



Republic of the Philippines
Province of Palawan
Municipality of El Nido

OFFICE OF THE MUNICIPAL MAYOR

06 September 2021

MR. ALEXANDER E. MANCIO

SEMS/Chief, RPS
In Charge, Office of the CENRO
Department of Environment and Natural Resources
National Highway, Poblacion, Taytay 5312 Palawan

Sir,

Anent your letter dated August 18, 2021, endorsing the Notices of Violation and Order to Vacate for the issuance of Demolition Order for the structures constructed and maintained by Mr. Israel Gomez and Beberly Gomez and Ten Knots Development Corporation (TKDC) within the legal easement in Cadlao Island, Bgy. Buena Suerte, El Nido, Palawan which are in violation of Article 51 of the Presidential Decree 1067 and Section 20(v) of the Republic Act 11038 or the ENIPAS Act of 2018, I would like to inform your good office that this office decided to hold in obedience the issuance of Demolition Order for the abovementioned structures.

This decision is made after receiving the letter of Ten Knots Philippines Incorporated (TKPI) dated 21 August 2021 and the letter of Angara Abello Concepcion Regala & Cruz Law Offices dated 2 September 2021. From the contexts of the aforementioned two letters, dated 21 August 2021 and 2 September 2021 respectively, the Notices of Violation and Order to Vacate and the Forest Land Use Agreement for Tourism Purposes (FLAg-T) are conflicting documents/issuances both of your department which create confusion to this office as to which of these documents shall prevail over the other. Thus, kindly clarify this concern to this office for our proper guidance.

Attached herewith are: (1) copy of the letter of Ten Knots Philippines Incorporated (TKPI) dated 21 August 2021 and (2) copy of the letter of Angara Abello Concepcion Regala & Cruz Law offices and its Annexes "A" "B" and "C" for your comments.

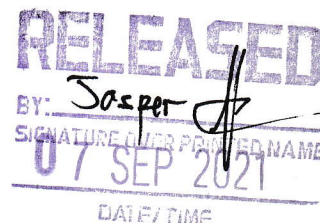
Anticipating your kind and immediate response in this regard.

Very truly yours,

EDNA GACOT-LIM
Municipal Mayor

Copy furnished:

*The Regional Executive Director, DENR-MIMAROPA
Provincial Environment & Natural Resources Office-Palawan
Protected Area Management Office-ENTMRPA
Ten Knots Philippines Incorporated
Angara Abello Concepcion Regala & Cruz Law Offices
File*



Ten Knots

PHILIPPINES
INCORPORATED

21 August 2021

Hon. Mayor Edna Gacot-Lim

Municipal Mayor of El Nido
Palawan, Philippines

Dear Mayor Lim:

Greetings!

We write to you regarding our property at Cadlao Sabang covered by a Forest Land Use Agreement for Tourism Purposes (FLAg-T).

1. The subject parcel measures 3.206 hectares in Cadlao Sabang, between titled properties of Ten Knots.
2. Waiver of Rights between Armando Dajao and Ten Knots Development Corporation was executed on 27 August 1997.
3. DENR PENRO issued a Special Use Permit (SUP) (Bathing Establishment) to Ten Knots Development Corporation covering 5.0 hectares of public forest land of said area on 6 November 1998. Supporting documents include a SEP Clearance issued by PCSD signed by then PCSD Chairman Congressman Alfredo E. Abueg, Jr. on 23 September 1998.
4. As per DENR AO 2004-28 Section 13, the SUP may be converted to a Forest Land Use Agreement for Tourism Purposes (FLAgT) that is good for 25 years. Ten Knots availed itself of this agreement and was issued a FLAgT for said Cadlao Sabang property on 27 December 2005. Among the supporting documents to this is a PAMB endorsement signed by your good office as Vice Chairman and Presiding Officer of the PAMB.
5. Since 2005, Ten Knots has been paying a yearly lease rental to DENR in addition to the RPT to the Municipal Assessor. Annually and sometimes quarterly, DENR personnel visit our FLAgT areas, including that in Cadlao Sabang.
6. In 2017, Ten Knots discovered that titles were issued by the DENR to a certain Noel Tampe and Baberlyn Gomez, with areas overlapping with the FLAgT of Ten Knots. We are questioning the issuance of these titles. In fact, we had a technical conference with DENR in 2017 at the office of Mr. Bayani Mantubig and we await another technical conference with the current DENR officers in charge of this matter.

Philippine Business Center, 728 28th Street, Bonifacio Global City, 1634 Taguig City, Philippines
Front Line: +63 (0) 992 3000

Handwritten: 8-23-2021 9:27 AM

Ten Knots

PHILIPPINES
INCORPORATED

7. The FLAgT area of Ten Knots includes a portion of the 40-meter easement. As per Section 58 of C.A. No. 141, Section 59, DAO DENR 2004-24, DAO DENR 2004-28, the DENR may execute an agreement with an applicant to occupy, develop, utilize, and manage the foreshore lands, which includes the 40-meter easement.

We stand by our FLAgT.

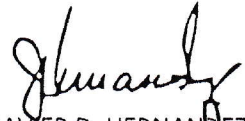
The metes and bounds extend to what is included as the 40-meter easement, as presented to and surveyed by the DENR Team led by then PASU Loreto Rodriguez and Mr. Gaudencio Valdeztañon of the Office of the CENRO in 2004, and approved by the then Chief of the Forestry Resources Conservation Division Jose M. Difuntorum and the then Regional Executive Director Vicente S. Paragas.

Our existing fence delineates our FLAgT boundaries as per agreement with the DENR surveyors in 2004.

Our SUP was issued in 1998 and was converted to FLAgT in 2005. This precedes the titles issued to certain individuals in 2015, and our FLAgT should be respected by DENR. We maintained presence in the area since the transfer of rights from Mr. Dajao in 1997. There were no other occupants in the area except for Ten Knots since 1997. Ten Knots was never informed of plans to survey the area in the name of those individuals.

We hope that this clarifies matters.

Respectfully yours,



JAVIER D. HERNANDEZ

Attorney-in-fact

CENRO ordered TKPI to remove its guard house and perimeter fence which is within the 40-meter easement area.³ The easement area is covered by TKPI's FLAGT.

- c. On 17 August 2021, TKPI wrote the CENRO requesting that the actual ground survey be conducted sometime between 13 to 17 September 2021 due to the availability of its geodetic engineer.
- d. On 23 August 2021, TKPI wrote the CENRO confirming receipt of the NTV, reiterating that its occupation of the 40-meter easement area should be respected. TKPI also informed the CENRO that it is awaiting the actual ground survey pursuant to its 26 July 2021.⁴

TKPI is currently awaiting the schedule of the: (1) next technical conference with the DENR to discuss the overlap on TKPI's FLAGT and Noel Tampe's and Baberlyn Gomez' OCTs; and (2) actual ground survey to be conducted by the CENRO. These are necessary for a definitive resolution of the pending issues discussed above.

Following Department Administrative Order Nos. 2004-24 and 2004-28, the DENR may execute agreements to occupy, develop, utilize, and manage foreshore lands. Undeniably, the 3.206 hectares of forest land covered by the FLAGT includes the 40-meter easement, within which the perimeter fence and the guard house are situated. To date, TKPI remains to be in open and peaceful possession of the forest land subject of the FLAGT. Thus, TKPI respectfully reiterates its position that its FLAGT, which is valid until 31 December 2030, must be respected.

We shall continue to apprise your good office of the developments regarding this matter.

Very truly yours,

ANGARA ABELLO CONCEPCION REGALA & CRUZ

By:


SALVADOR L. PEÑA

Annex "B" and made an integral part hereof.

³ Citing Presidential Decree 1067, otherwise known as the "Water Code of the Philippines", Art. 51, and R.A. No. 7598 or the "NIPAS Act of 1992" as amended by R.A. No. 11038 or the "Expanded Nipás Act of 2018", Sec. 24(4).

⁴ A copy of the 23 August 2021 letter is attached as Annex "C" and made an integral part hereof.



CHRYBILLA CARISSA P. BAUTISTA



CHRISTOPHER LOUIE D. OCAMPO



JESSICA SHARLA G. BUSTAMANTE



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

Annex "A"

COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE

By the National Highway, Poblacion, Taytay, Palawan 5312

Mobile: 0926-505-9335 TM 0912-171-3889 TNT

Email: cenrotaytay@denr.gov.ph

July 26, 2021

MS. MARIGLO LARIRIT

Executive Director

Ten Knots Philippines Incorporated

Masagana, El Nido, Palawan

Madam,

Environmental Greetings!

This pertains to the Memorandum dated May 19, 2021 from the Regional Executive Director, relative to an actual ground survey of the following approved Forest Land-use Agreement for Tourism Purposes (FLAgTs), as listed below:

FLAgT No.	LOCATION	NATURE OF APPLICATION	AREA (ha)
DENR IV-MIMAROPA-11302030-0005	Miniloc Island, Bebeladan, El Nido, Palawan	Bathing Establishment	4.87
DENR IV-MIMAROPA-11302030-0008	Lagen Island, Aberawan, El Nido, Palawan	Bathing Establishment	5.0000
DENR IV-MIMAROPA-11302030-0009	Pangulasian Island, Bebeladan, El Nido, Palawan	Bathing Establishment	5.0000
DENR IV-MIMAROPA-11302030-0010	Cadlao Island, Buena Suerte, El Nido, Palawan	Bathing Establishment	3.206

FLAgT No.	LOCATION	NATURE OF APPLICATION	Remarks
DENR 4B-12312029-0002	Apulit Island, Maytegued, Taytay, Palawan	Bathing Establishment	Previously under the name of Santa Isabelle Corporation; transferred to Bacuit Bay Development Corporation;
DENR 4B-12312029-0003	Apulit Island, Maytegued, Taytay, Palawan	Hotel Site	
DENR 4B-12312029-0004	Apulit Island, Maytegued, Taytay, Palawan	Camp Site	



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

COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE

By the National Highway, Poblacion, Taytay, Palawan 5312

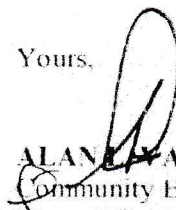
Mobile: 0926-505-9335 TM 0912-171-3889 TNT

Email: cenrotaytay@denr.gov.ph

In view hereof, respectfully requesting the assistance of your Geodetic Engineer (GE) during the conduct of the said survey to determine the metes and bounds of the areas. We will notify you of our schedule once it has been final.

Kindly prepare all other documents in the possession of the company concerning the areas. Thank you.

Yours,


ALAN VALLE
Community Environment and
Natural Resources Officer

Copy furnished:

RED-MIMAROPA
L&S Building, Roxas Boulevard,
Ermita, Manila

PENRO-PALAWAN
Sta. Monica, Puerto Princesa City

PAMO-ENTMRPA
El Nido, Palawan



August 6, 2021

THIRD AND FINAL NOTICE OF VIOLATION AND ORDER TO VACATE

TO : **Mr. Israel Gomez**
Mrs. Baberly Gomez
Cadlao Island, Barangay Buena Suerte
El Nido, Palawan

: **The President**
Ten Knots Development Corporation
Cadlao Island, Barangay Buena Suerte
El Nido, Palawan

AUG 09 2021 2463

Sir,

Greetings!

This pertains to the first and second Notices to Vacate dated February 5, 2021 and May 6, 2021 respectively, issued to you by this Office pertaining to the guard house and perimeter fence constructed within the easement of Cadlao Island, Bgy. Buena Suerte, El Nido, Palawan. Please be reminded that constructing and maintaining the above structures violate the following laws:

1. **Presidential Decree 1067** also known as the Water Code of the Philippines which states that:

Article 51. The banks of rivers and streams and the shores of the seas and lakes throughout their entire length and within a zone of three (3) meters in urban areas, twenty (20) meters in agricultural areas and forty (40) meters in forest areas, along their margins are subject to the easement of public use in the interest of recreation, navigation, floatage, fishing and salvage. No person shall be allowed to stay in this zone longer than what is necessary for recreation, navigation, floatage, fishing or salvage or to build structures of any kind.

2. Republic Act No. 7586 (NIPAS Act of 1992) as amended by **Republic Act No. 11038** or the Expanded NIPAS Act of 2018) which states that:

Section 24(paragraph 4). Structures found within the forty (40)-meter easement shall be demolished unless proven necessary to protect the shoreline and mitigate habitat destruction. The PAMB shall levy a reasonable fee for the use of such easement for their continued operations. Wharves shall be kept accessible to the public.

In view hereof, you are hereby **ordered** to completely remove the structures you constructed inside the 40-meter easement area upon receipt of this Notice. Further, refrain from further introducing developments in the area unless otherwise with clearance from the PAMB and permits from concerned government offices.

For inquiries regarding this matter, you may visit the PAMO of ENTMRPA located along Real Street, Bgy. Masagana, Municipality of El Nido, Palawan.

We are hoping that you will immediately comply this order.

Sincerely,

For and in the absence of the CENRO:


ALEXANDER E. MANCIO
SEMS / In Charge, Office of the CENRO

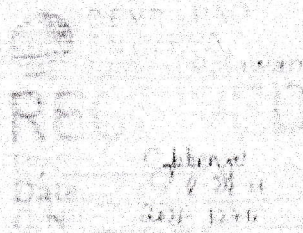
Copy furnished:

*Regional Executive Director, DENR-MIMAROPA
Provincial Environment and Natural Resources Officer - Palawan
Office of the Mayor, Municipality of El Nido, Palawan
Office of the Punong Barangay, Buena Suerte, El Nido, Palawan
Protected Area Management Office - ENTMRPA
File*

Annex "C"

13 August 2021

For: Alexander E. Mariano
JAN/IN Charge
Office of the DENRO




Dear Sir:

This is to acknowledge receipt of your letter dated 6 August 2021 that was received by our office on 10 August 2021.

As per our previous conversations with your good office, our company has had a FLAG 7 cover 2015 covering the area that is delineated by our fence. As per DENR AO 2004-24 and DENR AO 2004-28, foreshore lands that are included in miscellaneous lease contracts with DENR should be respected. In addition, we await the actual ground survey that will be undertaken under the 26 July 2021 letter of your good office based on the Memorandum of the Regional Executive Director.

In the meantime, we guarantee that no further improvements will be introduced into our FLAG 7 covered area in Sabang, Cebu.

Very truly yours,


Mariglo T. Lanit
Attorney-in-Fact

Copy furnished:

For: [illegible]
Protected Area Superintendent
Mindoro-Luzon Managed Resource Protected Area
Management Office
C/Nido, Palawan