



ANGARA ABELLO CONCEPCION REGALA & CRUZ

LAW OFFICES

ALEX FERDINAND S. FIDER
JOSEPHINE ALESSANDRA G. COCHICO
SALVADOR L. PEÑA
ROWENA GARCIA-FLORES
LELAND R. VILLADOLID, JR.
MA. IOLANDA B. ABELLA
RUBY ROSE J. YUSI
PATRICIA-ANN T. PRODIGALIDAD
GILBERTO D. GALLOS
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OLIVER L. PANTALEON
JUDY HAO
ANDRE B. NAVATO, JR.
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JOSE MARTIN R. TENSUAN
CLARENCE DARROW C. VALDECANTOS
REYNALDO J. CONCEPCION
CRESELDA G. BALDONADO
NEPTALI B. SALVANERA
VICTOR N. DE LEON
PATRICIA KAY L. TYSMANS-CLEMENTE
CHRYSILLA CARISSA P. BAUTISTA
JOSELITO M. BAUTISTA
ERIC R. RECALDE
JOHN PAUL M. GABA
GEORGE S.D. AQUINO
ANTONIO EDUARDO S. NACHURA, JR.
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ERWIN JAY V. FILIO
RICHMOND K. LEE
ELAINE PATRICIA S. REYES-RODOLFO
MELISSA ANGELA G. VELARDE
MYRA S. MONTECALVO-QUILATAN
EDUARDO V. SOLENG, JR.
JOSE EDUARDO T. GENILO
ANTONIO JOSE GERARDO T. PAZ
MARIA KRISTINA Z. GARCIA-ANGEL
EVERLENE O. LEE
LOUIE JOHN D. LOOD
JESSA G. WONG-CANTANO
JACQUELINE ANN A. TAN
AYLWARD M. CONSULTA
CHRISTOPHER LOUIE D. OCAMPO

JOSEPH ANTHONY I. MALAYA
CHRISTIANNE GRACE F. SALONGA
MARIA ANGELINE L. TAYAG
GENIE CELINI D. NUEVO
MARTIN LUIGI G. SAMSON
BLESIE MAE P. BUSTAMANTE
CELERINA ROSE D. FAJARDO
FRANCESCA ABIGAIL C. GESMUNDO
SHIREE AMOR P. ROMA
JAMES PATRICK O. ALOJADO
CHARLEMAGNE RAE P. CHAVEZ
FELICE SUZANNE D. SORIA
DAN BERNARD S. SABILALA
MARIA ALTHEA M. TEVES
ARIANNE DOMINIQUE T. FERRER
JOHN FREDERICK E. DERIJE
BRIAN ASHLEY M. BAUZA
KORINA ANA T. MANIBOG
DIANNE IRISH A. CADORNA
MARIA IVY KRISTEL M. GONZALES-LIM**
FATIMA FAYE E. CORDOVA
MERCEDEZ LOUISE S. RAGAZA
KATE AUBREY G. HOJILLA
AILEEN CHARISSE P. CRUZ**
GILYEN EZRA MARIE L. LI
PAULO N. RABANAL
PAULA P. PLAZA**
NAPOLEON L. GONZALES III
SAMANTHA BEATRICE P. KING**
MARIA CELIA H. POBLADOR
MARTONI B. MOLINA
MADELENE RUTH F. SALAZAR
KARENINA ISABEL A. LAMPA
JOHN KENNETH LAURENCE A. GONZALES
ANGELO J. LOGRONIO
KYCIA VANELIE G. CUE
THERESE MARIE P. AMOR
SHEILA VAE A. HOYLAR

JOHN ANTHONY F. ALMERINO
MONIQUE B. ANG
ZYRA FRANCES P. AQUILIZAN
GERIME MAE A. BASALO
ELIZA PAULINE R. BATAK
JESSICA SHARLA G. BUSTAMANTE
JOHANNA CELINE MARI A. CHAN**
MIGUEL RICO E. DE GUZMAN
JUAN MIGUEL C. DELA CRUZ
RAMON JOSE A. DIMACULANGAN
RAFAEL GEORGE G. FILASOL
KELVIN Y. HUNG**
MERVIN KENNETH C. IGNACIO
KRIS SARAH M. JERUTA
PRINCESS REXILLE V. LIBOON
ROSLYN BIANCA R. MANGASER
CHRISTINE P. MONDERIN
RUFINO GERARD G. MORENO III
ERIKA JOY B. MURCIA
MICHAEL RYAN NATIVIDAD
LAURIE CHRISTINE P. QUIAMBAO
ANDRE PHILIPPE E. RAMOS
JULIENNE THERESE V. SALVACION
NESTOR FERNANDO T. SIAZON
AMELEA CHRISTINE L. TAPEL

** ON LEAVE
+ DECEASED

02.10.2022

ACCRA LAW®

22/F, ACCRALAW TOWER
2ND AVENUE CORNER 30TH STREET
CRESCENT PARK WEST, BONIFACIO GLOBAL CITY
1635 TAGUIG, METRO MANILA, PHILIPPINES
TELEPHONE : (632) 8830-8000
FAX : (632) 8403-7007
(632) 8403-7009
E-MAIL: accra@accralaw.com
WEBSITE: www.accralaw.com
MAILING ADDRESS:
MCC P.O. BOX 2462
0770 MAKATI CITY
METRO MANILA, PHILIPPINES

24 March 2022

5.9506

NATIONAL COMMISSION ON INDIGENOUS PEOPLES MIMAROPA Region

3rd Floor, ARGO Building
514 EDSA corner P. Tuazon
Quezon City 1101
ncipmimaropa@gmail.com
region4b@ncip.gov.ph
ijjontila@gmail.com

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

FOUNDING PARTNERS

TEODORO D. REGALA+

MANUEL G. ABELLO+

EDGARDO J. ANGARA+

AVELINO V. CRUZ

JOSE C. CONCEPCION

SENIOR COUNSEL
FRANKLIN M. DRILON

SENIOR LEGAL COUNSELS
VICTOR P. LAZATAN
FRANCISCO ED. LIM

OF COUNSELS
ROGELIO A. VINLIAN
LUIS A. VERA CRUZ, JR.
TERESITA J. HERBOSA
EUSEBIO V. TAN
EMITERIO C. MANIBOG, JR.
EMERICO O. DE GUZMAN
ANA LOURDES TERESA ARNALDO-ORACION
ALELI ANGELA G. QUIRINO
RAMON G. SAMSON
REGIS V. PUNO

CEBU BRANCH

6/F CEBU HOLDINGS CENTER BLDG.
CEBU BUSINESS PARK (AYALA)
6000 CEBU CITY PHILIPPINES
TELS. : (6332) 231-4223
(6332) 231-1449
(6332) 231-1032
(6332) 231-4266
Fax : (6332) 231-3614
E-MAIL : accralawcebu@accralaw.com

DANILO R. DEEN
Of Counsel

MA. IOLANDA B. ABELLA
EDUARDO V. SOLENG, JR.
LOUIE JOHN D. LOOD
Resident Partners

AYLWARD M. CONSULTA
BLESIE MAE P. BUSTAMANTE
FELICE SUZANNE D. SORIA

JOHN ANTHONY F. ALMERINO
THERESE MARIE P. AMOR
GERIME MAE A. BASALO
SHEILA VAE A. HOYLAR
ERIKA JOY B. MURCIA

DAVAO BRANCH

11/F PRYCE TOWER
PRYCE BUSINESS PARK
J.P. LAUREL AVENUE
8000 DAVAO CITY
PHILIPPINES
TELS. : (6382) 224-0996
(6382) 224-0998
(6382) 224-0984
FAX : (6382) 224-0983
E-MAIL : accradavao@accralaw.com

MYRA S. MONTECALVO-QUILATAN
JESSA G. WONG-CANTANO
Resident Partners

GENIE CELINI D. NUEVO
MARTIN LUIGI G. SAMSON
JOHN FREDERICK E. DERIJE



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:



SALVADOR L. PEÑA



CHRYSILLA CARISSA P. BAUTISTA



CHRISTOPHER LOUIE D. OCAMPO



JESSICA SHARLA G. BUSTAMANTE



MIGUEL RICO E. DE GUZMAN

Copy furnished:

NATIONAL COMMISSION ON INDIGENOUS PEOPLES

Attn: MR. ALLEN A. CAPUYAN

NCIP Chairperson

6th and 7th Floors, Sunnymede IT Center

1614 Quezon Ave.

South Triangle, Quezon City
chairperson.external@ncip.gov.ph
chairpersonsoffice@gmail.com

COMMISSIONER GASPAR A. CAYAT

Commissioner for Cordillera Administrative Region and Region I
car.ncip.gov.ph
comm.carand1@ncip.gov.ph

ATTORNEY NORBERTO M. NAVARRO

Commissioner for Region II
region2@ncip.gov.ph
comm.region2@ncip.gov.ph

COMMISSIONER ROLANDO M. RIVERA

Commissioner for Region III and Rest of Luzon
region3@ncip.gov.ph
comm.region3andrestluzon@ncip.gov.ph

COMMISSIONER JEORGE M. LARGADO

Commissioner for Region IV-B and Rest of Visayas
region4ncip@gmail.com
comm.islandandrestofluzon@ncip.gov.ph

ATTORNEY PINKY GRACE P. PABELIC

Commissioner for Northern and Western Mindanao
region9@ncip.gov.ph
comm.northernandwesternmindanao@ncip.gov.ph

COMMISSIONER JENNIFER L. SIBUG-LAS

Commissioner for Central Mindanao
comm.centralmindanao.ncip@gmail.com
comm.centralmindanao@ncip.gov.ph

NATIONAL COMMISSION ON INDIGENOUS PEOPLES

Attn: MR. ROGELIO F.M. BANTAYAN, JR.

Executive Director
6th and 7th Floors, Sunnymede IT Center
1614 Quezon Ave.
South Triangle, Quezon City
oed@ncip.gov.ph

HON. EDNA G. LIM

Municipal Mayor
El Nido, Palawan
mmoelnido@gmail.com

ATTORNEY JONATHAN C. JO

Office of the Clerk of Commission
6th and 7th Floors, Sunnymede IT Center
1614 Quezon Ave.
South Triangle, Quezon City
info@ncip.gov.ph

NATIONAL COMMISSION ON INDIGENOUS PEOPLES

Attn: Attorney Gillian S. Dunuan

Director IV, Legal Affairs Office
6th and 7th Floors, Sunnymede IT Center
1614 Quezon Ave.
South Triangle, Quezon City
lao@ncip.gov.ph

NATIONAL COMMISSION ON INDIGENOUS PEOPLES

Attn: Attorney Caesar M. Ortega

OIC-Director IV, Ancestral Domain Office
6th and 7th Floors, Sunnymede IT Center
1614 Quezon Ave.
South Triangle, Quezon City
ado@ncip.gov.ph

MR. REYNALDO B. DINGAL

Director, Office of Empowerment and Human Rights
oehr@ncip.gov.ph

MS. LORMELYN E. CLAUDIO

Regional Executive Director
Department of Environment and Natural Resources
DENR by the Bay, 1515 L&S Bldg.
Roxas Boulevard, Manila
mimaroparegion@denr.gov.ph

HON. JULIUS ERVIN O. ENCISO

Regional Director, DHSUD IV-B
Department Of Human Settlements and Urban
Development

5th Floor, DHSUD Building
Kalayaan Avenue corner Mayaman Street
Diliman, Quezon City
region4b@dhsud.gov.ph

ATTORNEY BEVIENNE G. MALATEO

Regional Director
Department of Tourism, MIMAROPA
2nd Floor, the New DOT Bldg.,
351 Sen. Gil Puyat Avenue,
Brgy. Bel-Air II, Makati City 1200
dot4b@tourism.gov.ph



Republic of the Philippines
Province of Palawan
Municipality of El Nido

OFFICE OF THE SANGGUNIANG BAYAN

March 22, 2022

THE PRESIDENT


Ten Knots Philippines, Inc. (TKPI)
3rd Floor Alveo Corporate Center
728 28th Street, Bonifacio Global City
1634 Taguig City, Philippines

Sir:

I am furnishing herewith Resolution No. 22-67, adopted by the Sangguniang Bayan of El Nido, Palawan in its Session for your information.

Please acknowledge receipt hereof.

Very truly yours,


MIGUEL F. GACASA
Secretary to the Sanggunian



Republic of the Philippines
Province of Palawan
Municipality of El Nido

OFFICE OF THE SANGGUNIANG BAYAN

EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE SANGGUNIANG BAYAN OF EL NIDO, PALAWAN HELD AT THE SANGGUNIAN SESSION HALL ON MARCH 21, 2022.

Present:

HON. LUNINGNING L. BATOY	Municipal Vice Mayor, PO
HON. JOHN ROSTUM T. VIDAL	SB Member, Temporary PO
HON. CHRISTINE NICOLE G. LIM	SB Member
HON. GERALDO B. DIAZ	-do-
HON. BERNARDO D. LEGASPI	-do-
HON. ROSANO G. LLANERA	-do-
HON. MATEO A. CANTUBA	-do-
HON. EDNALYN B. NANGIT	-do-
HON. ARACEL A. BACOLOD	-do-, ABC President

xxx

xxx

xxx

RESOLUTION NO. 22-67

A RESOLUTION REQUESTING THE NATIONAL COMMISSION ON INDIGENOUS PEOPLES (NCIP) MIMAROPA REGION TO RECONSIDER AND RECALL THE CEASE AND DESIST ORDER (CDO) THEY ISSUED TO TEN KNOTS PHILIPPINES, INC. (TKPI) ON MARCH 7, 2022.

Authored by: All SB Members

WHEREAS, on 15 March 2022, the Municipal Government of El Nido, through its Municipal Mayor, Honorable Edna Gacot-Lim was furnished a copy of TKPI's letter, written by ACCRA Law Office, addressed to the NCIP, MIMAROPA Region, requesting the reconsideration and recall of the CDO while the FPIC process is going on;

WHEREAS, after scanning the pages of the letter and its attachments, this august body arrived at the opinion that the CDO has no factual and legal basis;

WHEREAS, the CDO will affect a number of employees employed by the TKPI's project, damage the businesses and enterprises reliant on the daily operations of Lio Airport, the operation of Iloilo-Negros Air Express Company (INAEC), the Joint Task Force Malampaya who land their aircrafts at the Lio Airport, the seaport, hotel and retail establishments located in Villa Libertad and Pasadeña;

WHEREAS, all of the above would block all efforts to revive the local economy which has been devastated by the COVID-19 pandemic;

WHEREAS, it is the honest belief of this august body that the CDO has more adverse than beneficial effects to the municipality;

WHEREAS, it is a common knowledge that no member of any Indigenous Peoples is discriminated at all the TKPI establishments in El Nido;

WHEREAS, it is the understanding of this august body that the TKPI is abiding with all the processes pursuant to R.A. No. 8371, the Indigenous Peoples Rights Act of 1997;

WHEREAS, the closure of TKPI establishments in Villa Libertad and Pasadeña would also mean a significant loss in the local tax collection at this municipality.

NOW, THEREFORE, on motion of SB Member Llanera and were jointly seconded by SB Member Legaspi and SB Member Lim, be it

RESOLVED, AS IT IS HEREBY RESOLVED, to request the National Commission on Indigenous Peoples (NCIP) MIMAROPA Region to reconsider and recall the Cease and Desist Order (CDO) they issued to Ten Knots Philippines, Inc. (TKPI) on March 7, 2022.

RESOLVED FINALLY, to furnish copies of this resolution to the National Commission On Indigenous Peoples (NCIP), Attn: Mr. Allen A. Capuyan, NCIP Chairperson; Commissioner George M. Largado, Commissioner for Region IV-B and Rest of Visayas; National Commission On Indigenous Peoples, Attn: Rogelio F.M. Bantayan, Jr., Executive Director; Attorney Jonathan C. Jo, Office of the Clerk of Commission; National Commission On Indigenous Peoples, Attn: Attorney Gillian S. Dunuan, Director IV, Legal Affairs Office; National Commission On Indigenous Peoples, Attn: Attorney Caesar M. Ortega, OIC-Director IV, Ancestral Domain Office; Mr. Reynaldo B. Dingal, Director, Office of Empowerment and Human Rights and to the Ten Knots Philippines, Inc. (TKPI), 3rd Floor Alveo Corporate Center, 728 28th Street, Bonifacio Global City, 1634 Taguig City, Philippines for their information and appropriate action.


A D O P T E D .

xxx

xxx

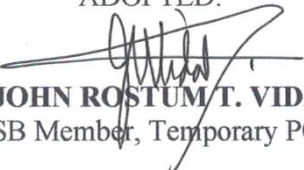
xxx

I HEREBY CERTIFY to the correctness of the foregoing resolution.


MIGUEL F. GACASA
Secretary to the Sanggunian

ATTESTED AND CERTIFIED TO BE DULY

ADOPTED:


JOHN ROSTUM T. VIDAL
SB Member, Temporary PO

APPROVED:


EDNA GACOT-LIM
Municipal Mayor