



Republic of the Philippines
Department of Environment and Natural Resources
Provincial Environment and Natural Resources Office
MIMAROPA Region

Bgy. Sta. Monica, Puerto Princesa City, Palawan
E-mail: penropalawan@denr.gov.ph
Telfax No. (048) 433-5638/ (048) 434-8791

April 13, 2023

MEMORANDUM

FOR : The Regional Executive Director
DENR MIMAROPA Region
1515 L&S Bldg., Roxas Blvd.,
Barangay 668, Ermita, Manila

FROM : The Provincial Environment and
Natural Resources Officer

SUBJECT : **SUPPLEMENTAL REPORT IN THE CONSTRUCTION AND
DEVELOPMENT OF ATALAYA RESORT OWNED BY LOS
ABADES PHILIPPINES HOLDING CORP. AT SITIO LAMORO,
BARANGAY PASADEÑA, EL NIDO, PALAWAN**

Respectfully forwarded is the Memorandum dated April 12, 2023 of CENRO Conrado M. Corpuz with enclosures relative to their supplemental report on the submitted Complete Staff Work dated April 5, 2023 on the reported construction and developmental activities of Atalaya Resort owned by Los Abades Philippines Holding Corporation (NPHC) at Sitio Lamoro, Barangay Pasadeña, El Nido, Palawan. Accordingly, the subject area being a portion of Lot 1324, Cad 1037-D is covered by Transfer of Certificate of Title Nos. 065-2019001196 and 065-2019001057 registered both in the name of Mylene C. Davis. Thus, portion of these lots was purchased by NPHC represented by Mr. Alfonso Bigeriego Patino and the same portion of land are falls partly in Multiple Use Zone and the other part in Strict Protection Zone based on the Protected Area zoning.

The subject areas fall within Timberland (Unclassified Public Forest) per Project No. 5, Land Classification Map No. 1467 certified on September 16, 1941 and situated at El Nido Managed Resource Protecte Area per Presidential Proclamation 32, dated October 8, 1998. Thus, the CENR Officer issued the Notice of Violation to the erring corporation on March 7, 2023 for developing and scraping the area without PAMB clearance and in violation of Section 20 paragraph (o) of the Republic Act 11038 known as the Expanded National Integrated Protected Areas System Act of 2018.

In view hereof, this office concurs with the recommendation of CENRO Conrado M. Corpuz on the issuance of Cease and Desist Order against the erring corporation for constructing without Environmental Compliance Certificate, and PAMB Clearance as well as filling of appropriate charges.

For information and further instruction.


FELIZARDO B. CAYATOC

4/13/23, 11:48 AM

Department of Environment and Natural Resources Mail - 2023-1415 Supplemental Report on the Construction and Developmen...



R4B PENRO Palawan <penropalawan@denr.gov.ph>

2023-1415 Supplemental Report on the Construction and Development of Atalaya Resort owned by Los Abades Philippines Holding Corp. at Sitio Lamoro, Pasadeña, El Nido

R4B CENRO Taytay <cenrotaytay@denr.gov.ph>
To: R4B PENRO Palawan <penropalawan@denr.gov.ph>

Thu, Apr 13, 2023 at 11:17 AM

Sir/Madam:

Good day, please acknowledge receipt.

Thank you.

CENRO Taytay

DENR PENRO
PALAWAN RECORDS
RECEIVED

BY: [Signature]
DATE: 04-13-2023 CN 23-343

2023-1415 Supplemental Report on the Construction and Development of Atalaya Resort owned by Los Abades Philippines Holding Corp. at Sitio Lamoro, Pasadeña, El Nido.pdf
3192K



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Department of Environment and Natural Resources
Region IV- MIMAROPA
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April 12, 2023

MEMORANDUM

FOR : The Regional Executive Director
1515 DENR by the Bay Bldg.,
Roxas Blvd., Brgy. 668, Ermita, Manila

THRU : The Provincial Environment and
Natural Resources Officer – Palawan
Sta. Monica, Puert Princesa City

FROM : The Community Environment and
Natural Resources Officer
Taytay-El Nido, Palawan

SUBJECT : **SUPPLEMENTAL REPORT ON THE CONSTRUCTION AND
DEVELOPMENT OF ATALAYA RESORT OWNED BY LOS
ABADES PHILIPPINES HOLDING CORP. AT SITIO
LAMORO, BARANGAY PASADEÑA, EL NIDO, PALAWAN**

This our follow up and/or progress report on the submitted Completed Staff Work (CSW) on April 5, 2023 summarizes of the actions taken to Atalaya Resort regarding their construction and development and the responses and way forward action of this Office on the matter.

On August 25, 2022, Atalaya Resort owned by Los Abades Philippines Holding Corporation (NPHC) through its representative Aileen E. Lim requested for easement certification and Protected Area (PA) zoning certificate from the Protected Area Management Office – El Nido Managed Resource Protected Area (PAMO-ENMRPA). That Office dispatched a team on September 9, 2022 to conduct an inspection and submitted report with findings and categorical recommendations. Among the findings were:

1. The area being applied for easement certifications and PA zoning is covered by Transfer of Title Certificate of Title (TCT) Nos. 065-2019001196 and 065-2019001057 registered both in the name of Mylene C. Davis. Portion of the lots was purchased by Los Abades Philippines Land Corp. represented by Mr. Alfonso Bigeriego Patino.

**DENR CENRO
TAYTAY, PALAWAN
RELEASED**

BY:
DATE: APR 13 2023

2. Plotting of the data gathered during inspection on GIS, area of Atalaya Resort falls partly in Multiple Use Zone (MUZ) and the other part in Strict Protected Zone (SPZ) based on the PA zoning.

Records Verification

1. The subject TCTs is portion of Lot 1324, Cad 1037-D covered by Free Patent issued to Estrelita S. Gacot
2. Per verification, Lot 1324, Cad 1037-D is falls within Timberland (Unclassified Public Forest) Project No. 5-C per LC Map 1467 certified on September 16, 1941. Further, it is within the El Nido Managed Resource Protected Area.

Actions taken by PAMO and CENR Office

PAMO-ENTMRPA through its Memorandum on December 29, 2022 forwarded the report of its inspection team and favorably endorsed the issuance of PA Zoning Certificate on the area that falls within the MUZ and Easement Certification since the area is outside of allowable easement. At the same time, informing the representative of the corporation on the result of the inspection and of the status of their requested documents.

Early of this year, report of on-going construction or development of Atalaya Resort was logged at Protected Area Management Office which was instantaneously addressed by PAMO by sending an inspection team to verify the report. Result of verification came out that the area has been cleared out and the slope of the hill has been scraped for development without appropriate permits particularly the Protected Area Management Board (PAMB) endorsement. Hence, it was recommended the immediate issuance of Notice of Violation. The CENR Officer issued the NOV to Los Abades Philippines Holding Corporation on March 7, 2023 in violation of Section 20 paragraph (o) of Republic Act 11038 or otherwise known as the *Expanded National Integrated Protected Areas System (ENIPAS)* to wit:

(o) Constructing, erecting or maintaining any kind of structure, fence or enclosures, conducting any business enterprise within protected area without prior clearance from the PAMB and permit from the DENR, or conducting these activities in a manner that is inconsistent with the management plan duly approved by the PAMB.

In furtherance, PAMO-ENTMRPA and this Office send-off follow-up inspections and compliance monitoring on issued NOV. On April 5, 2023, PAMO-ENMRPA personnel monitored and verified the excavation for the construction of retaining wall on the area. According to Ceferino Tomas, Jr., construction supervisor of Atalaya Resort, no permits has been secured yet the liaison of the company was already instructed to facilitate and expedite the application for the necessary permits. Therefore, it is a clear non-compliance to the issued NOV.

Yesterday, with the Environmental Management Bureau, Mines and Geoscience Bureau, PAMO-ENTMRPA and CENRO Taytay conducted a joint supplementary inspection and monitoring at Atalaya Resort and to talk to the company's representative regarding permits, compliance to the issued NTV in order to come up with appropriate recommendations. However, she was not in the area and instead the construction supervisor again acted on behalf of the company and presented the soft copy of unapproved Site Development Plan (SDP) of the resort prepared by Engr. Audrey Aranca. When asked why construction and development started immediately when the SDP has not been approved, he simply responded that there are still minor reversions being finalized. Since it is just a minor change, they proceeded with on construction and development. Other than the SDP no other documents has been presented.

Observations and Findings

1. On site one (1) under construction villa, retaining walls to mitigate erosion, two (2) comfort room for the construction workers and resort personnel and one (1) barracks for the construction workers have been observed.
2. No record of application for Environmental Compliance Certification (ECC) or approved ECC under the name of Atalaya Resort or Los Abades Philippines Holding, Corp. as per verification on ECC online system.
3. The project was not subjected to geohazard assessment in order for the issuance of GAR or EGGAR.
4. No indication / posted on the area that it is covered or issued with building permit.
5. Continuous development and/or construction in the area.

Recommendation/s:

It is recommended to stop the development activities on the area by requesting the EMB or the Regional Office to issue Cease and Desist Order for constructing without ECC. Likewise recommended for the filing of appropriate charges for violating the ENIPAS Act, reversion or cancellation of the land title and other legal issues and concerns relative to the subject matters, hence we would like to request legal assistance of our Legal Officers.

For information and further evaluation/instruction.

CONRADO M. CORPUZ



Republic of the Philippines
Department of Environment and Natural Resources
MIMAROPA Region
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE
5312 Taytay, Palawan
by the National Highway, Poblacion, Taytay, Palawan 5312
email add: cenrotaytay@denr.gov.ph


CERTIFICATION

TO WHOM IT MAY CONCERN:


It is hereby certified, based on the records kept in this Office, that **Lot 1324, Cad 1037-D** containing an area of **Twenty-two Thousand Seven Hundred Twenty-seven (22,727)** square meters in Barangay Pasadeña, El Nido, Palawan is **Timberland (Unclassified Public Forest)** being within Project No. 5-B, LC Map No. 1467 certified as such since September 16, 1941. The approved tie line of this lot is N.32°13' E. 7,438.99 m. from BLLM # 1, Cad 1037-D, El Nido, Palawan. This finding is subject to confirmation from the Regional Office as provided under DMC 2019-10.

Issued this April 12, 2023, at CENR Office.

Projected by:

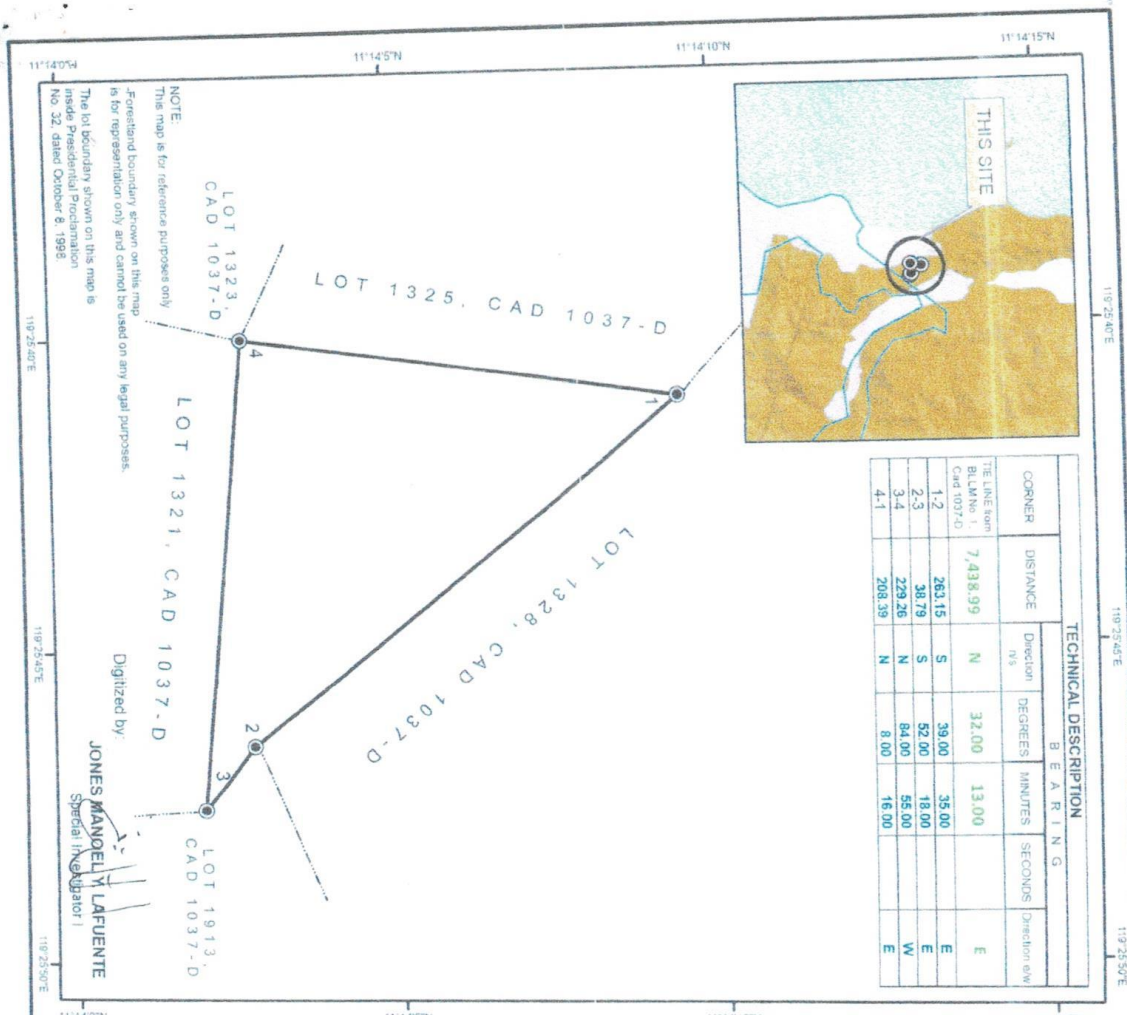

TIMOTEO B. MAGNAYE JR.
Forest Technician I

Checked and Verified by:


DAVID F. DALINO
LMO III/Chief, RPS

Attested by:


CONRADO M. CORPUZ
CENRO



CERTIFICATION

THIS IS TO CERTIFY that this track of land falls within TIMBERLAND(Unclassified Public Forest) under Project 5-B, LC Map No. 1467, certified on September 16, 1947.

Hence, cannot be subjected to land titling unless re-classified and or covered by special land proclamation.

Checked/Verified by:
DAVID F. DALINO
LMO III/CHIEF, RPS

Attested by:
CONRADO M. CORPUZ
CENRO

SKETCH MAP
SHOWING THE AREA
FOR LAND STATUS VERIFICATION
OF LOT NO. 1324
CAD 1037 - D FOR
BIENVENIDO, MARCELINO
Located at
Barangay Pasadena, El Nido, Palawan

Total Area: 22,727 sq. m.
SCALE: 1:2,500

Projection: Universal Transverse Mercator Z50N
Datum: D_WGS_1984 Spheroid: WGS_1984

Republic of the Philippines
Department of Environment and Natural Resources
Region IV - MIMAROPA
Community Environment and Natural Resources Office
Taytay 5512 Palawan

Legend