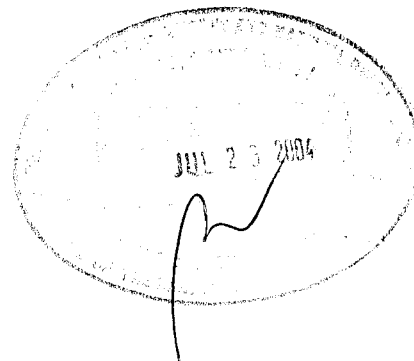




DEPARTMENT OF  
ENVIRONMENT AND  
NATURAL RESOURCES

REGION 7, Banilad, Mandaue City  
**MEMORANDUM**



**FOR :** **THE HONORABLE SECRETARY**  
DENR, Visayas Avenue, Diliman  
Quezon City

**THRU :** **THE UNDERSECRETARY FOR FIELD OPERATIONS**  
**THE UNDERSECRETARY FOR LAND MANAGEMENT**  
DENR, Visayas Avenue, Diliman  
Quezon City

**FROM :** **THE REGIONAL EXECUTIVE DIRECTOR**  
DENR, Region 7, Banilad, Mandaue City

**SUBJECT :** **REQUEST FOR ISSUANCE OF PRESIDENTIAL**  
**PROCLAMATION ESTABLISHING THE CEBU CITY SOUTH**  
**RECLAMATION PROJECT AS A SPECIAL ECONOMIC ZONE**  
**OVER A PARCEL OF LAND OF THE PUBLIC DOMAIN**  
**PREVIOUSLY COVERED BY PROCLAMATION NO. 200-A**  
**DATED MAY 22, 1967.**

**DATE :** **JUL 23 2004**

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We are respectfully forwarding herewith complete documents together with the completed staff work relative to the above-noted subject in accordance with Memorandum Circular No. 28 dated January 19, 1993, DENR Memorandum 97-02 dated January 28, 1997 and Memorandum Order No. 04 dated September 12, 2000 for appropriate action.

*CLARENCE L. BAGUILAT*  
CLARENCE L. BAGUILAT

Encls.: As stated.  
- With Diskette & 2 folders containing documents/records  
Cc.:  
- Mayor Tomas R. Osmeña  
Cebu City, Cebu  
- The Project Manager  
SRP-PMO  
Office of the Mayor  
Cebu City, Cebu  
- The PENR Officer  
The CENR Officer  
DENR-7, Cebu City, Cebu  
TZIETZIE/CSW/PROPOSED PROCLAMATION/TRANSMITTALS SRP

**MEMORANDUM**

**FOR** : **THE HONORABLE SECRETARY**  
DENR, Visayas Ave., Diliman  
Quezon City

**THRU** : **THE UNDERSECRETARY FOR FIELD OPERATIONS**  
**THE UNDERSECRETARY FOR LAND MANAGEMENT**  
DENR, Visayas Avenue, Diliman, Quezon City

**FROM** : **THE REGIONAL EXECUTIVE DIRECTOR**  
DENR-7, Banilad, Mandaue City

**SUBJECT** : **REQUEST FOR ISSUANCE OF PRESIDENTIAL  
PROCLAMATION ESTABLISHING THE CEBU CITY SOUTH  
RECLAMATION PROJECT AS A SPECIAL ECONOMIC ZONE  
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This refers to the request of the Office of the City Mayor of Cebu thru the Project Manager of South Reclamation Project (SRP) for presidential proclamation and subsequent issuance of Special Patent for Cebu City.

**I. BACKGROUND**

The Office of the City Mayor of Cebu City thru the Project Manager of South Reclamation Project (SRP) Paul C. Villarete requested for the issuance of Special Patent for Cebu City to the Regional Director, DENR-7, Banilad, Mandaue City. The subject area applied for by Cebu City is covered by Sketch Plan No. SK-07-000037 and approved on July 01, 2004 by the Regional Technical Director, LMS, DENR-7, Banilad, Mandaue City with an area of 3,277,156 square meters or 327.7156 hectares. As reflected on the approved survey plan the area overlapped the portion of PSU-072250-006346, PSU-07-01-000958, PSU-254427, FLS-07-01-000042, FLI-V-907-D, SK-07-000028, PCS-07-01-0000978, PCS-07-0000451, all of City of Talisay and Lot 2863, 3987, 3988, 5291, 5260, 5962, 3992, 3993, 3994, 3995, 3996, 3997 all of Cebu Cadastre. The approval does not consolidate the area of lots found in Cebu Cadastre and other approved isolated surveys within the reclaimed area and only for purposes of reference document describing the metes and bounds of the proposed amendment of Presidential Proclamation No. 200-A *“Reserving For National Improvement Purposes a Certain Parcel of Land of the Public Domain Situated in the Foreshore of the District of San Nicolas, Pardo and Tangke, Talisay, Cebu, Island of Cebu”* under the administration of the Province of Cebu. The area and vicinity location has been verified to be a portion of Proclamation No. 200-A dated May 22, 1967 with an area of 5,388,680 square meters or 538.8680 hectares. Cebu City has been cadastrally surveyed under Cad 12 and approved in the year 1912 indicating therein the metes and bounds of the boundaries, likewise, the adjoining of City of Talisay has been surveyed under FLR-133, a Friar Land Estate, in the year 1929 to 1930.

In a Position Paper dated November 25, 2003 re: In the matter of the opposition of Talisay City to Cebu City's application for titling of a portion of the South Reclamation Project (SRP), City of Talisay laid claim over an area on the premise that "the boundary line of the municipal waters is projected based on the land boundary of a titled property of Talisay City adjacent to SRP."

On June 01, 2004, City of Talisay represented by then Hon. Mayor Eduardo R. Gullas filed the Sales Application in CENRO-Cebu City over a parcel of public land situated in San Roque, Talisay City containing an area of 53.4401 hectares, more or less, signifying their claim thereof.

## **II. JUSTIFICATION**

The Cebu City South Reclamation Project is primarily envisioned as an industrial estate expected to alleviate the present socio-economic problems besetting Metro Cebu. Once completed and locators will move in, it is intended to become a Special Economic Zone for light industries expected to generate 80,000 to 100,000 jobs for Cebuanos. The SRP will also have a mixed land use to include commercial/business area and tourism area. It will serve as a catalyst of development for Cebu City, Talisay City and Southern Municipalities of Cebu.

## **III. LEGAL BASIS**

Section 83, Chapter XII, Title V of the Public Land Act quoted in part as follows:

*"Upon the recommendation of the Secretary of Agriculture and Natural Resources, the President may designate by proclamation any tract or tracts of land of the public domain as reservation for use of the Republic of the Philippines or of any of its branches with regulations prescribed for the purposes, or for quasi-public use or purposes when the public interest requires it including reservations for highways, right-of-way for railroads, hydraulic power sites, irrigation system, communal pastures or leguas comunales, public parks, and other improvements for public benefits."*

Section 14 - The Revised Administrative Code of 1987,  
Chapter 4, Book III.

Power to Reserve Lands of the Public and Private  
Domain of the Government.

- 2. The President shall have the power to reserve for settlement by public use and for specific public purposes, any of the lands of the public domain, the use of which is not otherwise, directed by law. The reserved land shall thereafter remain subject to the specific public purposes indicated until otherwise provided by law or proclamation.*

2. *He shall also have the power to reserve from sale or other disposition and for specific public use or purposes, any land belonging to the private domain of the Government, or any of the Friar Lands, the use of which is not otherwise directed by law, and thereafter such land shall be used for the purposes specified by such proclamation until otherwise provided by law.*

#### **IV. AGENCIES INVOLVED**

1. MARINA
2. Department of Health (DOH)
3. Department of Public Works and Highways (DPWH)
4. Department of Education (DepEd)
5. Department of Tourism (DOT)
6. Philippine National Police (PNP)
7. Local Government Units (LGU):
  - a. Province of Cebu
  - b. Barangay Duljo
  - c. Barangay Inayawan
  - d. City of Talisay

#### **V. COORDINATION WITH AGENCIES**

All the above-listed government agencies have been consulted and did not oppose the proclamation issuance, except for Talisay City.

#### **VI. POTENTIAL PROBLEMS**

The City of Talisay claims part of the Cebu South Reclamation Project based on the allegation that "Cebu City South Reclamation Project had developed more or less Forty Six Point Seventy Five (46.75) hectares of Talisay City's Municipal Waters and more or less Nine Point Two (9.2) hectares of the land area which is within the jurisdiction of Talisay City." (Please see attached copy of Position Paper).

Approved isolated surveys have been projected to be within the reclaimed area, the present status of which have not been verified.

#### **VII. RECOMMENDATION**

It is respectfully recommended to request NAMRIA to advise the City of Cebu and the City of Talisay concerning the extent of municipal waters of the cities (Talisay and Cebu) affected by the reclamation. This office favorably endorse the request for proclamation leading to the issuance of Special Patent, in support of the initiatives of the City of Cebu to boost economic activities in the Region.

**CERTIFICATE OF CONCURRENCE BY  
CONCERNED AGENCIES AND OFFICIALS**

This is to certify that the following have been consulted and concurred with the requested action on the foregoing subject.

**NAME OF AGENCY:**

1. MARINA

- please see attached certification dated December 26, 2001 of Glenn G. Cabanez, Regional Director, Maritime Industry Authority, Cebu Maritime Regional Office;

2. Department of Health (DOH)

- please see attached certification letter dated October 04, 2001 of Rosario Marilyn S. Benabaye, MD, OIC, Office of the Director IV, Center for Health Development-Cebu;

3. Department of Public Works and Highways (DPWH)

- please see attached certification letter dated December 05, 2001 of Rogelio Ruiz Hamak, OIC-Regional Director, Office of the Regional Director, DPWH-7, (with condition);

4. Department of Education, Culture and Sports (DepEd)

- please see attached certification letter dated November 29, 2001 of Leonilo B. Oliva, Ph.D., D.M., CESO V, Division of Cebu City, DECS-7;
- please see attached certification letter dated December 12, 2001 of Pablo M. Antopina, IIb., Ph. D., Director IV, CESO III, DECS-7;

5. Department of Tourism (DOT)

- please see attached certification letter dated March 05, 2003 of Patria Aurora B. Roa, Regional Director, DOT-7;

Attached is the certification of the Department Secretary/Agency Head consulted.

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DEPARTMENT OF  
ENVIRONMENT AND  
NATURAL RESOURCES

REGION 7, Banilad, Mandaue City

**CERTIFICATE OF COMPLETED STAFF WORK**

**FROM : THE REGIONAL EXECUTIVE DIRECTOR**  
DENR, Region 7, Banilad, Mandaue City

**SUBJECT : REQUEST FOR ISSUANCE OF PRESIDENTIAL  
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**DATE : JUL 23 2004**

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This is to certify that the request for issuance of Presidential Proclamation establishing the Cebu City South Reclamation Project as a Special Economic Zone over a parcel of land of the public domain previously covered by Proclamation No. 200-A dated May 22, 1967 has been subjected by this agency to the requirements of "Completed Staff Work", pursuant thereto, I certify that this request has complied with the following:

- a. The proposed issuance does not, in any way, violate any constitutional provision and is in accordance with existing laws, rules and regulations of the country;
- b. All government requirements and standard legal procedures have been complied with;
- c. All concerned and affected officials, agencies and sectors have been consulted and concurrence by these officials have been obtained;
- d. The proposed issuance is above board, advantageous to the government and is the result of due diligence;
- e. The proposed issuance is doable and technically and financially feasible;
- f. It is consistent with the policies, plans and programs of the Arroyo Administration;
- g. Possible problems arising there from have been anticipated and corrective measures planned for; and
- h. The proposed issuance will redound to the greater good of the greater number of our people.

Attached is the certification of the Department Secretary/Agency Head consulted.

  
Mr. CLARENCE L. BAGUILAT