



Republic of the Philippines  
Department of Environment and Natural Resources  
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Document No: DENRCO - AS RMD-2021-008676

Print Date: Tuesday, March 30, 2021

Sender: PETER PAUL L.A DANA O

Address: MADRID DANA O & ASSOCIATES, PASIG CITY

Subject: LETTER DTD 03/23/2021 REQUEST TO CANCEL, REVOKE AND/OR DENY ECC, TENURIAL AGREEMENT, LICENSE AND/OR PERMIT OF AYALA-OWNED RESORTS IN EL NIDO, PALAWAN FOR BLATANT VIOLATION OF R.A. 8371 (THE INDIGENOUS PEOPLES RIGHTS ACT 1997) ON THE TAGBANUA TANDULANEN'S ANCESTRAL DOMAIN RIGHTS

Addressee(s): Office of the Secretary (DENR CO - OSEC)

CC Addressee(s):

Date/Time Received: 03/26/2021 09:50:00 AM

ROUTING AND ACTION INFORMATION				
FROM	DATE/TIME RECEIVED	FOR/TO	DATE/TIME RELEASED	ACCEPTANCE REMARKS/ACTION REQUIRED/TAKEN REMARKS/STATUS
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DENRCO - AS RMD		DENR CO - OSEC	03/30/2021 01:13:43 PM	

BF

4/6/2021

UEM IPC

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Sir,

For your consideration and  
appropriate action pls.

Thank you - BF

APR 06 2021



**MADRID DANA O & ASSOCIATES**

LAWYERS

LITIGATORS

RAINIER L. MADRID  
PETER PAUL L. DANA O

FATIMA ANN S. ISLA  
EXZIE G. CALUBAYAN  
MARIO ANTONIO M. VICENTE

23 March 2021

**HON. ROY A. CIMATU***DENR Secretary*

DENR Compound, Visayas Avenue,  
Diliman, Quezon City

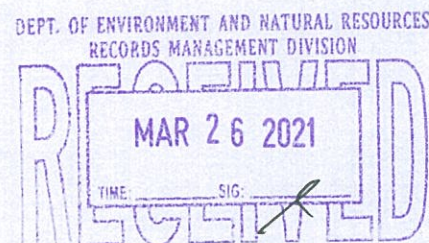
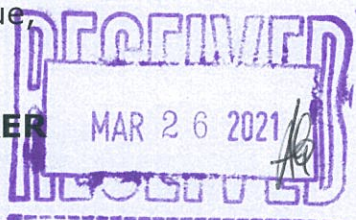
**HON. MA. LOURDES G. FERRER***Regional Executive Director*

DENR-Region 4B

Bay 1515 L & S Building  
Roxas Boulevard, Manila

**ENGR. ALAN L. VALLE***Officer-in-Charge*

CENRO, Taytay, Palawan



Re: Request to Cancel, Revoke and/or Deny ECC,  
Tenurial Agreement, license and/or permit of  
Ayala-owned resorts in El Nido, Palawan for  
blatant violation of R.A. 8371 [The Indigenous  
Peoples' Rights Act of 1997] on the Tagbanua  
Tandulanen's ancestral domain rights

Dear Ma'am/Sir:

On behalf of the **Indigenous People of Tagbanua Tandulanen** in El Nido, Palawan, our tribe wish to seek your Office's assistance in enforcing our ancestral domain rights in El Nido, Palawan which is the subject of CADT Application No. **R04-PAL-0132-AD** duly recognized by the NCIP-Palawan per its attached **letter dated 03 December 2020** to the DENR-CENRO.

Despite repeated demands to the Ayala Family, including its Chairman/CEO Jaime Augusto Zobel de Ayala, to comply with the requirements of R.A. 8371 [The Indigenous Peoples' Rights Act of 1997], including securing the requisite Free and Prior Informed Consent from our tribe's Council of Elders for all their ongoing and/or upcoming resorts and projects in El Nido, Palawan, they have failed and refused and continue to fail and refuse to date to comply therewith, much less favor us with a reply. For your reference, attach herewith



are photocopies of our **demand letters dated 02 March 2021 and 12 February 2021.**

Hence, we are constrained to request your Honorable Office, pursuant to Sections 10<sup>1</sup> and 59<sup>2</sup> of R.A. 8371, to **CANCEL, REVOKE and/or DENY** any accreditation, permit, license and/or authority to operate issued by your Office/Department, including ECC and tenurial agreements, for the following Ayala-owned businesses and/or projects in El Nido, Palawan:

1. Lio Airport in Brgy. Villa Libertad;
2. Lio Estate in Brgys. Villa Libertad and Pasadena;
3. El Nido Cove Resort in Brgy. Pasadena;
4. Pangulasian Island Resort in Brgy. Bebeladan;
5. Miniloc Island Resort in Brgy. Bebeladan;
6. Lagen Island Resort in Brgy. Aberawan; and
7. Such other projects in El Nido, Palawan.

Considering the reported rampant and widespread proliferation of illegal transfers and conversion of our tribe's ancestral domain/lands to our tribe's grave damage and prejudice, we hope for your immediate and favorable action on this.

Sincerely yours,

  
**PETER PAUL L. DANA O**

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<sup>1</sup> "SECTION 10. Unauthorized and Unlawful Intrusion. — Unauthorized and unlawful intrusion upon, or use of any portion of the ancestral domain, or any violation of the rights hereinbefore enumerated, shall be punishable under this law. **Furthermore, the Government shall take measures to prevent non-ICCs/IPs from taking advantage of the ICCs/IPs customs or lack of understanding of laws to secure ownership, possession of land belonging to said ICCs/IPs.**"

<sup>2</sup> "SECTION 59. Certification Precondition. — **All departments and other governmental agencies shall henceforth be strictly enjoined from issuing, renewing, or granting any concession, license or lease, or entering into any production-sharing agreement, without prior certification from the NCIP that the area affected does not overlap with any ancestral domain. Such certification shall only be issued after a field-based investigation is conducted by the Ancestral Domains Office of the area concerned: Provided, That no certification shall be issued by the NCIP without the free and prior informed and written consent of ICCs/IPs concerned: Provided, further, That no department, government agency or government-owned or -controlled corporation may issue new concession, license, lease, or production sharing agreement while there is a pending application for a CADT: Provided, finally, That the ICCs/IPs shall have the right to stop or suspend, in accordance with this Act, any project that has not satisfied the requirement of this consultation process.**"





Republic of the Philippines  
OFFICE OF THE PRESIDENT  
NATIONAL COMMISSION ON INDIGENOUS PEOPLES  
Roxas Service Center  
2/F, Paredes Building (ROCAR), Nat'l Highway, Brgy 2, Roxas  
Palawan

December 3, 2020

DENR-CENR  
TAYTAY, PALAWAN  
RECEIVED

DATE 3/10/21 BY K35

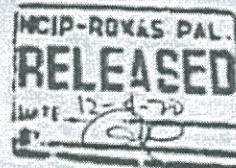
MR. ALLAN L. VALLE  
DENR-CENR Officer  
Municipality of Taytay  
Palawan

Sir:

The undersigned is informing your good office over areas in El Nido which were already identified and recognized by this office as Ancestral Domain Claims of the Tagbanua-Tandulanen ICCs. These areas are as follows:

El Nido

1. New Ibayay
2. Mabini
3. Villa Paz
4. Sibaltan
5. San Fernando
6. Teneguiban
7. Barutuan
8. Bucana
9. Pasadena
10. Villa Libertad
11. Part of Corong-corong
12. Manlag
13. Aberawan
14. Bebeladan
15. Bagongbayan



On this matter, the undersigned is hereby praying that applicants seeking tenurial instruments should acquire a resolution from the Traditional Leaders or council of elders of the mentioned areas based on the residency of the applicants pursuant to Section 5, Part II, Rule II of Implementing Rules and Regulations of R.A. 8371 which states:

*Section 5. Right to Regulate Entry of Migrants and Other Entities. The collective right to use everything within the domain/land is limited only to the recognized members of the ICCs/IP community. Accordingly, the ICCs/IPs shall have the right to regulate the entry of migrants, including organizations who intend to do business, engage in development or other form of activities, in their ancestral domains/lands. For this purpose, the following shall be applicable: a) Migrants. For purposes of these rules, a migrant is a person who is not a native to the ancestral domain or not a part owner of ancestral land but who, as a consequence of social, economic, political or other reasons, such as displacement due to natural disasters, armed conflict, population pressure, or*

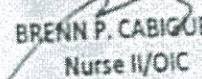
the number and date of this receipt on  
the back of check or money order received



search for seasonal work, opted to occupy and utilize portions of the ancestral domains/lands and have since established residence therein; b) Other entities. Other entities shall include all organizations, corporations, associations or persons who intend to enter the ancestral domains/lands for the purpose of doing business, development or other activities therein; and c) Procedure for Regulating Entry of Migrants and Other Entities. All migrants and other entities must first secure the express permission of the community's council of elders/leaders who shall, in accordance with their consensus building process, community practices, customs and traditions and upon the Free, Prior and Informed Consent of the community members agree to accept such migrant or entity within the domains, subject to the following conditions:  
(1) Said persons and entities can be allowed to perform activities as are expressly authorized and which are not inimical to the development of the ancestral domains and cultural integrity of the ICCs/IPs, and (2) The ICCs/IPs shall maintain the right to impose penalties for violation of the conditions in accordance with their customary laws, the Act or its rules and regulations. The ICCs/IPs' Council of Leaders/Elders, with the assistance of NCIP shall take appropriate action to ensure the effective implementation and enforcement of these rights.

It is being wished therefore that your office will support the Indigenous Cultural Communities in protecting their rights over their Ancestral Domain. Thank you and more power.

Sincerely,

  
BRENN P. CABIGUEN  
Nurse II/OIC

CC:

NCIP Palawan Provincial office  
Mun. IPMR Prospero Castro- El Nido  
File



# MADRID DANA O & ASSOCIATES

LAWYERS

LITIGATORS

RAINIER L. MADRID  
PETER PAUL L. DANA O

FATIMA ANN S. ISLA  
EXZIE G. CALUBAYAN  
FRANCIS C. DITOL

02 March 2021

*[Handwritten signature]* 3/3/21  
Jot Mark Bawo

**MR. JAIME AUGUSTO ZOBEL DE AYALA**

*Chairman and CEO*

Ayala Corporation

32<sup>nd</sup> floor Tower One and Exchange Plaza

Ayala Triangle, Ayala Avenue, Makati City

Re: Demand Letter dated 12 February 2021 of the Indigenous People of Tagbanua Tandulanen in El Nido, Palawan for your and your companies' compliance with R.A. 8371 [The Indigenous Peoples' Rights Act of 1997]

Dear Sir:

On behalf of the **Indigenous People of Tagbanua Tandulanen** in El Nido, Palawan, attach herewith is the **Letter dated 12 February 2021** of our council of elders demanding, among others, your and your companies' compliance with R.A. 8371 [The Indigenous Peoples' Rights Act of 1997]. For your reference, I also attach herewith a photocopy of my designation from our council of elders.

Since your various companies reportedly espouse "**corporate social responsibility**" programs, we trust that you will immediately comply with our tribe's just and valid demands. Otherwise, we shall be constrained to institute legal actions against you and your companies to protect the interests of our tribe.

We hope that you will give this matter your preferential attention.

Sincerely yours,

*[Handwritten signature]*  
**PETER PAUL L. DANA O**



2/3/21  
JOE HANIK BDEL

JAIME AUGUST ZOBEL DE AYALA  
CHAIRMAN AYALA CORPORATION  
32<sup>nd</sup> FLOOR ,TOWER ONE  
AYALA AVENUE ,MAKATI CITY

FEB. 12,2021

RE: sumulat na tatalima

SA FPIC O lumayas sa aming lupaing ninuno sa loob ng 10 araw

Ginoong Zobel de ayala,

Basahin at pag aralan ng personal ang republic act 8371. Ang Indigenous Peoples Right Act of 1997". Dahil alam namin na hindi po ninyo alam ang ginagawang kalapastanganan at kawalang hiyaan ng inyong mga tao sa 10 knots development corporation {TKDC} dito sa EL NIDO, PALAWAN na aming lupaing ninuno bilang mga TAGBANUA TANDULANEN. Dahil walang free and prior informed consent {FPIC} at wastong konsultasyon sa aming tribu . Ang inyong LIO AIRPORT at mga resorts sa Pangulasian, Lagen, Miniloc, Lio Beach, El Nido Cove at iba pa, kayo po ay tahasang lumalabag sa Section 59 ng R.A. 8371. Ang mga ninuno ng aming Tribu ay nanirahan ditto sa bayan ng El Nido bago dumating ang mga Kastilang mananakop na mapagsamantala at mapanlinlang .

Noong February 09, 2021 nagpatawag ng public hearing si CENRO Taytay Allan Valle dahil sa Artikulo na lumalabas sa Palawan Star noong February 05, 2021 na may pamagat na Ayala Violates Ancestral Land Domain. Tungkol sa tahasang paglabag sa easement ng mga resorts na Ayala dito sa El Nido. Sinabi sa akin ni MARIGLO LARIRIT, AYALA HEAD OF ENVIRONMENT na sila ay nanghihina ng loob dahil sa nasabing Artikulo. At nabanggit nya na hangad ng inyong kompanya na makipagayos sa aming Tribu dahil sa ani nya, kagustuhan ng inyong kompanya na lumagi dito sa aming lupang ninuno ng pangmatagalang panahon.

Kaming mga TAGBANUA-TANDULANEN ay napakadaling kausapin. Bilang Chairman ng Ayala Corporation hinihiling po namin sa inyo na magpasa ng SULAT KAMAY na kayo at ang inyong mga kompanya dito sa El Nido ay tatalima sa mga pangangailangan ng Free and Prior Informed Consent (FPIC) para sa LIO AIRPORT, LIO BEACH RESORTS, PANGULASIAN ISLAND RESORTS, EL NIDO COVE RESORTS at iba pang mga lupain na inyong nabili dito sa aming lupang ninuno.

Kung hindi po kami makakatanggap ng pangakong liham na ito galling sa inyo mismo sa loob ng 10(sampu) araw lang pagkatanggap ng liham na ito gagawin namin ang lahat na palayasin kayo dito sa

aming lupang ninuno sa El Nido. Ipaglalaban namin ang dangal, puri at kinabukasan ng mga sumusunod na salinlahi ng TAGBANUA TANDULANEN hanggang kamatayan. Hindi namin pinahihintulutan na mangyari pang muli ag nangyari sa aming dating pinuno na si G. Amado C. Baluarte na inalisan ng lupa ni Mariglo Laririt na inyong tauhan.

HUWAG NINYO KAMING TRATUHING MGA INDIO!

MARAMING SALAMAT.

LUBOS NA GUMAGALANG,

APO REMEDIOS C. CABRAL

IP LEADER TAGBANUA TANDULANEN

EL NIDO, PALAWAN

APO NIELSON G. BIENES

IP LEADER TAGBANUA TANDULANEN

SIBALTAN, EL NIDO, PALAWAN

APO JOSEFINA A. ALVAREZ

IP LEADER TAGBANUA TANDULANEN

MABINI, EL NIDO, PALAWAN

MARY ANN P. ABRANTES

IP SECRETARY TAGBANUA TANDULANEN

NEW IBAJAY, EL NIDO, PALAWAN

APO ROGELIO P. MANLAVI

IP LEADER TAGBANUA TANDULANEN

VILLA LIBERTAD, EL NIDO, PALAWAN

APO ULRICH VON C. CABRAL

IP LEADER TAGBANUA TANDULANEN

NEW IBAJAY, EL NIDO, PALAWAN

APO RAMON A. JACOBO

IP LEADER TAGBANUA TANDULANEN

MANLAG, EL NIDO, PALAWAN

APO RYAN C. FULGENCIO

IP LEADER TAGBANUA TANDULANEN

PASADEÑA, EL NIDO, PALAWAN

APO GERRY S. RAZOTE

IPMR TAGBANUA TANDULANEN

BUCANA, EL NIDO, PALAWAN



# RACAPATUNAY

Siang nga Minuman ng Tibong Tagbanwa Tandolanan at Tagapangulu ng Lupon  
Ninuno ng B. Nido, Palawan, among Minunang a Apo. PETER PAUL LACANALE DANILO, JR.  
No. 46234; PTR No. 5490274 / 01-07-20 / Poly City, Linaoan BR No. 01886 / 01-27-01 /  
Nueva Vizcaya; JALIE Compliance No. VI-0021655 / 01-28-2015 / Poly City) among Legal  
Council / Tagapangulu ng aming Tibko na nagmamay-ay ng mga Lupon Ninuno ng Tibong  
Tagbanwa Tandolanan ng B. Nido, Palawan na sa ating ninyabero ng aming Tibong Tagbanwa  
Tandolanan.

  
Apo RICHARD CABATE CABRAL  
Pangulo Tibong Tagbanwa Tandolanan  
Tagapangulu ng Lupon Ninuno  
B. Nido, Palawan

  
Apo NELSON GACOT BERNIS  
Pangulo Tibong Tagbanwa Tandolanan  
Tagapangulu ng Lupon Ninuno  
B. Nido, Palawan

  
Apo ROGELIO RAOUL MANJAN  
Pangulo Tibong Tagbanwa Tandolanan  
Tagapangulu ng Lupon Ninuno  
B. Nido, Palawan

  
Apo GERRY SALES BAZOTE  
Pangulo Tibong Tagbanwa Tandolanan  
Tagapangulu ng Lupon Ninuno  
B. Nido, Palawan

  
Apo ULRICH VON CABATE CABRAL  
Pangulo Tibong Tagbanwa Tandolanan  
Tagapangulu ng Lupon Ninuno  
B. Nido, Palawan

  
Apo JOSEFINA DACOT-ADARIZ  
Pangulo Tibong Tagbanwa Tandolanan  
Tagapangulu ng Lupon Ninuno  
B. Nido, Palawan

REPUBLIC OF THE PHILIPPINES  
PROVINCE OF PALAWAN ) S.S.  
MINORITY OF B. NIDO )  
----- X -----

BEFORE ME, NOTARY PUBLIC for and in the Province of Palawan, Philippines, this 1<sup>st</sup> of  
January, 2021, personally appeared the following persons who has satisfactorily proven to me  
their identity through their respective competent evidence of identity, as follows, to wit:

Notarized / Apo RICHARD CABATE CABRAL  
Apo NELSON GACOT BERNIS  
Apo ROGELIO RAOUL MANJAN  
Apo GERRY SALES BAZOTE

3:31 PM ✓

Apo ULRICH VON CABATE CABRAL  
Apo JOSEFINA DACOT-ADARIZ

Known to me to be the same persons who executed and signed the foregoing  
RACAPATUNAY consisting of two (2) pages including this page, signed by the parties and the  
instrumental witnesses on each and every page thereof, and they acknowledged to me that the  
same are their free and voluntary act.

WITNESS MY HAND AND SEAL on the date and place above-written.

JAN 01 2021 10:10 AM  
JAN 01 2021 10:10 AM

10:10 AM  
JAN 01 2021

  
NOTARY PUBLIC  
JAN 01 2021 10:10 AM  
JAN 01 2021 10:10 AM  
JAN 01 2021 10:10 AM