



Republic of the Philippines
OFFICE OF THE PRESIDENT
PALAWAN COUNCIL FOR SUSTAINABLE DEVELOPMENT



Excerpts from the Minutes of the 165th PCSD Executive Committee Meeting
Palawan Sustainable Development Training Institute
RVMSDC, Irawan, Puerto Princesa City
26 February 2010

Present:

- | | | |
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| 1. Gov. Joel T. Reyes, Provincial Governor | - | Chairman |
| 2. Rep. Abraham Kahlil B. Mitra, Second District, Palawan | - | Member |
| 3. Sec. Alfredo E. Abueg, Jr., Office of the President | - | Member |
| 4. Vice Gov. David A. Ponce de Leon, Sangguniang Panlalawigan | - | Member |
| 5. Hon. Mario T. Reyes, Pres., League of Municipalities | - | Member |
| 6. Atty. Grizelda Mayo-Anda, NGO Representative | - | Member |
| 7. PS/Supt Aurelio C Trampe, PNP Representative | - | Member |
| 8. Dir. Josephine S. Matulac, PCSDS | - | Acting Secretary |
| 9. LtGen Hernanie B. Perez, WESCOM Commanding Gen. | - | Member |

Duly Represented:

- | | | |
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| 10. Usec. Manuel D. Gerochi, Undersecretary, DENR Represented by PENRO Juan C. Dela Cruz | - | Member |
| 11. Mayor Edward S. Hagedorn, City Mayor, Pto. Prin. City Represented by City ENRO Rogelio C. Daquer | - | Member |
| 12. Usec. Jesus Emmanuel M. Paras, Department of Agriculture Represented by Ms. Lucille Odejar | - | Member |
| 13. Ms. Cristina V. Matta, Palawan Tourism Council Represented by Ms. Angeli E. Mendoza | - | Member |
| 14. Mr. Rey Rafols, Business Sector Represented by Ms. Virginia T. Gapuz | - | Member |

Absent:

- | | | |
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| 15. Rep. Antonio C. Alvarez, First District, Palawan | - | Member |
| 16. Usec. Phineas A. Alburo, DOT | - | Member |
| 17. DDG Augusto B. Santos, Deputy Director General, NEDA | - | Member |
| 18. Comm. Eugenio A. Insigne, Chairman, NCIP | - | Member |
| 19. Kgd. Evelyn V. Rodriguez, Pres., League of Barangays | - | Member |
| 20. Pros. Alen Ross B. Rodriguez, Office of Prov'l Prosecutor | - | Member |

PCSD RESOLUTION No. 10-400

**RESOLUTION ADOPTING THE RECOMMENDATIONS OF THE PCSD
LEGAL COMMITTEE ON THE PROPER ACTIONS TO BE TAKEN IN
COMPLIANCE WITH CIVIL SERVICE COMMISSION (CSC)
RESOLUTIONS NO. 080400, 081210 AND 09183**

"PCSDS: Working together towards sustaining the future."

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WHEREAS, R.A. 7611, otherwise known as the Strategic Environmental Plan (SEP) for Palawan, took effect on 19 June 1992, Section 6 of which provides that the SEP shall serve as the framework to guide the government agencies concerned in the formulation of plans, programs and projects affecting the environment and natural resources of Palawan pursuant to the declared policy of the State to protect, develop and conserve its natural resources towards which, it shall assist and support the implementation of plans, programs and projects formulated to preserve and enhance the environment, and at the same time pursue the socioeconomic development goals of the country;

WHEREAS, Section 16 of this same Law which has, as its general philosophy, the sustainable development of Palawan and establishes, as its main strategy, a graded system of protection and development control over the whole of Palawan, known as the Environmentally Critical Areas Network (ECAN), provides that the governance, implementation and policy direction of the SEP shall be exercised by the Palawan Council for Sustainable Development (PCSD);

WHEREAS, while the governance, implementation and policy direction of the SEP shall be exercised by the Palawan Council for Sustainable Development (PCSD), the latter shall have, as its professional technical staff, the Palawan Council for Sustainable Development Staff (PCSDS);

WHEREAS, on August 5, 2005, then PCSDS Executive Director Nelson Devanadera dropped Mr. Leo Eusev Palao, Ms. Cynthia Tucay and Ms. Angela Peña from the rolls due to their continued absence without approved leave (AWOL) of more than thirty (30) days, which dropping from the rolls was confirmed by the PCSD through the July 29, 2005 Resolution No. 05-259;

WHEREAS, said three employees respectively appealed the actions of Executive Director Devanadera in dropping them from the rolls to CSCRO-IV on the ground that their leave applications were duly approved by then Executive Director Winston Arzaga, which appeals were separately and favorably acted upon by the CSCRO-IV on different dates;

WHEREAS, the decision of CSCRO-IV on the illegal dismissal cases filed by and in favor of Mr. Leo Eusev Palao, Ms. Angela Peña and that of Ms. Cynthia Tucay were confirmed by the Civil Service Commission *en banc*;

WHEREAS, on PCSD's Petition for Review before the Court of Appeals, the latter issued its decision denying the same for lack of merit and affirming CSC Resolution No. 080400 (Palao Case), which decision was further affirmed by the Supreme Court for failure of the PCSD to sufficiently show that the public respondent (CSC) committed any reversible error in issuing the challenged decision and for non-compliance with the required verification and certification on non-forum shopping;

WHEREAS, PCSD's Petition for Review before the Court of Appeals in the case of Ms. Cynthia Tucay was dismissed for being filed out of time and the Solicitor General's *Motion for Withdrawal of Motion for Extension of Time to File Petition for Review* before the Supreme Court involving this same case was granted, hence, making the decision of the CSC *en banc* in favor of Tucay final and executory;

WHEREAS, several Resolutions were issued by the Civil Service Commission involving the necessity of reinstating said employees in compliance with the final and executory decisions of the Supreme Court, Court of Appeals and Civil Service Commission, under the pain of being cited in contempt for non-compliance;

WHEREAS, this Council referred this matter to the PCSD Legal Committee for a dialogue with the concerned employees for exhaustion of all possible mutual remedies, for which

reason, said employees, together with their counsels appeared before the PCSD Legal Committee during its February 2010 meeting;

WHEREAS, this Council deliberates today for adoption or approval the propriety of the initial agreements made by the concerned employees and the PCSD Legal Committee;

WHEREFORE, upon motion, duly seconded, this Council **RESOLVES**, as it is hereby **RESOLVED, TO ADOPT**, as hereby it is adopted, the recommendations of the PCSD Legal Committee on actions to be taken in compliance with CSC Resolution Nos. 080400, 081210 and 091813, to wit:

In the case of Mr. Palao, he will be reinstated to the vacant comparable position of PDO V (the position vacated by Atty. Aida Torres). He shall also be paid his back salaries and other monetary benefits from the time he was illegally dismissed up to the time he will be actually reinstated.

In the case of Ms. Tucay, she will be reinstated and paid her back salaries plus monetary benefits. However, considering the peculiar nature of her case as there is no available comparable position in the PCSD Staff, her reinstatement shall only be in an "assistive capacity" or "in paper".

In the case of Ms. Peña, she will be paid her back salaries and other monetary benefits from the time she was dismissed from the rolls until January 31, 2008 since she has already been appointed in a permanent position in the Provincial Government on February 1, 2008.

RESOLVED FURTHER, that Mr. Palao, Ms. Tucay and Ms. Peña should settle their respective unliquidated advances, unsettled properties and financial liabilities.

RESOLVED FINALLY, that the Civil Service Commission and the employees concerned be furnished a copy of this Resolution.

I hereby certify that the above-quoted Resolution has been duly approved and adopted by the PCSD on 26th day of February 2010 at Puerto Princesa City.


JOSEPHINE S. MATULAC
Acting Secretary

APPROVED:


HON. MARIO JOEL T. REYES
Chairman