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Provincial Officer, NCIP Palawan

Re: *Tagbanuwa Tundulanen's letter dated 1 April 2022*

Dear Director Pascua and Attorney Jontila:

Without admitting the truth or merit of the matters in the Tagbanuwa Tundulanen's letter dated 1 April 2022, which we shall address at the proper time and forum, Ten Knots Philippines, Inc. ("TKPI") respectfully reiterates its request for the immediate lifting of this Honorable Office's Cease and Desist Order ("CDO") dated 7 March 2022.

As stated in the CDO, this Honorable Office issued the same based on its belief that TKPI refused submit to the FPIC process. It has since been clarified and repeatedly reaffirmed that TKPI has submitted to the FPIC process. TKPI has submitted the documents in this Honorable Office's FPIC checklist through its letter dated 15 March 2022, confirmed the completeness of its submission in its letters dated 21 March and 24 March 2022, and categorically stated in its Letter of Intent dated 29 March 2022 that it is participating in all lawful processes, including the FPIC. Recognizing this fact, this Honorable Office scheduled the pre-FBI conference on Friday, 8 April 2022.

Thus, there is no legal impediment to the lifting of the CDO.

Respectfully,

ANGARA ABELLO CONCEPCION REGALA & CRUZ

By:

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(Signature)


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15 March 2022

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Provincial Officer, NCIP Palawan

Re: Cease and Desist Order dated 7 March
2022

Gentlemen:

On behalf of **Ten Knots Philippines, Inc.** ("TKPI"), we write in relation to the Cease and Desist Order ("CDO") dated 7 March 2022, which TKPI received on 14 March 2022, directing TKPI to stop operating its projects in Villa Libertad and Pasadena.

With all due respect, the CDO does not have any factual and legal basis.

First, it is incorrect to state that TKPI "has not submitted itself to the Free and Prior Informed Consent (FPIC) process". In TKPI's letters dated 17 May 2021, 6 August 2021, 2 November 2021, and 6 December 2021, TKPI repeatedly and expressly committed to participate in all lawful processes determined by your office, including the FPIC process under Section 59 of the Indigenous Peoples Rights Act ("IPRA"). In fact, TKPI requested a technical conference with your office to discuss how to move the lawful processes forward.

Second, it was TKPI's understanding that the technical conference held on 8 February 2022 commenced the Section 59 process. During that technical conference, your office explained that a field-based investigation ("FBI") would first be conducted to determine whether the location of TKPI's projects overlaps with *existing* ancestral domains; and if so, TKPI would have to go through the FPIC process. You also confirmed during the technical conference that no delineation of ancestral domains had yet been made for Ms. Remedios Cabral's CADT Application, which you categorically stated would start only in March 2022. Hence, there cannot be any recognized ancestral domain yet with respect to Ms. Cabral's CADT Application.

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Third, pursuant to the technical conference and in compliance with your letter dated 13 February 2022, TKPI submitted all the documents that you requested in relation to the FPIC process, even though TKPI had questioned the propriety and basis of your reliance on the letter dated 3 December 2020 of Mr. Brenn P. Cabiguen (of the NCIP Roxas Service Center), which enumerated 15 barangays to be identified and recognized as “Ancestral Domain Claims” (“Cabiguen Letter”). Thus, TKPI submitted the following documents on 3 March 2022 to your office:

Project	TCTs or Tenurial Instruments and date	Environmental Compliance Certificate (“ECC”)
Lio Airport and Lio Estate	1. TCT No. 065-2017000586; 2. TCT No. 065-2017000587; 3. TCT No. 065-2019000100; 4. TCT No. 065-2019000724; 5. TCT No. T-8895; 6. TCT No. T-8986; 7. TCT No. T-8996; 8. TCT No. T-9035; 9. TCT No. T-9038; 10. TCT No. T-9041; 11. TCT No. T-9065; 12. TCT No. T-9504; 13. TCT No. T-10195; 14. TCT No. T-10549; 15. TCT No. T-10551; 16. TCT No. T-11709; 17. TCT No. T-11710; 18. TCT No. T-11829; 19. TCT No. T-11835; 20. TCT No. T-11838; 21. TCT No. T-12014; 22. TCT No T-15316; 23. TCT No. T-11717; 24. TCT No. 05-2019001619; 25. TCT No. 065-2019000288; 26. TCT No. T-17148; 27. TCT No. T-17149; 28. TCT No. T-18787; and 29. TCT No. T-19399	ECC-R4B-1607-0024 dated 19 September 2016
Lagen Island Resort	Special Use Permit No. DENR IV-110499-0008 dated 4 November 1998; Forest Land Use Agreement for Tourism Purposes (“FLAGT”) No. DENR IV-MIMAROPA-	ECC dated 9 August 1990 ECC No. 9002-04450120A dated 19 September 1990

	12302030-0008 issued on 27 December 2005.	
Miniloc Island Resort	Special Use Permit No. DENR-IV-PENRO-110699-0005 dated 6 November 1998; FLAGT No. DENR IV-MIMAROPA-11302030-0005 issued on 23 November 2005	Project was established in 1981 prior to the issuance of Presidential Decree No. ("PD") 1121 (Creating the National Environmental Protection Council) and PD 1586 (Establishing an Environmental Impact Statement System) ECC-4B-134-PA-9690-2005 dated 27 June 2005
Pangulasian Island Resort	Special Use Permit No. DENR-IV-PENRO-100699-0004 dated 6 November 1998; FLAGT No. DENR IV-MIMAROPA-12302030-0009 issued on 27 December 2005	ECC No. 9302-003-402C dated 27 June 1994; ECC-R4B-0905-102-9690 dated 4 December 2009
El Nido Cove Resort (stopped operations on 20 January 2020)	1. TCT No. 065-2017000013; and 2. TCT No. 065-2017000014	ECC-4B-163-PA-9690-2007 dated 13 December 2007

In its letter dated 3 March 2022, TKPI again affirmed its commitment to participate in whatever lawful processes deemed necessary by the NCIP. TKPI also requested another technical conference with your office to discuss the next steps.

Clearly, TKPI, without prejudice to its lawful remedies, has submitted to the FPIC process and is merely waiting for your office's advice on the next steps. TKPI has been cooperating with your office and has provided all the documents that you requested in connection with the FPIC process. Instead of directing TKPI on the next steps of the FPIC process, you precipitately and unjustly issued the CDO.

Fourth, TKPI requested a list of ancestral domain areas in Region IV-B from the Recognition Division of the Ancestral Domains Office ("ADO").¹ The ADO then emailed a file containing, among other matters, the following information:

1. List of Approved CADTs in Region IV-B as of 31 January 2022;
2. List of on-process CADTs in Region IV-B;
3. List of Direct CADT Applications in Region IV-B for processing; and
4. List of Identified ancestral domain areas in Region IV-B.

¹ A printout of the email dated 1 March 2022 with timestamp at 3:55 p.m. is attached hereto as **Annex "A"** and made an integral part hereof.

For your reference, we are furnishing you with the file provided by the ADO containing the foregoing lists.

None of the 15 barangays enumerated in the Cabiguen Letter is listed in the ADO's records.

To note, the lists given by the ADO are based on available data or reports provided and submitted by NCIP Field Offices as of 31 January 2022. Had there been any FBI or any site visit in Barangay Villa Libertad, Pasadena, or any of the other barangays mentioned in the Cabiguen Letter that resulted in the identification of "ancestral domain claims", the same would have already been transmitted and filed with the ADO and reflected in the above-mentioned lists. Again, TKPI understood that the FBI would only commence in March 2022, as you advised during the technical conference.

For these reasons, the CDO is baseless in fact and in law. Since there is no recognized ancestral domain yet, particularly in Barangays Villa Libertad and Pasadena, we respectfully submit that there is no basis to proceed further with the FPIC process, much less to issue a CDO against TKPI's projects in those areas for supposedly not submitting itself to the FPIC process.

Nevertheless, to reaffirm TKPI's continuing commitment to abide by the processes of your good office, TKPI submits herewith the following documents pertaining to its projects in Barangays Villa Libertad and Pasadena:

Description	Document
1. Endorsement from the appropriate regulatory agency	a. Resolution No. 59, s. 2015 dated 19 October 2015 from the Office of the Sangguniang Barangay of Villa Libertad; b. Resolution No. 18, s. 2015 dated 5 October 2015 from the Office of the Sangguniang Barangay of Pasadeña; c. Resolution No. 15-180 adopted by the Sangguniang Bayan of El Nido, Palawan; d. Resolution No. 12469 s. 2016 adopted by the Sangguniang Panlalawigan of Puerto Princesa City, Palawan; e. SEP Clearance No. LTE-033116-50 issued by the Palawan Council for Sustainable Development on 31 March 2016; and f. Zoning Certification dated 20 May 2015.
2. Company Profile	a. Ten Knots Company Profile
3. Project Profile, which includes the nature and purpose of the project location and administrative maps,	a. Lio Tourism Estate Project Profile & Development Plan

abstract of proposed project, duration of the project, and preliminary assessment on economic, social, cultural, and environmental effects	
4. Indicative Budget	
5. Operational Plan and Activities	
6. Persons to be involved in implementation	
7. Profile of the applicant	
8. Environmental Impact Assessment from the DENR	a. Lio Tourism Estate Environmental Impact Assessment Report

Considering that TKPI has clearly submitted to the FPIC process (notwithstanding the lack of an FBI and the lack of recognized ancestral domains in the area) and has consistently demonstrated its willingness to cooperate with the NCIP, it is respectfully requested that your good office reconsider and recall the CDO while the FPIC process is ongoing.

For context, the CDO you issued will affect not only TKPI, but more than 500 employees who are employed by the different establishments in TKPI's projects. The loss of employment of these employees also impacts their families. These are the same employees and families severely affected by the downturn of the tourism industry due to the pandemic. The CDO will have widespread adverse repercussions and will result in unquantifiable damage to the businesses and enterprises reliant on the daily operations of the Lio Airport. The closure of the Lio Airport will affect an average of 600 passengers who fly in and out of El Nido daily. It will also affect the operations of the Iloilo-Negros Air Express Company ("INAEC") and the Joint Task Force Malampaya who land their aircrafts at the Lio Airport. The CDO will close down not only the Lio Airport, but also the seaport, hotel, and retail establishments located in Villa Libertad and Pasadena. All of these would halt efforts to revive the local economy.

Should you be minded, despite the foregoing explanation and submission of additional documents, to enforce the CDO based on your erroneous belief that TKPI has not submitted to the FPIC process, TKPI requests for a period of 30 days, or until 13 April 2022, within which to wind down operations in Villa Libertad and Pasadena. TKPI would have to arrange for the transport of guests out of Villa Libertad, give airline passengers bound for Lio Airport an opportunity to cancel flights, wind down inventories of retail and commercial establishments, and make arrangements for affected staff who will be out of jobs, among other things.

Lastly, TKPI is requesting for guidance on the next steps to be taken in order that the FPIC process may take its full course.

TKPI reserves its rights under the law.

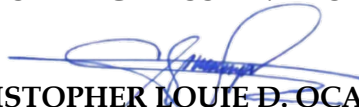
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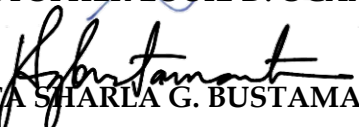
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Re:

Follow up on Lifting and Recall of the
Cease and Desist Order dated 7 March
2022

Gentlemen:

On behalf of **Ten Knots Philippines, Inc.** ("TKPI"), we write in relation to the 7 March 2022 Cease and Desist Order ("CDO") issued by the National Commission on Indigenous Peoples ("NCIP"), directing TKPI to stop operating its projects in Villa Libertad and Pasadena, and in furtherance of TKPI's letter of 15th March 2022, requesting, among other relief, the lifting and recall of the CDO.

TKPI categorically and expressly re-affirms its submission to the Free and Prior Informed Consent ("FPIC") process. In all previous communications, TKPI has consistently signified its submission to all lawful processes of your office, including those outlined in Section 59 of the Indigenous Peoples Rights Act, one of which is the FPIC process.

In its letter dated 15 March 2022, TKPI submitted all the necessary documents to facilitate the FPIC process, following the list provided by your office. TKPI's submissions are complete. Your good office has not informed TKPI to the contrary.

More importantly, TKPI's Certificate of Non-Overlap dated 3 September 2013 also remains valid and effective and is not subject of cancellation proceedings whatsoever. Therefore, there is no legal impediment to the lifting and recall of the CDO.

21 March 2022

5.9506

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The far-reaching and harmful effects of the CDO to the local community, including indigenous peoples ("IP") groups whose livelihood depend on the local tourism industry and businesses and establishments call for its lifting and recall.

TKPI makes no admissions and reserves its rights under the law.

Respectfully,

ANGARA ABELLO CONCEPCION REGALA & CRUZ

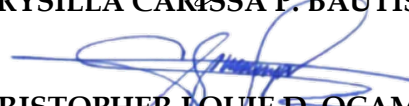
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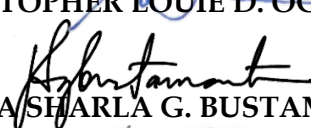
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+ DECEASED

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Attention: **MS. MARIE GRACE T. PASCUA, CESO III**
Regional Director, NCIP MIMAROPA
ATTORNEY JANSEN I. JONTILA
Provincial Officer, NCIP Palawan

Re: Follow up on Lifting and Recall of the Cease
and Desist Order dated 7 March 2022

Gentlemen:

On behalf of **Ten Knots Philippines, Inc.** ("TKPI"), we again follow up our request for the lifting and recall of your Cease and Desist Order ("CDO") dated 7 March 2022.

Upon inquiry with Attorney Jansen I. Jontila on the status of our request, we were informed that Ms. Remedios C. Cabral ("Ms. Cabral") was given time to comment thereon. With all due respect, Ms. Cabral's position on whether to lift and recall the CDO is not relevant and only results in delay. This urgent matter clearly calls for this Honorable Office to act with utmost dispatch due to the damage and prejudice that TKPI has been suffering and will continue to suffer on a daily basis.

In lieu of awaiting Ms. Cabral's submission of her comment, we respectfully submit that the CDO should be lifted immediately because TKPI has submitted to the Free and Prior Informed Consent ("FPIC") process and has submitted all necessary documents to facilitate the FPIC process.

The detriment caused by the continuance of the CDO to the communities affected as well as the Municipality of El Nido also call for the immediate lifting and recall of the CDO. The *Office of the Sangguniang Bayan* of El Nido recently issued a Resolution requesting your office to reconsider and recall the CDO because it has affected and will continue to affect not only the locals employed

24 March 2022

5.9506

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by TKPI, but also the LGU's efforts to revive the local economy. The LGU is also concerned that the CDO will adversely affect its local tax collection. A copy of Resolution No. 22-67 issued by the *Office of the Sangguniang Bayan* of the Municipality of El Nido is attached for your reference.

All told, the issues for resolution of your good office are: (1) whether TKPI has submitted to the FPIC process; and (2) whether TKPI's submissions to facilitate that process are complete. Clearly, TKPI has categorically submitted to the FPIC process and submitted all required documents. We reiterate our position in our letter dated 21 March 2022 and maintain that there is no lawful basis to further delay and/or defer action on TKPI's request for the lifting and recall of the CDO. The CDO is harmful and benefits no one.

Finally, TKPI respectfully requests a meeting, at your most convenient time, to discuss the next steps to keep the FPIC process moving.

Respectfully,

ANGARA ABELLO CONCEPCION REGALA & CRUZ

By:



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29 March 2022

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Attention: **MS. MARIE GRACE T. PASCUA, CESO III**
Regional Director, NCIP MIMAROPA

Re: Letter of Intent to Undergo Free and Prior Informed
Consent ("FPIC") Process

Madame:

Consistent with our previous letters,¹ **Ten Knots Philippines, Inc.** ("TKPI") submits this Letter of Intent to further underscore its commitment to participate in all lawful processes, including those outlined in Section 59 of the Indigenous Peoples Rights Act, one of which is the Free and Prior Informed Consent ("FPIC") process.

As borne by the records, TKPI has submitted to the FPIC process and submitted all required documents together with its letter dated 15 March 2022.

TKPI awaits your good office's further advice on the next steps.

Respectfully,

TEN KNOTS PHILIPPINES, INC.

By: 
MARIAN REYES
Project Manager

¹ Letters dated 15 October 2021, p.2; 6 December 2021, p.1; 3 March 2022, p.3; 21 March 2022, p.1, and 24 March 2022, p.2.

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