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Engr. Alan L. Valle
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Ms. Mildred A. Suza
Protected Area Superintendent

Re: Request for Technical Conference on the
Results of the 2 March 2022 Survey

Gentlemen/Mesdames:

On behalf of Ten Knots Phils., Inc. ("TKPI"), we write to formally request anew
for the conduct of a technical conference regarding the results of the joint survey held

28 July 2022

5.9571

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on 2 March 2022 in relation to TKPI's Forest Land Use Agreement for Tourism Purposes No. DENR IV-MIMAROPA-12302030-0010 ("FLAGT").

As background, the Department of Environment and Natural Resources ("DENR") awarded TKPI with the FLAGT covering 3.206 hectares of forest land located at Cadlao Island, Brgy. Buena Suerte, El Nido. The FLAGT was issued on 27 December 2005 and is valid until 30 December 2030. As early as 1998, TKPI has been in open and continuous possession of the areas covered by the FLAGT pursuant to a Special Use Permit issued by the DENR Provincial Environment and Natural Resources Office ("PENRO") on 23 September 1998.

In 2017, TKPI discovered that on 27 April 2015, the Registry of Deeds of Palawan issued Original Certificates of Titles ("OCTs") in the names of Baberlyn D. Gomez ("Mrs. Gomez") and Noel Tampe ("Mr. Tampe") with a total area of 10.6 hectares, purportedly pursuant to agricultural Free Patent Applications. The technical descriptions of the parcels of land covered by the OCTs show that they are identical to lots already delineated through a cadastral survey, particularly Cad 1037-D.

On 27 October 2021, the DENR conducted an actual ground survey to confirm the metes and bounds of the area covered by the Company's FLAGT. That survey confirmed that areas claimed by Spouses Gomez overlapped with TKPI's FLAGT. Moreover, that survey also confirmed that the OCTs are timberland, which are not alienable and disposable land of the public domain susceptible of private acquisition through a free patent application.

On 13 January 2022, a technical conference was held, which was attended by the DENR Regional Office, Community Environment and Natural Resources Office ("CENRO"), and TKPI. TKPI raised the erroneous titling of the areas claimed by Spouses Gomez and the overlap with TKPI's FLAGT. The CENRO thus committed that a reversion case will be filed against Spouses Gomez and a final survey will be conducted.

On 2 March 2022, a team composed of personnel from the DENR Regional Office, the CENRO, the DENR's geodetic engineer, and the Protected Area Officer of El Nido conducted a survey, which was also attended by TKPI's representative and Israel Gomez. However, the survey focused on the survey points of TKPI's FLAGT and left out the areas that overlap with Mrs. Gomez's and Mr. Tampe's OCTs.

Despite TKPI's multiple attempts to follow up on the results of the 2 March 2022 survey, it has yet to be informed of the same.¹

In the meantime, TKPI requests for guidance on the implementation of its FLAGT in light of the 2 March 2022 survey. TKPI maintains its position that its FLAGT should be respected until 30 December 2030.

¹ Letters dated 26 April 2022 and 28 June 2022 addressed to DENR Regional Executive Director Lormelyn E. Claudio.

We understand that the technical conference with the DENR is necessary for a definitive resolution of the pending issues discussed above. Accordingly, TKPI reiterates its request for a technical conference on the results of the 2 March 2022 survey.

We will make ourselves available to meet with you at your most convenient date and time.

Respectfully,

ANGARA ABELLO CONCEPCION REGALA & CRUZ

By:



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