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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

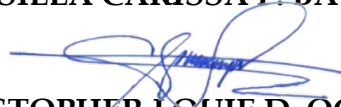
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