



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



Excerpts from the Minutes of the 170th PCSD Regular Meeting held at the
Palawan Sustainable Development Institute (PSDTI)
RVMCSD, Irawan, Princesa City
September 24, 2010

Present:

- | | |
|--|-------------------|
| 1. Gov. Abraham Kahlil B. Mitra, Provincial Government | -Chairperson |
| 2. Hon. David A. Ponce de Leon, Co-author of R.A. 7611 | -Vice Chairperson |
| 3. Hon. Alfredo E. Abueg, Jr., Past PCSD Chairperson | -Member |
| 4. Hon. Vicente A. Sandoval, Past PCSD Chairperson | -Member |
| 5. Vice Gov. Clara E. Reyes, Sangguniang Panlalawigan | -Member |
| 6. Usec. Jeremias L. Dolino, Undersecretary DENR | -Member |
| 7. OIC Exec. Dir. Romeo B. Dorado, PCSDS | -Secretary |
| 8. Mr. Rey M. Rafols, Business Sector | -Member |
| 9. PS/Supt Aurelio C Trampe, PNP | -Member |
| 10. Hon. Mario T. Reyes, President, League of Municipalities | -Member |
| 11. Atty. Grizelda Mayo-Anda, NGO | -Member |
| 12. Ms. Maria Cristina V. Matta, Palawan Tourism Council | -Member |
| 13. MGEN Juancho M Sabban AFP, Commander, WesCom | -Member |

Duly Represented:

- | | |
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| 14. Hon. Edward S. Hagedorn, Mayor City of Puerto Princesa
Represented by City ENRO Rogelio C. Daquer | -Member |
| 15. Pros. Alen Ross B. Rodriguez, Office of Prov'l Prosecutor
Represented by Prosecutor Regidor B. Tulali | -Member |
| 16. Usec. Simeon P. Malfori II, Department of Tourism
Represented by Dir. Louella C. Jurilla | -Member |
| 17. Comm. Roque N. Agton, Jr., NCIP
Represented by Dir. Cresencio G. Patnaan | -Member |

Absent:

- | | |
|--|---------|
| 18. Hon. Mario Joel T. Reyes, Past PCSD Chairperson | -Member |
| 19. Usec. Joel S. Rudinas, DA | -Member |
| 20. DDG Augusto B. Santos, Deputy Director General, NEDA | -Member |
| 21. Hon. Kenny R. Dejosco, President, Liga ng mga Barangay | -Member |

PCSD RESOLUTION NO. 10-412

**“RESOLUTION ADOPTING AND APPROVING THE
GUIDELINES FOR THE REDUCTION OR WAIVER OF FINE
IMPOSED UNDER PCSD ADMIN ORDER NO. 06, AS AMENDED”**

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

“PCSDS: Working together towards sustaining the future.”

Head Office:

PCSD Building Sports Complex Road
Sta. Monica Heights, Puerto Princesa City, Palawan
P.O. Box 45 PPC 5300 Palawan, Philippines
☎ (048) 434-4235 • Telefax: 434-4234
Email: oed@pcsd.ph • Website: pcsd.ph

Metro Manila Liaison Office

Units 403 / 404 The One Executive Office Bldg.,
West Ave. cor Col. Martinez St., Quezon City
☎ 376-2060 / 2061
Email: pcsdsfsd@compass.com.ph

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;

WHEREAS, Section 16 of the same law provides that the governance, implementation and policy direction of the SEP shall be exercised by the Palawan Council for Sustainable Development (PCSD);

WHEREAS, Sections 7 to 11 of said Act provides for the establishment of an Environmentally Critical Areas Network (ECAN), the main strategy of SEP, which is a graded system of protection and development control over the whole of Palawan, including its tribal lands, forests, mines, agricultural areas, settlement areas, small islands, mangroves, coral reefs, seagrass beds and the surrounding sea;

WHEREAS, Section 19 of the same Act empowers the Council to formulate plans and policies as may be necessary to carry out the provisions of the SEP, as well as to adopt, amend and rescind such rules and regulations and impose penalties therefor, for the effective implementation thereof and to perform such other powers and functions as may be necessary in carrying out its functions, powers, and the provisions of the SEP law;

WHEREAS, to ensure the attainment of the ends of ECAN, the PCSD, on February 25, 2000, promulgated Administrative Order No. 06, otherwise known as the Revised Guidelines in the implementation of SEP Clearance System, as amended, through which all projects of the proponents are evaluated based on ECAN Zoning of Palawan, as above-mentioned, as well as based on their ecological sustainability, social acceptability and economic viability, which Administrative Order was amended in 2002 and further revised on February 29, 2008;

WHEREAS, Section 23 of said Administrative Order No. 06, as amended, series of 2008, provides for the prohibited acts thereof and section 24 of the same Administrative Order provides that, aside from imposing the penalty of suspension of operation, cancellation of permit, termination of the project and/or cancellation of SEP Clearance, as the case may be and when, after due notice and hearing, a project proponent is found to have committed any of the acts prohibited as quoted above, the PCSD shall impose the penalty of fine in the amount of not less than FIFTY THOUSAND PESOS (P50,000) for every violation;

WHEREAS, during the September 24, 2010 meeting of the PCSD Adjudication Board, the latter adopted the draft guidelines for the reduction or waiver of the above-mentioned fine subject to the condition or with a recommendation that the procedure must include a comment from the ECAN Board or multisectoral environmental committee existing in the municipality/area concerned to validate the fact that the nature of the project is advantageous to the community and has no adverse impact to the environment;

WHEREFORE, for and in consideration of the above premises, upon motion, duly seconded, be it **RESOLVED**, as it is hereby resolved, **TO ADOPT**, as it is hereby adopted, **THE FOLLOWING GUIDELINES FOR THE REDUCTION OR WAIVER OF FINE IMPOSED UNDER PCSD ADMIN ORDER NO. 06, AS AMENDED**, to wit;

SECTION 1. REDUCTION OF FINE.

1.1. When Applicable. The reduction of fine imposed under Section 24 of PCSD Admin Order No. 6, as amended, is applicable only to proponents / projects at the initial or during the pendency of a case before the PCSD Adjudication Board.

1.2. Procedure. Upon motion of the respondent and subject to evaluation and the sound discretion of the PAB, the imposable fine may be reduced under the following circumstances:

- a) At the commencement of the administrative case, the proponent upon receiving the summons or notice, orally or in writing manifests the following:
 - i. admits the liability as charged;
 - ii. voluntarily offers to pay the fine without further proceedings; and
 - iii. simultaneous to the forgoing manifestations, requests for the reduction of fine.

The request for reduction under the above circumstances when favorably granted to the proponent will immediately terminate the proceedings before the PAB, thus, shortening the period and lowering the cost of adjudication.

- b) During the pendency of the administrative case, the proponent-respondent alleges the following:
 - i. the project is not a critical project located in non-critical area;
 - ii. The project is of such type as no adverse impact to the environment is expected;
 - iii. The size of the building, if any, is less than 1,000 sq.m.; and
 - iv. The project is not covered by the EIS system under PD 1586.

Upon verification by the concerned DMO staff, the above circumstances are corroborated and a favorable recommendation is submitted to the PAB for consideration.

SECTION 2. WAIVER OF FINE.

2.1. When Applicable. The reduction of fine imposed under Section 24 of PCSD Admin Order No. 6, as amended, is applicable only to proponents / projects at any stage of the proceedings before PCSD Adjudication Board.

2.2. Procedures. Upon motion of the respondent and subject to evaluation and the sound discretion of the PAB, the imposable fine may be waived under the following circumstances:

- a) The nature of the project is advantageous to the community and has no adverse impact to the environmental as may be shown in the evaluation of the concerned DMO staff;
- b) The records would show that the proponent upon notice of the requirements under PCSD Admin Order No. 6 voluntarily applied for SEP Clearance; and
- c) The PCSD has already granted SEP Clearance to the project during the pendency of the case before the PAB as certified by the PCSD Secretariat.

Provided that a comment from the ECAN board or multisectoral environmental committee existing in the municipality/area concerned validates the fact that the nature of the project is advantageous to the community and it has no adverse impact to the environment.

The concerned DMO staff certifies to the above circumstances and favorably recommends to the PAB the waiver of fine as requested by the proponent.

RESOLVED FINALLY, that copies of this Resolution be sent to all concerned.

APPROVED AND ADOPTED this 24th day of September 2010 at Puerto Princesa City.

I hereby certify that the above-quoted Resolution has been duly approved and adopted by the PCSD on the 24th day of September 2010 at Puerto Princesa City.


ROMEO B. DORADO
Secretary

APPROVED FOR THE COUNCIL:


HON. ABRAHAM KAHLIL B. MITRA
Chairman