



Republic of the Philippines
Department of Environment and Natural Resources
MIMAROPA Region

02 August 2021

JESSICA SHARLA G. BUSTAMANTE

Associate
Litigation and Dispute Resolution Department
Angara Abello Concepcion Regala & Cruz Law Offices
22/F ACCRALAW Tower 2nd Avenue cor. 30th Street
Crescent Park West, Bonifacio Global City
1635 Taguig, Metro Manila, Philippines

Dear Ms. Bustamante:

This has reference to the Memorandum dated 21 July 2021 from the Office of the Assistant Secretary for Field Operations - Luzon regarding the response to request for cancellation or denial of permits and licenses of Ayala-owned resorts in El Nido, Palawan.

Please be informed that this office has already referred the matter to the National Commission on Indigenous Peoples (NCIP) on 08 July 2021 for proper adjudication on the alleged violations of Republic Act (RA) 8371, otherwise known as The Indigenous People's Rights Act (IPRA) of 1997.

Attached is a copy of the letter addressed to NCIP.

Thank you and best regards.

Very truly yours,


MARIA LOURDES G. FERRER, CESO III



Department of Environment
and Natural Resources
MIMAROPA Region



Doc ID: 69199



AUG 02 2021

MEMORANDUM

FOR : The Assistant Secretary
Field Operations-Luzon

FROM : The Regional Executive Director

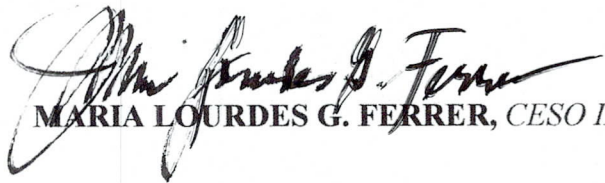
SUBJECT : **RESPONSE LETTER ON THE CONCERN OF TEN
KNOTS PHILIPPINES, INC. (TKPI)**

This is in response to your Memorandum dated 21 July 2021 regarding the letter dated 18 May 2021 of Ten Knots Philippines, Inc. (TKPI) with reference number DENR-SEC-2021-001871.

Please be informed that this office has already referred the matter to National Commission on Indigenous Peoples (NCIP) on 08 July 2021 for proper adjudication on the alleged violations of Republic Act (RA) 8371, otherwise known as The Indigenous People's Rights Act (IPRA) of 1997.

Attached in this Memorandum is a copy of the letter addressed to NCIP.

For information and reference.


MARIA LOURDES G. FERRER, CESO III



Department of Environment
and Natural Resources
MIMAROPA Region



Doc ID: 69199



Republic of the Philippines
Department of Environment and Natural Resources
MIMAROPA Region

JUL 08 2021

DR. MARIE GRACE T. PASCUA, DPA, CESO III

Regional Director

National Commission on Indigenous Peoples

3/F 574 Argo Building, Edsa, cor. P. Tuazon Ave.

Quezon City, Metro Manila

Dear **RD Pascua**:

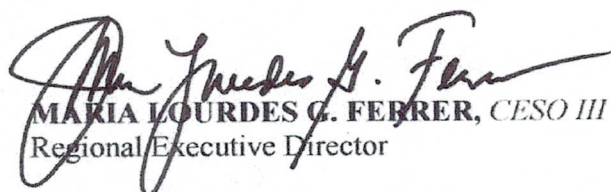
This has reference to the Memorandum dated 06 July 2021 from the Office of the Assistant Secretary for Field Operations-Luzon regarding the response letter dated 18 May 2021 of Angara Abello Concepcion Regala & Cruz on the request of Atty. Peter Paul L. Danao for cancellation or denial of permits and license of Ayala-owned resorts in El Nido, Palawan.

Based on the letter, Ten Knots Philippines, Inc. (TKPI) is currently verifying the status of the CADT Application No. R04-PAL-0132-AD and its applicants. However, they are requesting to refer the matter to your good office for proper adjudication on the alleged violations of Republic Act (RA) 8371, otherwise known as The Indigenous People's Rights Act (IPRA) of 1997.

In this regard, we are hereby forwarding the letter for your consideration.

Thank you and best regards.

Very truly yours,


MARIA LOURDES G. FERRER, CESO III
Regional Executive Director

cc: Assistant Regional Director for Technical Services
PENRO Palawan
CENRO Taytay, Palawan



Department of Environment
and Natural Resources
MIMAROPA Region



Doc ID: 68024



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929-70-41 to 43-52

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by [signature]

MEMORANDUM

TO : **THE REGIONAL EXECUTIVE DIRECTOR**
DENR MIMAROPA Region
Ermita, Manila

FROM : **THE ASSISTANT SECRETARY**
Field Operations – Luzon

SUBJECT : **LETTER DTD 05/20/2021 EMAIL DTD MAY 20, 2021 RE: TEN KNOTS
PHILIPPINES LETTER DATED 18 MAY 2021 (DENRCO-OSEC-2021-
001871)**

DATE : **21 JUL 2021**

Referred herewith is the email/letter, addressed to DENR Secretary Roy A. Cimat, from Ms. Jessica Sharla G. Bustamante, Associate, Litigation and Dispute Resolution Department of the Angara Arabello Concepcion Regala and Cruz Law Offices, which pertains to the abovementioned subject.

Please act on the subject matter consistent with the existing policies, rules and regulations, communicate with the concerned party, and submit to the undersigned status and updates on the actions taken for monitoring and record purposes.


GILBERT C. GONZALES, CESO III

Cc: Office of the Head Executive Assistant



Office of the Secretary <osec@denr.gov.ph>

Ten Knots Philippines, Inc. Letter dated 18 May 2021

1 message

Jessica Sharla G. Bustamante <jgbustamante@accralaw.com>

Thu, May 20, 2021 at 12:26 PM

To: "osec@denr.gov.ph" <osec@denr.gov.ph>

Cc: "Salvador L. Pena" <slpena@accralaw.com>, "Chrysilla Carissa P. Bautista" <cpbautista@accralaw.com>, "Atty. Ocampo, Christopher Louie D." <cdocampo@accralaw.com>, "Angelmhina D. Lencio" <adlencio@accralaw.com>, "Samantha Beatrice P. King" <spking@accralaw.com>

HON. ROY A. CIMATU*Secretary of Environment and Natural Resources*

Dear Hon. Cimat,

Kindly find attached Ten Knots Philippines, Inc.'s: (i) Letter dated 18 May 2021 in response to Attorney Peter Paul L. Danao's 23 March 2021 Letter; and (ii) Letter dated 17 May 2021 to the NCIP, for your reference and consideration. We also sent hard copies of the attached by courier.

Thank you for your kind attention to this matter.

Best regards,
Jessica G. Bustamante

--

Jessica Sharla G. Bustamante*Associate*

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2 attachments**Ten Knots Philippines, Inc. - Letter to DENR.pdf**
758K**Ten Knots Philippines, Inc. - Letter to the NCIP.pdf**
653K



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18 May 2021

5.9506

OFFICE OF THE SECRETARY

Department of Environment and Natural Resources
Visayas Avenue
Diliman, Quezon City

OFFICE OF THE REGIONAL EXECUTIVE DIRECTOR

DENR Region IV – MIMAROPA
DENR by the Bay, 1515 L&S Bldg.
Roxas Boulevard, Manila

COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE

DENR Region IV – MIMAROPA
Taytay, Palawan

Attention: **Hon. Roy A. Cimat**
Secretary of Environment and Natural Resources

Hon. Maria Lourdes G. Ferrer
Regional Executive Director

Engr. Alan L. Valle
Officer-in-Charge, CENRO

Re: Response to Request for
Cancellation or Denial of Permits
and Licenses of Ayala-owned
resorts in El Nido, Palawan

Gentlemen:

On behalf of our client, **Ten Knots Philippines, Inc. ("TKPI")**, we respond to the unfounded claims in the Letter dated 23 March 2021 signed by Attorney Peter Paul L. Danao. Attorney Danao requested that this Honorable Office revoke or deny TKPI's licenses and permits for TKPI's supposed failure to secure the Free and Prior Informed Consent ("FPIC") of the Tagbanua Tandulanen indigenous people ("IP"), the alleged

applicants in CADT Application No. R04-PAL-0132-AD ("CADT Application").

TKPI is currently verifying the status of the CADT Application and the identity of the applicants. In any event, we respectfully submit that this Honorable Office is not the proper forum to adjudicate alleged violations of Republic Act No. 8371, or the Indigenous Peoples' Rights Acts of 1997 ("IPRA"). Complaints concerning non-compliance with the FPIC requirement must be filed before the regular courts.¹ To date, there is no court action or proceeding involving, much less any final judicial finding of, any violation of the IPRA by TKPI.

To put on record TKPI's position, we clarify certain facts regarding the El Nido properties mentioned in Attorney Danao's letter:

1. Portions of these properties have been registered to TKPI as early as 1986 and to its predecessors-in-interest as early as 1926. Applying Section 56 of the IPRA² as implemented by Section 59 of NCIP Administrative Order No. 01-20, these titles are incontrovertible and thus, these titled lands shall be excluded from any ancestral domain to be titled.
2. Portions of the Pangulasian, Miniloc, and Lagen islands are covered by Forest Land Use Agreements for Tourism Purposes ("FLAgTs") that were executed with this Honorable Office in 2005. TKPI has not received any notice or order from the NCIP requiring it to secure FPIC based on the CADT Application.

TKPI's permits and licenses were issued in compliance with all relevant laws and issuances. These permits and licenses cannot be revoked in the absence of a judicial finding of non-compliance with the IPRA.

Rest assured that TKPI will continue to comply with all laws and regulations. We have coordinated with the concerned agency, the NCIP, to clarify the issues on the CADT Application. Attached is a copy of our letter dated 17 May 2021 to the NCIP for your records.

¹ Lim v. Gamosa, G.R. No. 193964, 2 December 2015.

² "SEC. 56. *Existing Property Rights Regimes.* - Property rights within the ancestral domains already existing and/or vested upon effectivity of this Act, shall be recognized and respected."

Thank you for your kind consideration and prompt attention.

Very truly yours,

ANGARA ABELLO CONCEPCION REGALA & CRUZ

By:



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17 May 2021
5.9506

NATIONAL COMMISSION ON INDIGENOUS PEOPLES - REGION IV-B
3rd Flr., GLC Bldg. JP Rizal Street, San Vicente
Calapan City, Oriental Mindoro

**NATIONAL COMMISSION ON INDIGENOUS PEOPLES
PALAWAN PROVINCIAL OFFICE**
Barangay Hall, Sta. Monica Heights
Puerto Princesa, Palawan

Attention: **Dir. Mary Grace Pascua**
Regional Director, NCIP Region IV-B

Ms. Mary Ann Delos Santos
Provincial Officer, NCIP Palawan

Re: Petition for Identification, Delineation,
and Recognition of Ancestral Domain
Claim and for the Issuance of a
Certificate of Ancestral Domain Title
filed by Remedios C. Cabral on behalf of
the Tagbanua-Tandulanen Indigenous
People

Dear Director Pascua and Ms. Delos Santos:

On behalf of our client, **Ten Knots Philippines, Inc.** ("TKPI"), we write
in relation to the Petition for Identification, Delineation, and Recognition of
Ancestral Domain Claim and for the Issuance of a Certificate of Ancestral
Domain Title ("CADT") ("CADT Application") filed by Remedios C. Cabral on
behalf of the Tagbanua-Tandulanen indigenous people ("IP"), docketed as
CADT Application No. R04-PAL-0132-AD.

We understand that the CADT Application covers Dewil Valley and the
entire El Nido. Given the area claimed, lands over which vested and/or existing
rights were previously acquired by third parties, including TKPI, are inevitably
covered by the CADT Application.

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For this Honorable Office's information, we clarify certain facts regarding some properties covered by the CADT Application:

1. TKPI and its related entities hold certificates of title over certain lands in El Nido. Portions of these properties have been registered to TKPI as early as 1986 and to its predecessors-in-interest as early as 1926. As this Honorable Office is aware, based on Section 56 of Republic Act No. 8371, or the Indigenous Peoples' Rights Acts of 1997,¹ as implemented by Section 59 of NCIP Administrative Order No. 01-20, these titles are incontrovertible and these titled lands should be excluded from any ancestral domain to be titled.
2. TKPI also holds Forest Land Use Agreements for Tourism Purposes ("FLAgTs") over certain portions of the Pangulasian, Miniloc, and Lagen islands. The FLAgTs were issued in 2005.
3. TKPI, its related entities, and their predecessors-in-interest have been in open and continuous possession of the lands over which they have vested and/or existing rights recognized by law.

In line with the foregoing, TKPI respectfully requests that lands over which it and its related entities have existing and/or vested rights be segregated and excluded from any ancestral domain or other related rights to be considered, recognized, or titled by this Honorable Office, consistent with the law and prevailing issuances of this Honorable Office. To facilitate the segregation of these lands, TKPI is willing to submit proof of its titles and vested rights.

To further assist this Honorable Office and pursuant to this Honorable Office's Freedom of Information Policy,² TKPI requests for the status of the CADT Application, as well as copies of all filings and documents submitted or issued in relation to it. Further, as a stakeholder that is clearly affected by the CADT Application, TKPI requests that it be notified of any action/s on Ms. Cabral's CADT Application at the following addresses, so that it may provide the necessary information:

Ten Knots Philippines, Inc.
3rd Floor Alveo Corporate Center
728 28th Street, Bonifacio Global City

¹ "SEC. 56. *Existing Property Rights Regimes.* - Property rights within the ancestral domains already existing and/or vested upon effectivity of this Act, shall be recognized and respected."

² See Commission En Banc Resolution No. 07-16.2017, NCIP Freedom of Information Manual, Sec. 6.

Taguig City, Philippines

Attention: Javier D. Hernandez

Angara Abello Concepcion Regala & Cruz

22nd Floor ACCRALAW Tower

2nd Avenue corner 30th Street, Crescent Park West, Bonifacio Global City
Taguig, Philippines

Attention: Salvador L. Peña

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Christopher Louie D. Ocampo

Angelmhina D. Lencio

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Thank you for your kind consideration and prompt attention on this matter.

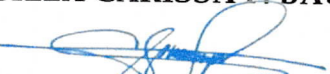
Very truly yours,

ANGARA ABELLO CONCEPCION REGALA & CRUZ

By:


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Copy furnished:

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Attn: MR. ROGELIO F.M. BANTAYAN, JR.

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Attn: MR. BRENN P. CABIGUEN

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