHG) emissions of LNG compared to coal, increase in direct foreign investment due to availability of LNG and increase in indirect economic benefits brought about by the Project; Project Components: Onshore FSRU, Jetty 4, Subsea Pipeline, Power and Communication Cable, Onshore Pipeline, Pressure Reduction Metering Station (PRMS), Ignitable vent, Piggings stations, Shared Facilities (Utilities, buildings, and roads, Drainage System, Other Components); Proponent: Shell Energy Philippines, Inc. (SEPH)

All interested parties who wish to attend or participate in this Public Hearing should preferably confirm their attendance/participation and may give their opinion(s) in a concise position paper to the ENVIRONMENTAL IMPACT ASSESSMENT AND MANAGEMENT DIVISION (EIAMD) of this Office through email at eia@emb.gov.ph, three (3) days before the Public Hearing schedule. Those who will not be able to register or submit written positions may be given the opportunity to share their issues on the day of the hearing itself.

The project's EIS and Executive Summary for the Public are downloadable on our website: (kindly access the Notice of Public Hearing Consultation link found in our website) while copies will be available in the following offices:

Table with 2 columns: Office Name, Office Address. Offices include Emb Region 4a, Provincial Environmental Management Unit (Penu, Batangas), Provincial Environment And Natural Resources Office (Penu, Batangas), Provincial Government Of Batangas, City Environment And Natural Resources Offices (Centro, Batangas City), City Government Of Batangas, Brgy. Libjo, Batangas City, Brgy. Malitam, Batangas City, Brgy. Tabangao Ambulong, Batangas City

For more details, please contact the EIA and Management Division at this Office at telephone number 3920-2240 and 8539-4378 loc 116 and look for the project case handlers Engr. Jose Paolo Aragonillo and Engr. Lenon Ramboyoung.