



REGIONAL SPECIAL ORDER

No. 12014 *Regy*
Series 2022

JAN 25 2022

**SUBJECT : CREATION OF SURVEY TEAM FOR THE CONDUCT OF
RELOCATION SURVEY ON FOREST LAND USE
AGREEMENT FOR TOURISM (FLAgT) PURPOSES (TEN
KNOTS INC. PHILLIPPINES) LOCATED IN CADLAO
ISLAND, BARANGAY BUENA SUERTE, EL NIDO, PALAWAN**

In the interest of the service, the Survey Team is hereby created to conduct Ground Verification survey on Forest Land Use Agreement For Tourism in Barangay Buena Suerte El Nido, Palawan. The Team is composed of the following personnel:

Engr. Donna Belle Luengo Engr. II, PENRO-Palawan	-	Team Leader
Engr. Reian D. Buenafe Engr. II-SMD	-	Assistant Team Leader
Engr. Malco Lamigo Engr. II- CDD	-	Member
Alexander Mancio Senior EMS, CENRO-Taytay	-	Member
Maria Gloria Galima EMS II-LPDD	-	Member
Marian Lachica Engr. II, CENRO-Taytay	-	Member
O'soniel Moises Tuddao PIT II – SMD	-	Member
Leonardo Juarigue Engineering Aide, PENRO-Palawan	-	Member

The team shall have the following duties and functions:

1. Conduct relocation Survey to determine the actual position of the subject area;

2. Coordinate with the parties concerned and other pertinent documents relative to the survey;
3. Conduct verification of Office records in support for the conduct of relocation survey;
4. The RTK in the Regional Office shall be used in executing the said survey and;
5. Submit report within 10 working days upon completion of the survey.

Traveling expenses incurred during the conduct of the survey shall be charged against their respective Office funds or other sources, subject to the availability of funds and existing accounting and auditing rules and regulations.

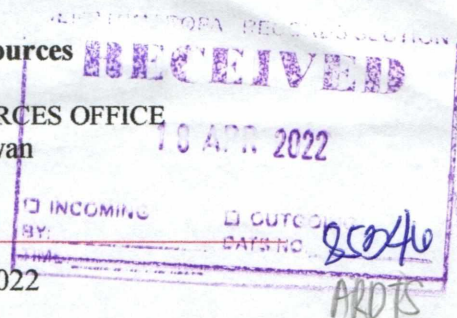
This Order takes effect immediately.


LORMELYN E. CLAUDIO, CESO IV
01c-Regional Executive Director

Oardts/AI/01-20-22



Republic of the Philippines
Department of Environment and Natural Resources
MIMAROPA REGION
PROVINCIAL ENVIRONMENT AND NATURAL RESOURCES OFFICE
Bgy. Sta. Monica, Puerto Princesa City, Palawan
Telfax No. (048) 434-8791
Email Add: penropalawan@denr.gov.ph



April 7, 2022

MEMORANDUM

TO : The Regional Executive Director
1515 L & S Bldg.
Roxas Blvd., Ermita, Manila

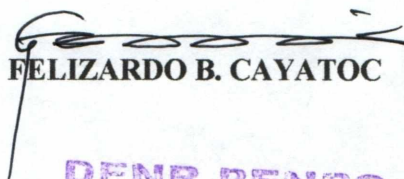
ATTENTION : The Assistant Regional Director for Technical Services
The Chief, Surveys and Mapping Division

FROM : The Provincial of Environment and
Natural Resources Officer-Palawan

SUBJECT : **REGIONAL SPECIAL ORDER NO. 014 DATED JANUARY 25, 2022 ON THE CONDUCT OF VERIFICATION SURVEY ON FOREST LAND USE AGREEMENT FOR TOURISM (FLAgT) PURPOSES (TEN KNOTS PHILIPPINES, INC.) LOCATED IN CADLAO ISLAND, BRGY. BUENA SUERTE, EL NIDO, PALAWAN**

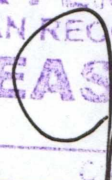
Forwarded is the report of the Survey Team dated March 4, 2022 submitted in compliance to Regional Special Order No. 014 dated January 25, 2022 informing among others the results of verification survey on the FLAgT of Ten Knots Philippines Inc. aided with a plan depicting the actual claim of the parties concerned.

For his evaluation and advise of action on the matter.


FELIZARDO B. CAYATOC

Copy Furnished:

1. CENRO Taytay, Palawan

**DENR PENRO
PALAWAN RECORDS
RELEASED**
BY: 
DATE: **22-879**
APR 12 2022



Republic of the Philippines
Department of Environment and Natural Resources
MIMAROPA Region
PROVINCIAL ENVIRONMENT AND NATURAL RESOURCES OFFICE
Bgy. Sta. Monica, Puerto Princesa City, Palawan
Telfax No. (048) 434-8791
Email Add: penropalawan@denr.gov.ph

March 4, 2022

MEMORANDUM

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

ATTENTION : The Assistant Regional Director for Technical Services
The Chief, Surveys and Mapping Division

THRU : The Provincial Environment and
Natural Resources

FROM : The Survey Team

SUBJECT : **REGIONAL SPECIAL ORDER NO. 014 DATED JANUARY 25, 2022 ON THE CONDUCT OF VERIFICATION SURVEY ON THE FOREST LAND USE AGREEMENT FOR TOURISM (FLAgT) PURPOSES (TEN KNOTS PHILIPPINES INC.) LOCATED IN CADLAO ISLAND, BARANGAY BUENA SUERTE, EL NIDO, PALAWAN**

Pursuant to Regional Special Order No. 014 dated January 25, 2022, the Survey Team together with the parties concerned and CENRO representatives conducted a ground verification survey on the Forest Land Use Agreement for Tourism (FLAgT) area of Ten Knots Philippines, Inc. (TKPI) covering Three Point Two Hundred Six (3.206) hectares at Cadlao Island, Brgy. Buena Suerte, El Nido, Palawan.

The Team is tasked to determine the actual position of the FLAgT holder, particularly whether it is consistent with the approved FLAgT plan. After data gathering and research, the following are observed:

1. The FLAgT was issued on December 27, 2005, for a period of 25 years to expire on December 30, 2030, covering an area of 3.206 hectares (Annex I).
2. Approved map showing the area covered by FLAgT No. DENR IV-MIMAROPA-12302030-0010 was certified by Chief Jose M. Difuntorum, recommended for approval by RTD Armando P. Rutaquio, and approved by RED Vicente S. Paragas (Annex II).
3. Per approved map, the FLAgT in Cadlao Island has 12 corners where corner 1 was described as N 44°00'W, 5,240 meters from corner 9 Block XI, Proj. 5-A, A&D, per LC Map No. 1187 (Annex III).
4. When plotted using the tie line on the technical description of the approved map of FLAgT, it falls to Cadlao Island timberland area per LC Map No. 1187. (Annex IV)
5. Lot 9, SGS-4B-000172-D identical to Lot 12184, Cad.1037-D is a titled property issued to Baberlyn Gomez covering an area of 37,791 square meters and was issued patent/title on April 27, 2015 (Annex V)
6. Lot 10, SGS-4B-000172-D identical to Lot 12185, Cad.1037-D is a titled property issued to Noel Tampe covering an area of 44,585 square meters and was issued patent/title on April 27, 2015 (Annex VI)
7. Lot 11, SGS-4B-000172-D identical to Lot 12186, Cad.1037-D is also a titled property issued to Noel Tampe covering an area of 23,674 square meters and was issued patent/title on April 27, 2015 (Annex VII).


The survey started by reading side shots made randomly on the existing BL monuments particularly corner 4 of Lot 9, SGS-4B-000172-D & corners 2 & 3 of Lot 260, Cad. 1037-D, El


Nido Cadastre (see attached verification map), to serve as an additional reference for checking purposes.

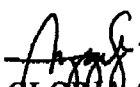
Per results of the verification survey, the following was determined:

1. **Land Classification Status:** Portion of actual occupation of area claimed by TKPI falls within Alienable and Disposable land per LC Map N0. 1187, Project No. 5-A, Block VI and remaining portion falls within Timberland per LC Map No. 1187, FR 47, Cadlao Forest Reserve.
2. Actual position of FLAgT area claimed by TKPI (blue polyline in Annex VIII) falls to Lot 9, 10, 11, and 12 of SGS-4B-000172-D and Lot 260 & 285 of Cad. 1037-D.
3. Using the actual position/observation value of Corner 5 remarked as "Ipil tree" on the approved map of FLAgT as common point to reproject, the approved map of FLAgT resulted wherein the portion of FLAgT area falls to the sea and other portions falls to Lot 11 & 12(easement) of SGS-4B-000172-D and Lot 260, Cad, 1037-D.
4. Actual claimed FLAgT area by TKPI per conducted verification survey is approximately 25,543.90 square meters.
5. Actual claimed FLAgT area by TKPI that falls within timberland (clear and with no title) per conducted verification survey is approximately 6,729.23 square meters.
6. During the area survey, no developments/structures were observed within the actual claimed FLAgT area that were introduced by TKPI.


It is hereby recommended that the land classification status of the lot based on our findings be subjected to further evaluation by the Regional Office with affirmation from NAMRIA with official communication. Attached are pictures of documentation showing the entire survey activities and CSW/Background. Further, recommended that this report be forwarded to Regional Office for information and further instruction.


DONNA BELLE E. LUENGO
Engr. II/PENRO-Palawan
Team Leader

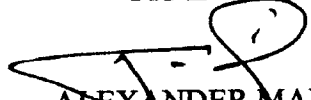

REIAN BUENAFE
Engr. II – SMD


MARIA GLORIA GALIMA
EcoMS II – LPDD


MARIAN LACHICA
Engr. II – CENRO Taytay


MAICOLAMIGO
Engr. II – CDD


O'SONIEL MOISES TUDDAO
PIT II – SMD


ALEXANDER MANCIO
Senior EcoMS – CENRO Taytay


LEONARDO JAURIGUE
Engineering Aide – PENRO Palawan



Republic of the Philippines
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
Region IV-B - MIMAROPA
L & S Building, 1515 Roxas Boulevard
Ermita, Manila

FOREST LAND USE AGREEMENT for TOURISM PURPOSES (FLAgT)

BATHING ESTABLISHMENT

No. DENR IV-MIMAROPA-12302030-0010

is

hereby awarded to

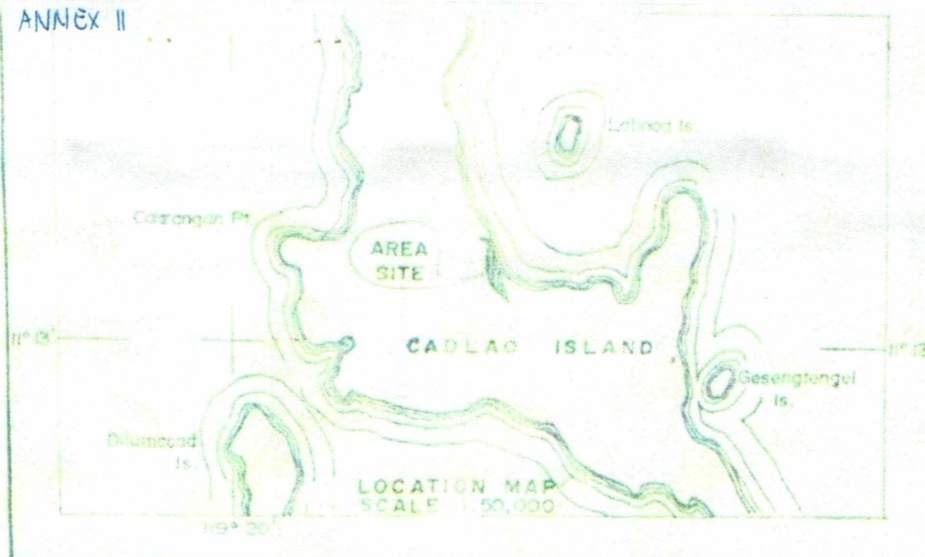
TEN KNOTS PHILIPPINES, INC.
(TEN KNOTS DEVELOPMENT CORPORATION)
(Lessee)

Covering Three Point Two Hundred-Six (3.206) hectares of forest land, located at Cadlao Island, Barangay Buena Suerte, El Nido, Palawan pursuant to Section 1838 of Republic Act No. 2711, as amended by E.O. 292, known as the Revised Administrative Code, as amended by Section 57 of P.D. 705, as amended and DAO No. 2004-28, for a period of twenty-five (25) years to expire on December 30, 2030.

Given this 27th day of December, in the year of our Lord Two Thousand and Five at the City of Manila, Philippines.


VICENTE S. PARAGAS, CESO III
OIC, ASEC for Field Operations
Concurrent Regional Executive Director
Region IV-B

THE GROUND
"
"
"
NG SHORELINE
"
"
"
G SHORELINE
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MAP

SHOWING THE AREA COVERED BY

FOREST LAND USE AGREEMENT FOR TOURISM PURPOSES (FLAgT)

No. DENR IV-MIMAROPA-12302030-0010

OF

TEN KNOTS PHILIPPINES, INC.
(TEN KNOTS DEVELOPMENT CORP.)
CADLAO ISLAND

LOCATED AT
ISLAND OF CADLAO
MUNICIPALITY OF EL NIDO
PROVINCE OF PALAWAN

APPROXIMATE AREA 3.206 HECTARES
SCALE 1:2,000

LEGEND

Boundary of the Area

Shoreline



Republic of the Philippines
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
MIMAROPA REGION

CERTIFICATION

This is to certify that this is the true and correct map of the area covered by FOREST LAND USE AGREEMENT FOR TOURISM PURPOSES (FLAgT) No. DENR IV-MIMAROPA-12302030-0010 of TEN KNOTS PHILIPPINES, INC. (TKDC) (CADLAO ISLAND) as described herein. This map was prepared based on the compilation map submitted and other references available in this Office.

JOSE M. DIFONTORUM
Chief, Forest Resources Conservation Division

RECOMMENDING APPROVAL

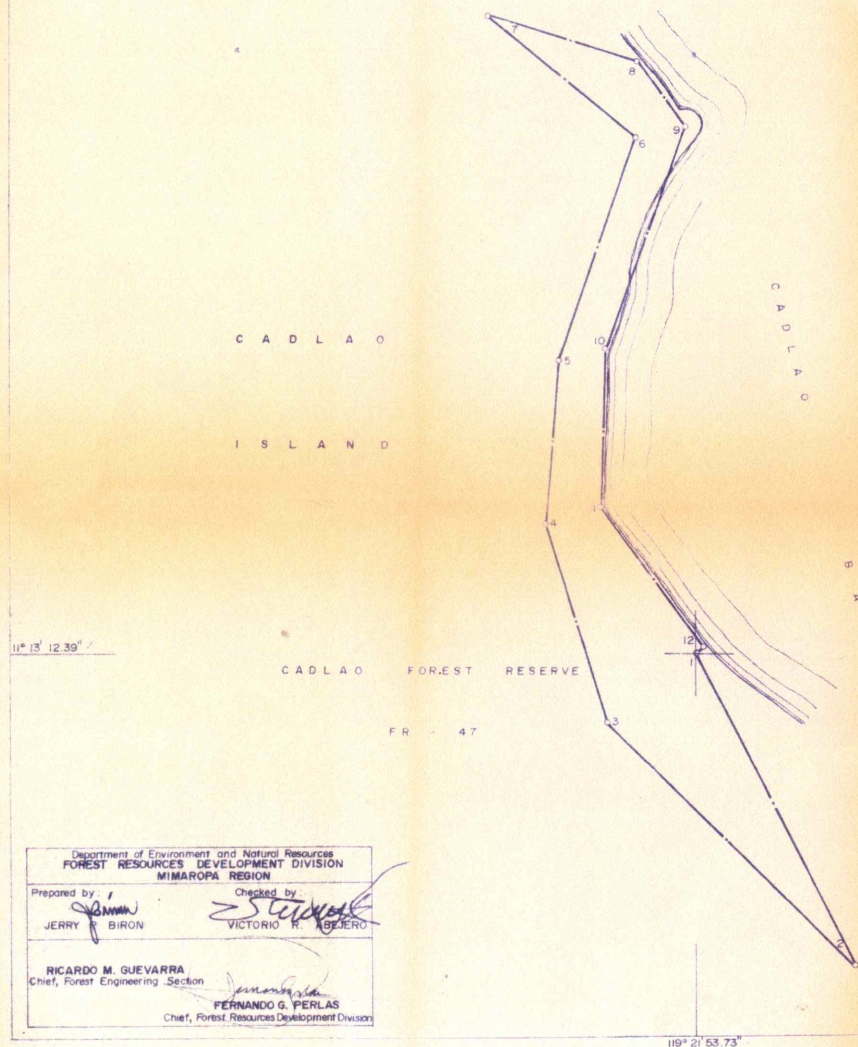
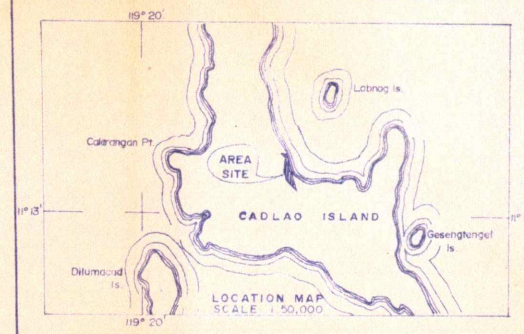
ARMANDO P. RUTAUQIO
Regional Technical Director for Forestry

APPROVED

VICENTE S. DARRAGAS, CESAM

TECHNICAL DESCRIPTION			
TIE POINT Cor. 1 is N 44° 00' W, 5,240 M. from Cor. 9 Block XI, Proj. 5-A, ABO, per LC Map No. 1187			
COR.	BEARING AND DISTANCE TO NEXT CORNER	TREE MONUMENT OR NATURAL LANDMARK	REFERENCE OR LOCATION
1	S 27° 00' E 244.00 M.	STAKE	BEHIND BOULDER
2	N 45° 00' W 245.00 M.	IPIL 30 CM. DIA.	ON THE GROUND
3	N 17° 00' W 145.00 M.	STAKE	BOULDER
4	N 06° 00' E 112.00 M.	IPIL 40 CM. DIA.	ON THE GROUND

5	N 15° 00' E 165.00 M.	KATMON 10 CM. DIA.	ON THE GROUND
6	N 51° 00' W 135.00 M.	STAKE	" " "
7	S 73° 00' E 110.00 M.	"	" " "
8	S 36° 00' E 55.00 M.	"	ALONG SHORELINE
9	S 20° 00' W 165.00 M.	"	ON THE GROUND
10	S 02° 00' W 109.00 M.	"	ALONG SHORELINE
11	S 35° 00' E 120.00 M.	"	" " "
12	S 44° 00' W 8.00 M.	IPIL 30 CM. DIA.	" " "



SHOWING THE AREA COVERED BY
**FOREST LAND USE AGREEMENT FOR TOURISM PURPOSES
 (FLaGT)**
No. DENR IV-MIMAROPA-12302030-0010

OF
**TEN KNOTS PHILIPPINES, INC.
 (TEN KNOTS DEVELOPMENT CORP.)
 CADLAO ISLAND**

LOCATED AT
 ISLAND OF CADLAO
 MUNICIPALITY OF EL NIDO
 PROVINCE OF PALAWAN

APPROXIMATE AREA 3.206 HECTARES
 SCALE 1:2,000

LEGEND

Boundary of the Area

Shoreline



Republic of the Philippines
**DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
 MIMAROPA REGION**

CERTIFICATION

This is to certify that this is the true and correct map of the area covered by **FOREST LAND USE AGREEMENT FOR TOURISM PURPOSES (FLaGT) No. DENR IV-MIMAROPA-12302030-0010** of **TEN KNOTS PHILIPPINES, INC. (TKDC) (CADLAO ISLAND)** as described herein. This map was prepared based on the compilation map submitted and other references available in this Office.

JOSE M. DIFUNTORUM
 Chief, Forest Resources Conservation Division

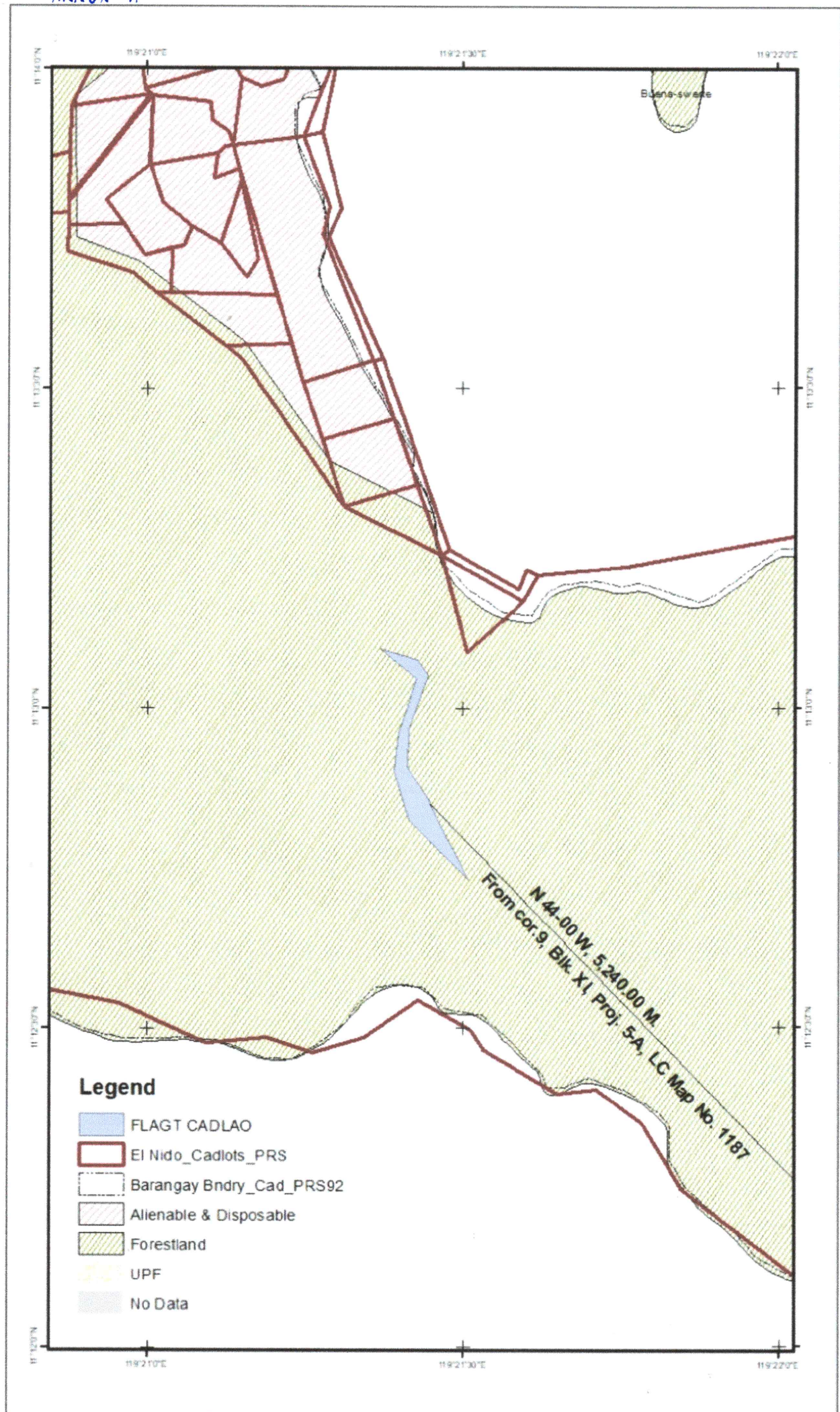
RECOMMENDING APPROVAL:

ARMANDO P. RUTAUO
 Regional Technical Director for Forestry

APPROVED

VICENTE S. PARAGAS, CESO III
 O/C, ASEC for Field Operations,
 Concurrent Regional Executive Director
 Region IV-B

Department of Environment and Natural Resources FOREST RESOURCES DEVELOPMENT DIVISION MIMAROPA REGION	
Prepared by: JERRY BIRON	Checked by: VICTORIO R. AGUIERO
RICARDO M. GUEVARRA Chief, Forest Engineering Section FERNANDO G. PERLAS Chief, Forest Resources Development Division	



THE REGISTERED OWNER IS REMINDED TO UPGRADE THE "PAPER TITLE" TO "COMPUTERIZED TITLE" FOR FASTER TRANS

SN BLG. 1595836

REPUBLIKA NG PILIPINAS
KAGAWARAN NG KATARUNGAN
PANGASIWAAN SA PATALAAN NG LUPAIN
PATALAAN NG MGA KASULATAN AT ARI-ARIAN SA
LUNGSOD/LALAWIGAN NG PALAWAN

Katibayan ng Orihinal na Titulo

Blg. 2015000225

Pinagkasunduan ayon sa Seksyon 103 ng Atas sa Patalaan ng Ari-arian (Atas ng Pangulo Blg. 1529),
alinsunod sa patente na pinalabas ng Pangulo ng Pilipinas, sa PPC City noong ika- 23rd
ng April taong labinsiyam na raan at 2015 at nakatala sa mga kasulatan ng
gaya ng mga sumusunod:

KAGAWARAN NG KAPALIGIRAN AT LIKAS NA KAYAMANAN
REHIYON BLG. 15
KALOOB NA PATENTE BLG. 27,791

SA LAHAT NG MAKATUTUNGHAY NG KASULATANG ITO, BATI:

ISRAEL D. GOMEZ, Filipino,
may sapat na gulang, kasal kay Israel D. Gomez at nakatira sa
Corong-corong, El Nido, Palawan na nagtataglay ng lahat ng kwalipikasyon at
ganap nang nakatupad sa lahat ng mga kondisyon at kinakailangan ng Batas Republika Blg. 782 at 3872,
Kabanata VII ng Batas Komonwelt Blg. 141, ayon sa pagkakasusog ay ipinagkakaloob sa pamamagitan ng
Di-Patenteng ito ang lupaing nasa Buenavista, El Nido, Palawan na may kabuuang sukat na
27,791 metro kuwadrado, na ngayon ay tiyakang may hangganan at inilalarawan
sa likod nito, gayon pa man na sasailalim sa mga tadhana ng Seksyon 118 na nagtatakda bukod sa iba pa, na
maliban kung sa kapakanan ng pamahalaan o alinmang mga sangay, mga yunit, o mga institusyon nito, na
ang lupaing natamo ay hindi maaaring mapasaiba at hindi sasailalim sa pataw na sagutin sa loob ng limang
(5) taon mula sa petsa ng patente, at sa mga Seksyon 119, 121, 122 at 124 ng Batas Komonwelt Blg. 141,
ayon sa pagkakasusog at ang karapatan ng pamahalaan na pangasiwaan at pangalagaan ang mga kahoy na
matagpuan doon sa loob ng limang (5) taon mula sa petsa ng pagpapalabas ng patente, sa pasubali, gayon pa
man, na ang pinagkalooban o kanyang mga tagapagmana ay maaaring pumutol at gumamit ng nabanggit na
kahoy na maaaring kailanganin sa kanilang pansariling pangangailangan.

BILANG KATUNAYAN NITO, at sa bisa ng kapangyarihang kaloob sa akin ng batas, AKO, SI
Israel D. Gomez, Pangulo ng Pilipinas, sa pamamagitan nito'y ginawang patente ang
mga kasulatang ito at ikinintal ang tatatag na Republika ng Pilipinas.
Nilagdaan sa Puerto Princesa, City ngayong ika- 23 ng
sa taon ng Ateng Panginaon, labinsiyam na raan at 2015

SA BISA NG KAPANGYARIHAN NG PANGULO NG PILIPINAS

JUAN C. DELA CRUZ
Nakatala sa "Tatlat na Kasulatan" ng Lalawi-
gan/Lungsod ng Palawan
alinsunod sa tadhana ng Seksyon 103 ng Atas ng
Pangulo Blg. 1529, ngayong ika- 27th ng
April labinsiyam na raan at
2015 sa 2:18 P.M.

Corong-Corong, El Nido, Pal.
(Tirahan ng May-ari)

ATTY. MARICAR O. MISA-TAN
REGISTER OF DEEDS

Tagatala ng mga Kasulatan at Ari-arian

This is a Certified True Copy of OCT 2015000225 on file at Registry of Deeds of Province of Palawan. This consists of 4 page(s) and does not require a manually affixed signature pursuant to R.A. No. 8792. Printed at Registry of Deeds of Province of Palawan. Requested By: ISRAEL GOMEZ.

Ref. No. : 2022000749 OR No. : 1025133417
Date : 02/09/2022 OR Date : Feb 9 2022
Time : 09:26:14 AM Amt Paid: 273.35

This title is subject of an on-going transaction with
Entry No 2021002313
Entry Date: Nov 12 2021 4:02PM,

THE REGISTERED OWNER IS REMINDED TO UPGRADE THE "PAPER TITLE" TO "COMPUTERIZED TITLE" FOR FASTER TRANSACTIONS.

(PAGLALARAWANG TEKNIKAL)

Lot 9, Sgs-4B-000172-D
Identical to Lot 12184, Cad 1037-D

Beginning at a point marked "1" of Lot 9, Sgs-4B-000172-D, identical to Lot 12184, Cad 1037-D, being N. 37° 15' W., 6,043.18 meters from BLLM 1, Cad 1037-D, Municipality of El Nido, Province of Palawan, thence:

S. 73° 08' W., 216.11 m. to point 2; N. 18° 26' W., 176.58 m. to point 3;
N. 73° 08' E., 212.07 m. to point 4; S. 19° 44' E., 176.74 m. to point 1,
point of beginning; containing an area of thirty-seven thousand, seven
hundred ninety-one (37,791) square meters.

All corners are marked on the ground by P.S. cylindrical concrete
monuments, 15 x 60 centimeters.

Bounded on the south, along line 1-2 by Lot 10, Sgs-4B-000172-D; on
the west, along line 2-3 by Lot 8, Sgs-4B-000172-D; on the north, along line
3-4 by Lot 263, Cad 1037-D; and on the east, along line 4-1 by Lot 12,
+ Sgs-4B-000172-D.

Bearings are grid

This lot was surveyed by Geodetic Engineer Emmanuel N. Ortile on
January 6-7, 2015 in accordance with law and existing rules and regulations
promulgated thereunder. The survey was approved on February 2, 2015.

Note: This lot is covered by Free Patent Application 045312-1458.

rdp
Checked by: ESTER T. BIONA

CERTIFIED CORRECT:

Alfredo Cabasanes
ALFREDO CABASANES
GEODETIC ENGINEER

(Karugtong sa Karagdagang Pahina Pahina)
Tagatala ng mga Kasulatan at Ari-arian

18-401

GOVERNMENT COPY • GOVERNMENT COPY • GOVERNMENT COPY

2022 0

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document

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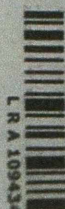
This is a Certified True Copy of OCT 2015000225 on file at Registry of Deeds of Province of Palawan. This consists of 4 page(s) and does not require a manually affixed signature pursuant to R.A. No. 8792. Printed at Registry of Deeds of Province of Palawan. Requested By: ISRAEL GOMEZ.

Ref. No. : 2022000749 OR No. : 1025133417

Date : 02/09/2022 OR Date : Feb 9 2022

This title is subject of an on-going transaction with
Entry No. 2021002313

Entry Date: Nov 12 2021 4:00PM



LRA 109434

SN Bld. 1595905

REPUBLIKA NG PILIPINAS
KAGAWARAN NG KATARUNGAN
PANGSISWAAN SA PATALAAN NG LUPAIN
PATALAAN NG MGA KASULATAN AT ARI-ARIAN SA
LUNGOD/LALWIGAN NG PATALAM

scripsit in penultima in medietate

Blg. 2015000222

Pinagkautuhan ayon sa Seksyon 105 ng Aklat sa Patalunan ng Art-orian (Aklat ng Pangulo Bil. 1529),
 alinunod na patente na pinatubos ng Pangulo ng Pilipinas, sa
 taong labintatse na itinatag na 2015
 ng
 April 11
 25ed

KAGAWARAN NG KAPALIGIRAN AT LIKAS NA KAYAMANAN
REHION BLG. 05
KALOOB NA PATENTE BLG. 05312.YS. 35601

SA LAHAT NG MAKATUTUNGHAY NG KASULATAN NG ITO, BAYAN
MOEL TAYAN

may sapat na gulang kasal kay
Hinata
at nakatira sa
na naglalaray ng kasal ngayon at
Filipino.

44.585
Di-Patented by and byproduct of the
Kubansa VII ng Baitas Komonwel Bil. 141, upon its passage by the Congress ng
kanap nang nakapad sa lahat ng mga kondisyon at kinakailangan ng Baitas Republika Bil. 782 at 3872.
Kubansa VII ng Baitas Komonwel Bil. 141, upon its passage by the Congress ng

[illegible]

SA BISA NG KAPANGYARIHAN NG
PANGULO NG PILIPINAS

2015
April
Pasung Btg. 1579, ngajong lka. 27th
labriyem na man at
2:10 p.m.

Manila
(Tirahan ng May-ari)
Tagalog ng mga Kopya ng Ararian
REGISTER OF DEEDS
OFFICE OF THE REGISTER OF DEEDS
MANILA

(PAGLALARAWANG TEKNIKAL)

Lot 10, Sgs-4B-000172-D
Identical to Lot 12185, Cad 1037-D

Beginning at a point marked "1" of Lot 10, Sgs-4B-000172-D, Identical to Lot 12185, Cad 1037-D, being N. 37° 15' W., 6,043.18 meters from BLLM 1, Cad 1037-D, Municipality of El Nido, Province of Palawan, thence:

S. 19° 44' E., 204.35 m. to point 2; S. 73° 08' W., 220.78 m. to point 3;
N. 18° 26' W., 204.17 m. to point 4; N. 73° 08' E., 216.11 m. to point 1;
point of beginning; containing an area of forty- four thousand, five hundred
eighty-five (44,585) square meters.

All corners are marked on the ground by P.S. cylindrical concrete
monuments, 15 x 60 centimeters.

Bounded on the east, along line 1-2 by Lot 12, Sgs-4B-000172-D; on
the south, along line 2-3 by Lot 11, Sgs-4B-000172-D; on the west, along line
3-4 by Lot 8, Sgs-4B-000172-D; and on the north, along line 4-1 by Lot 9,
Sgs-4B-000172-D.

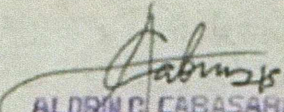
Bearings are grid

This lot was surveyed by Geodetic Engineer Emmanuel N. Ortile on
January 6-7, 2015 in accordance with law and existing rules and regulations
promulgated thereunder. The survey was approved on February 2, 2015.

Note: This lot is covered by Free Patent Application 045312-1462-A.

rdp
Checked by: ESTER T. BIONA

CERTIFIED CORRECT:


ALDRIN D. CABASANES
GEODETIC ENGINEER

(Karagang sa Karagdagang Pahina Pahina)
Tagatala ng mga Karulatan at Ari-arian

SN Blg. 1595904

REPUBLIKA NG PILIPINAS
KAGAWARAN NG KATARUNGAN
PANGASIWAAN SA PATALAAN NG LUPAIN
PATALAAN NG MGA KASULATAN AT ARI-ARIAN SA
LUNGSOD/LALAWIGAN NG PALAWAN

Katibayan ng Orihinal na Titulo

Blg. 2015000223

Pinagkasunduan ayon sa Seksyon 103 ng Atlas sa Patalaan ng Ari-arian (Atlas ng Pangulo Blg. 1529), alinsunod sa patente na pinalabas ng Pangulo ng Pilipinas, sa PPcity noong ika- 23rd ng April taong labinsiyam na raan at 2015, at nakatala sa mga kasulatan ng gaya ng mga sumusunod:

KAGAWARAN NG KAPALIGIRAN AT LIKAS NA KAYAMANAN
REHIYON BLG. VI
KALOOB NA PATENTE BLG. 0132. K. 86602

SA LAHAT NG MAKATUTUNGHAY NG KASULATANG ITO, BATI:

JOEL TANTE, Filipino, may apat na gulang, kasal kay Manila Binata, at nakatira sa Manila na nagtataglay ng lahat ng kwalipikasyon at ganap nang nakatupad sa lahat ng mga kondisyon at kinakailangan ng Batas Republika Blg. 782 at 3872, Kabanata VII ng Batas Komonwelt Blg. 141, ayon sa pagkakasusog ay ipinagkakaloob sa pamamagitan ng Di-Patenteng ito ang lupaing nasa Buena Suerte, El Nido, Palawan na may kabuuang sukat na 3,674 metro kuwadrado, na ngayon ay tiyakang may hangganan at inilalarawan sa likod nito, gayon pa man na sasailalim sa mga tadhana ng Seksyon 118 na nagtatakda bukod sa iba pa, na maliban kung sa kapakanan ng pamahalaan o alinmang mga sangay, mga yunit, o mga institusyon nito, na ang lupaing natamo ay hindi maaaring mapasaila at hindi sasailalim sa pataw na sagutin sa loob ng limang (5) taon mula sa petsa ng patente, at sa mga Seksyon 119, 121, 122 at 124 ng Batas Komonwelt Blg. 141, ayon sa pagkakasusog at ang karapatan ng pamahalaan na pangasiwaan at pangalagaan ang mga kahoy na matagpuan deon sa loob ng limang (5) taon mula sa petsa ng pagpapalabas ng patente, sa parubali, gayon pa man, na ang pinagkalooban o kanyang mga tagapagmana ay maaaring pumutol at gumamit ng nabanggit na kahoy na maaaring kailanganin sa kanilang pansariling pangangailangan.

BILANG KATUNAYAN NITO, at sa bisa ng kapangyarihang kaloob sa akin ng batas, A.K.O. SI Pangulo ng Pilipinas, sa pamamagitan nito'y ginawang patente ang mga kasulatang ito at ikinintal ang tatak ng Republika ng Pilipinas. Nilagdaan sa Puerto Princessa, City ngayong ika- APR 23 2015 ng sa taon ng Atang Panginoon, labinsiyam na raan at 2015

SA BISA NG KAPANGYARIHAN NG
PANGULO NG PILIPINAS

JOEL TANTE
Nakatula sa "Taldan ng Kasulatan" ng Lalawigan/Lungsod ng Palawan, alinsunod sa tadhana ng Seksyon 103 ng Atlas ng Pangulo Blg. 1529, ngayong ika- 27th ng April labinsiyam na raan at 2015, sa 2:13 p.m.

Manila

(Tirahan ng May-ari)

ATTY. MARICAR U. MISA-TAP
REGISTER OF DEEDS

Tagatala ng Palawan at Ari-arian

(PAGLALARAWANG TEKNIKAL)

Lot 11, Sgs-4B-000172-D
Identical to Lot 12186, Cad 1037-D

Beginning at a point marked "1" of Lot 11, Sgs-4B-000172-D, identical to Lot 12186, Cad 1037-D, being N. 38° 32' W., 5,644.96 meters from BLLM 1, Cad 1037-D, Municipality of El Nido, Province of Palawan, thence:

N. 64° 04' W., 315.58 m. to point 2; N. 73° 08' E., 220.78 m. to point 3;
S. 19° 44' E., 214.72 m. to point 1, point of beginning; containing an area of twenty-three thousand, six hundred seventy-four (23,674) square meters.

All corners are marked on the ground by P.S. cylindrical concrete monuments, 15 x 60 centimeters.

Bounded on the south to west, along line 1-2 by Lot 285, Cad 1037-D; on the northwest, along line 2-3 by Lot 10, Sgs-4B-000172-D; and on the east, along line 3-1 by Bacuit Bay (Salvage zone).

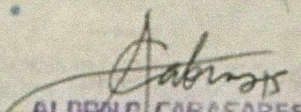
Bearings are grid

This lot was surveyed by Geodetic Engineer Emmanuel N. Ortile on January 6-7, 2015 in accordance with law and existing rules and regulations promulgated thereunder. The survey was approved on February 2, 2015.

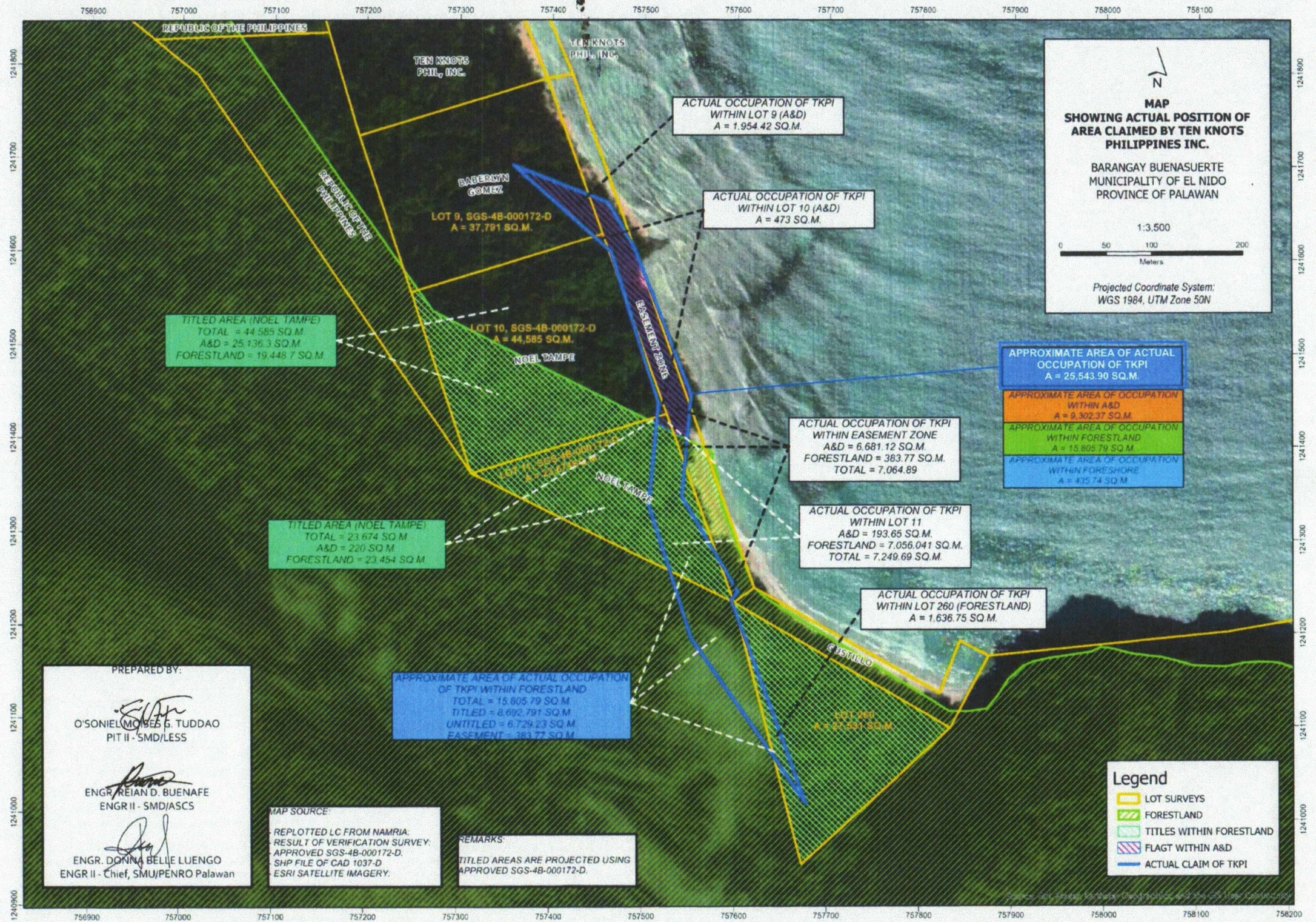
Note: This lot is covered by Free Patent Application 045312-1462.

rdp
Checked by: ESTER T. BIONA

CERTIFIED CORRECT:


ALDEM C. CABASARES
GEODETIC ENGINEER

(Karangal ng Karangalang Pahina Pahina)
Tagatala ng mga Kasulatan at Ari-arian





REGIONAL SPECIAL ORDER

No. 12014 *[Signature]*
Series 2022

JAN 25 2022

SUBJECT : **CREATION OF SURVEY TEAM FOR THE CONDUCT OF
RELOCATION SURVEY ON FOREST LAND USE
AGREEMENT FOR TOURISM (FLAGT) PURPOSES (TEN
KNOTS INC. PHILLIPPINES) LOCATED IN CADLAO
ISLAND, BARANGAY BUENA SUERTE, EL NIDO, PALAWAN**

In the interest of the service, the Survey Team is hereby created to conduct Ground
Verification survey on Forest Land Use Agreement For Tourism in Barangay Buena Suerte
El Nido, Palawan. The Team is composed of the following personnel:

Engr. Donna Belle Luengo Engr. II, PENRO-Palawan	-	Team Leader
Engr. Reian D. Buenafe Engr. II-SMD	-	Assistant Team Leader
Engr. Malco Lamigo Engr. II- CDD	-	Member
Alexander Mancio Senior EMS, CENRO-Taytay	-	Member
Maria Gloria Galima EMS II-LPDD	-	Member
Marian Lachica Engr. II, CENRO-Taytay	-	Member
O'soniel Moises Tuddao PIT II - SMD	-	Member
Leonardo Juarigue Engineering Aide, PENRO-Palawan	-	Member

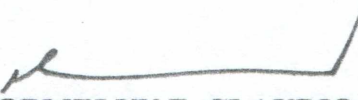
The team shall have the following duties and functions:

1. Conduct relocation Survey to determine the actual position of the subject area;

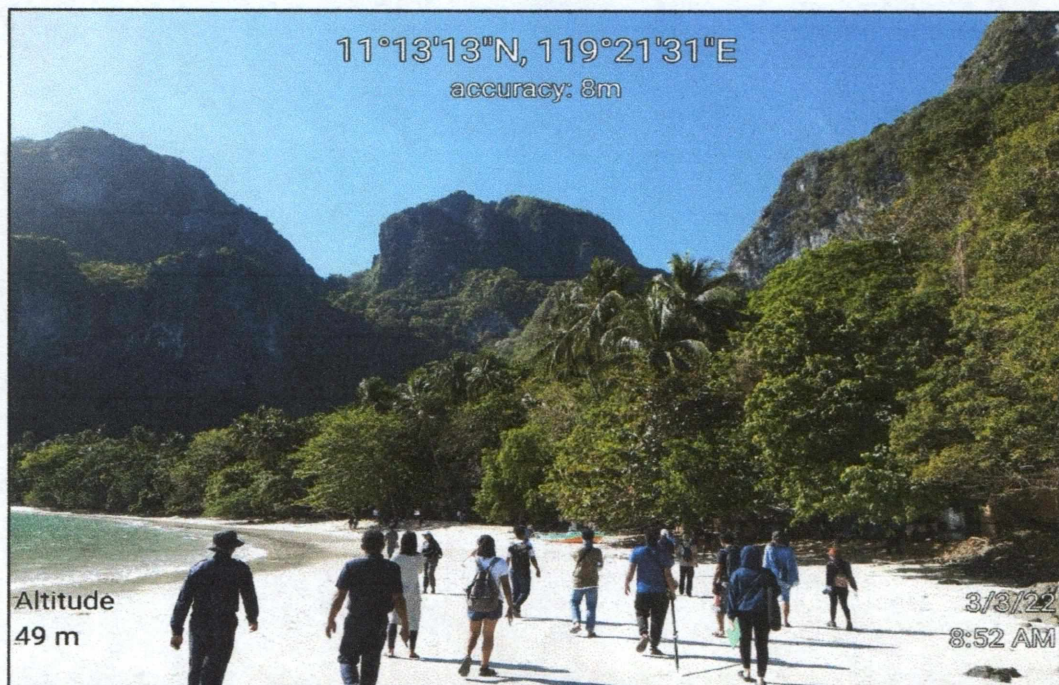
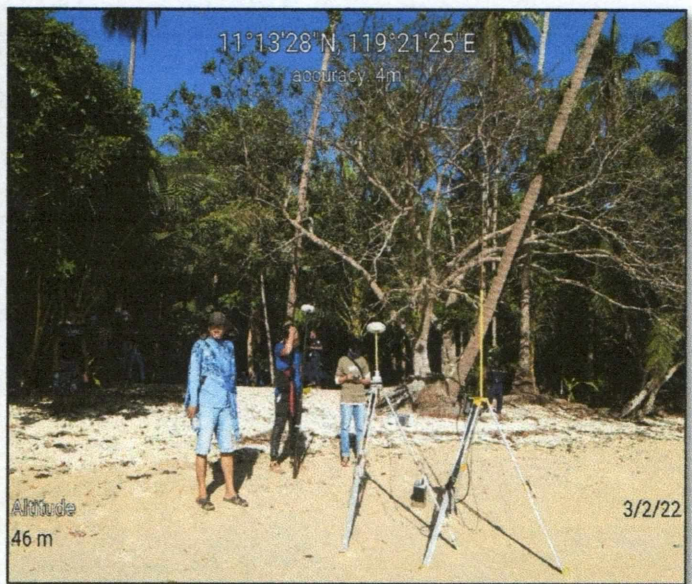
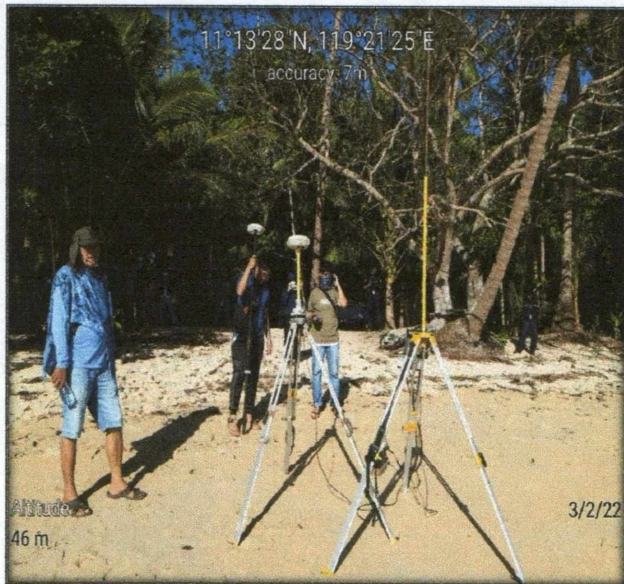
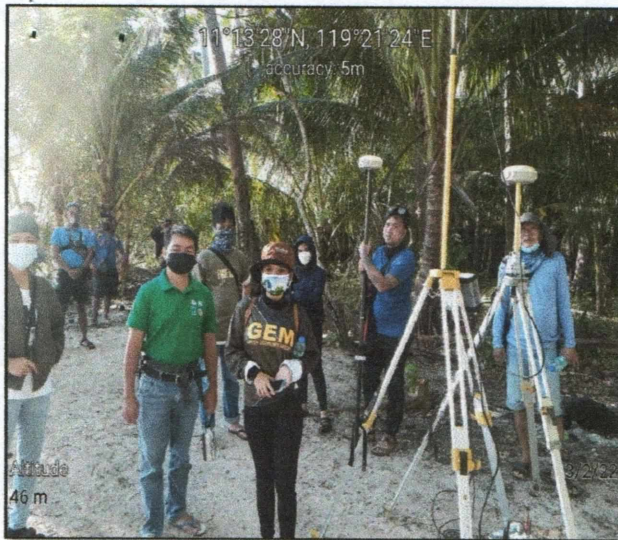
2. Coordinate with the parties concerned and other pertinent documents relative to the survey;
3. Conduct verification of Office records in support for the conduct of relocation survey;
4. The RTK in the Regional Office shall be used in executing the said survey and;
5. Submit report within 10 working days upon completion of the survey.

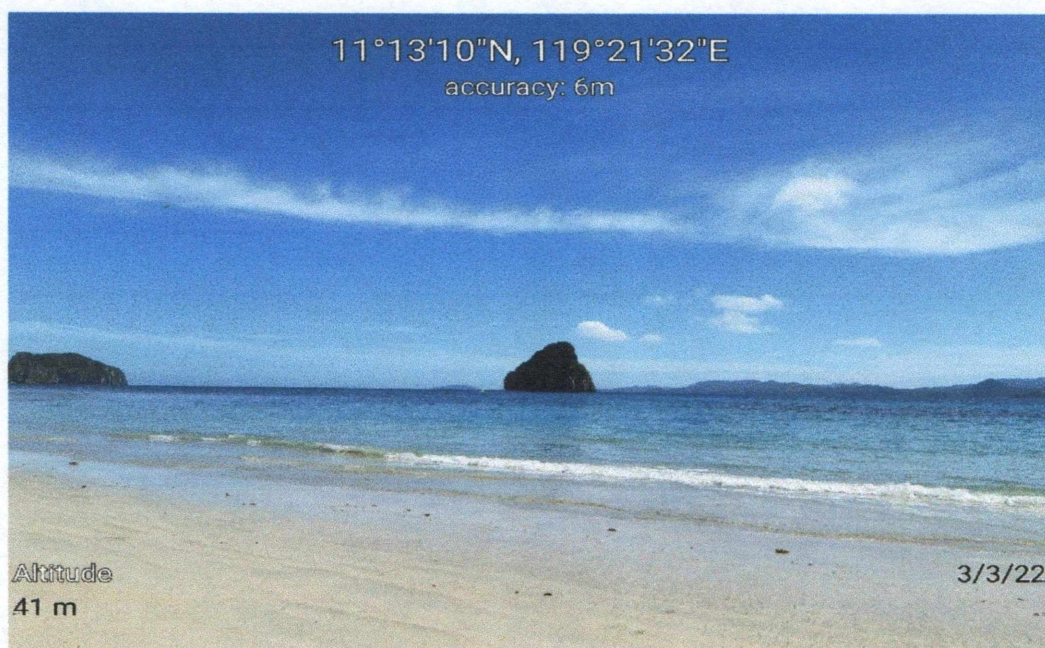
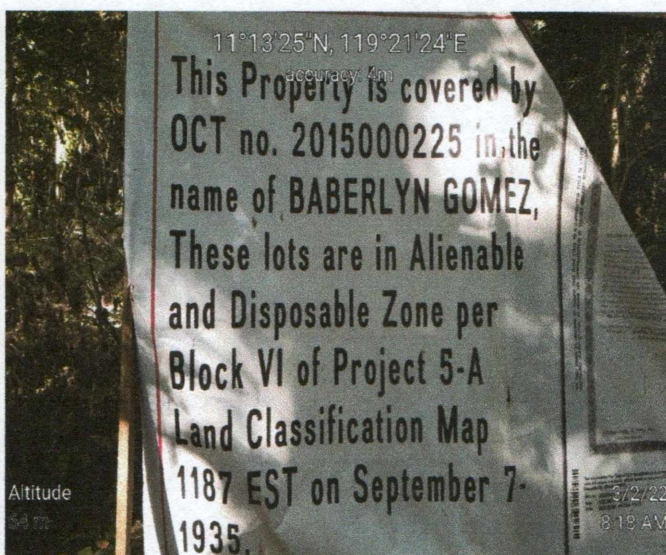
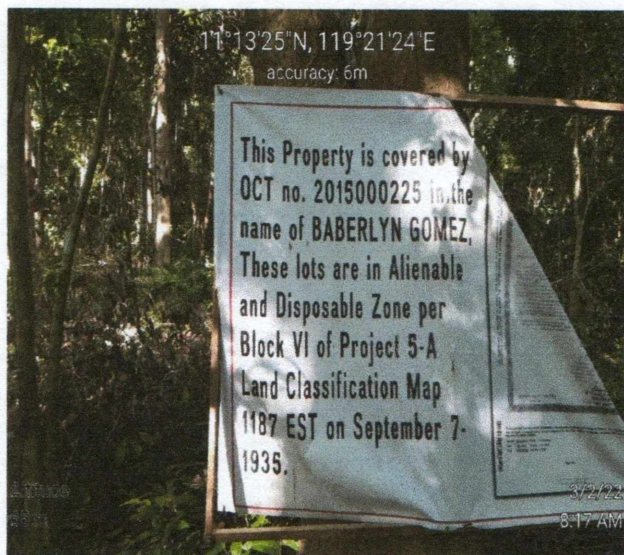
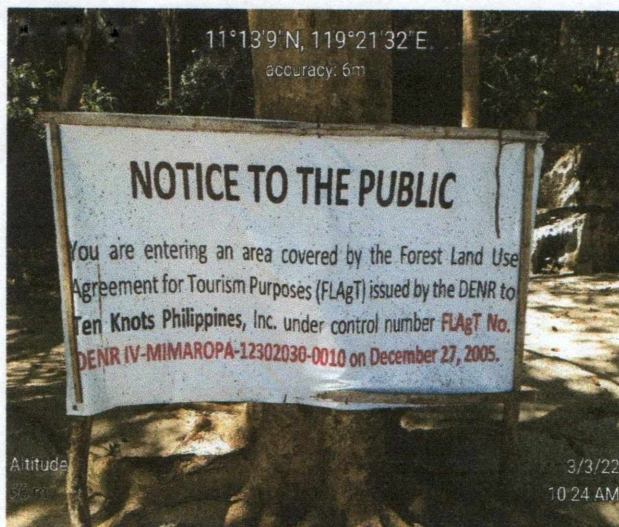
Traveling expenses incurred during the conduct of the survey shall be charged against their respective Office funds or other sources, subject to the availability of funds and existing accounting and auditing rules and regulations.

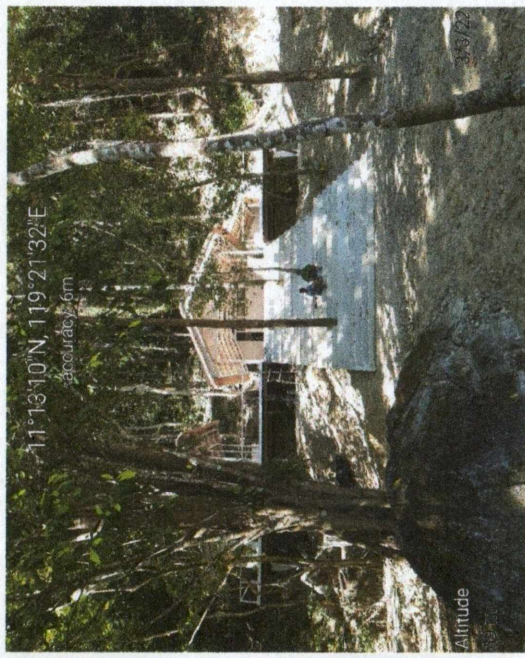
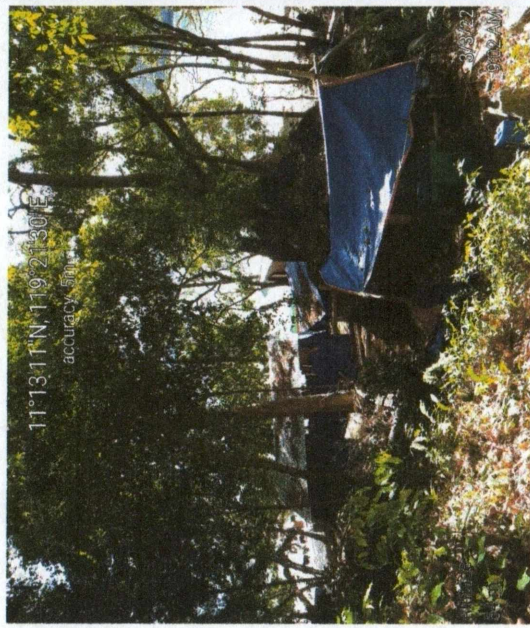
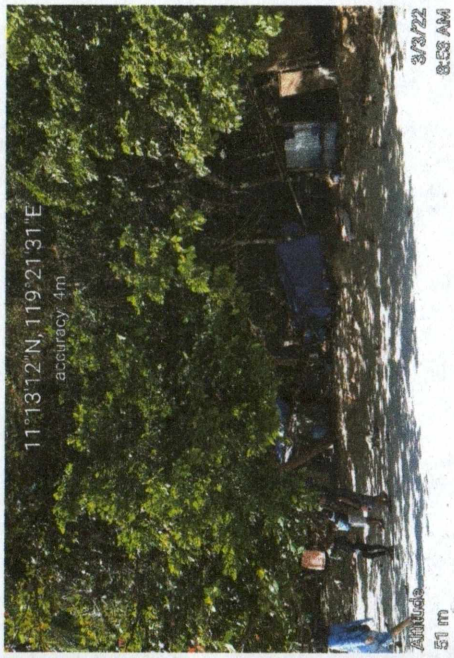
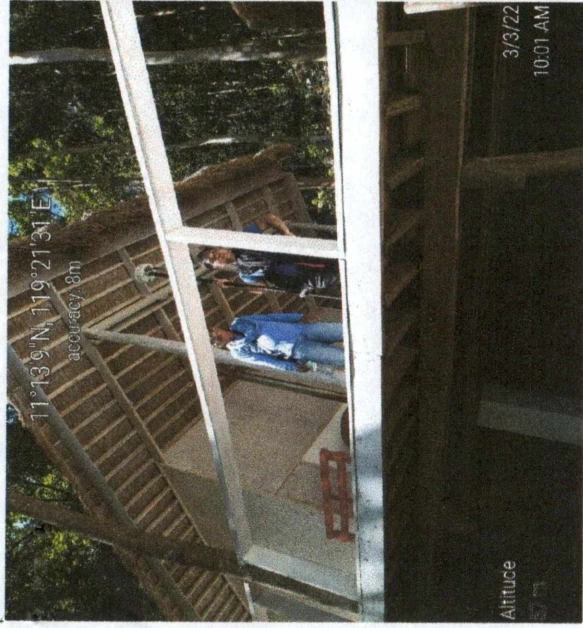
This Order takes effect immediately.


LORMELYN E. CLAUDIO, CESO IV
Regional Executive Director

Oardts/AI/01-20-22







ACTUAL CLAIMED CORNERS

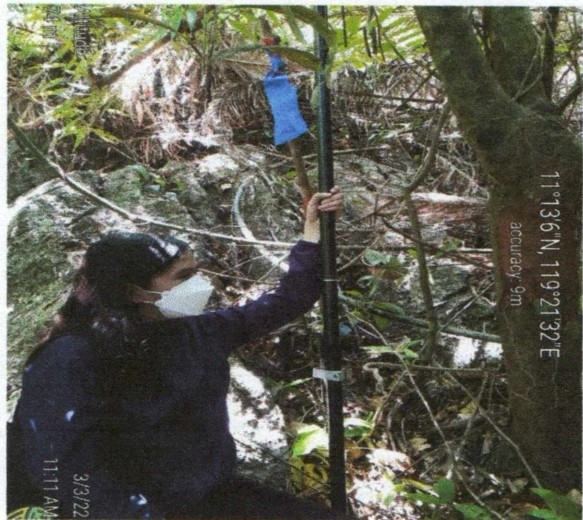
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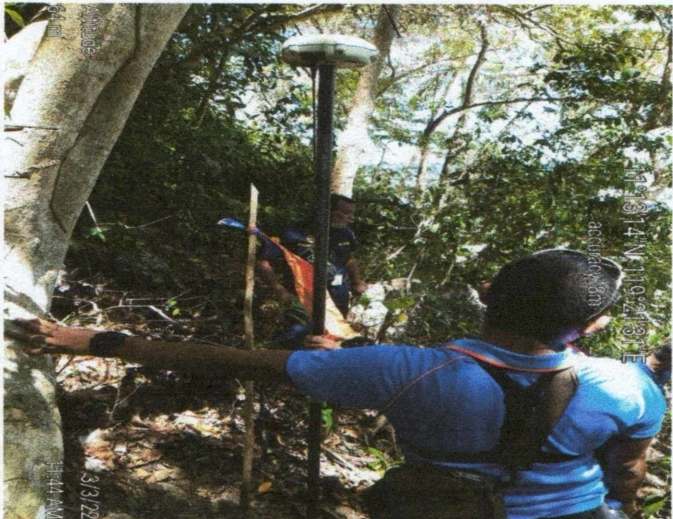
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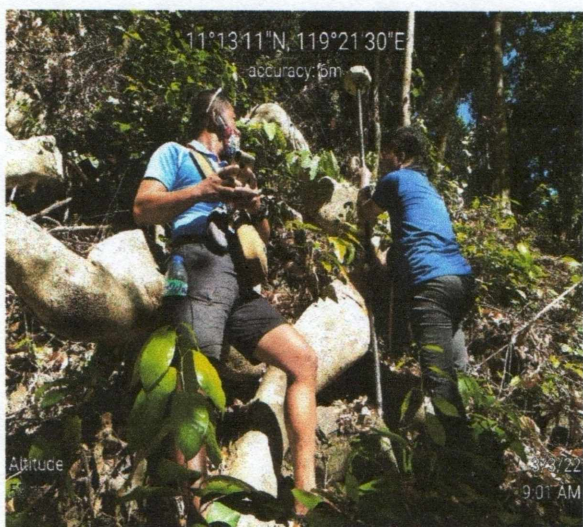
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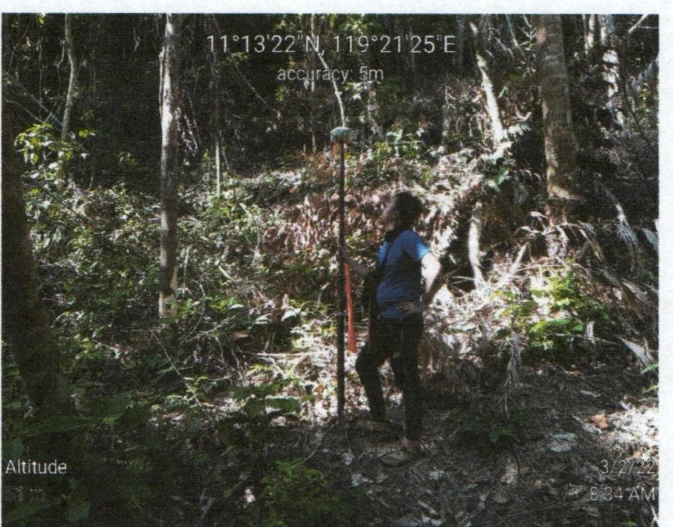
Corner 4



Corner 5



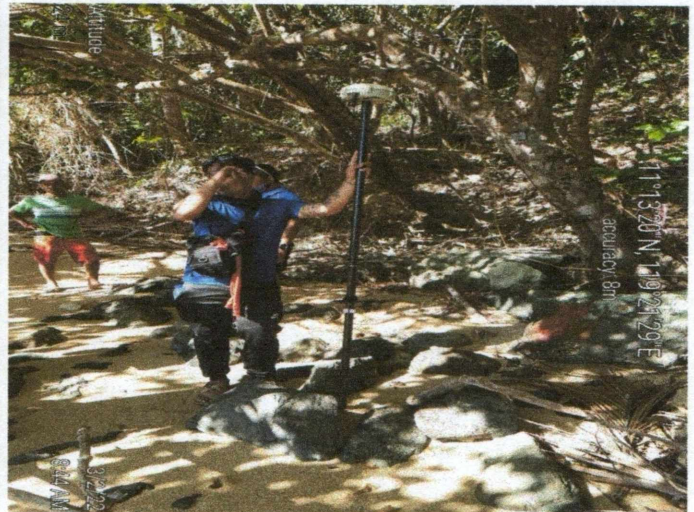
Corner 7



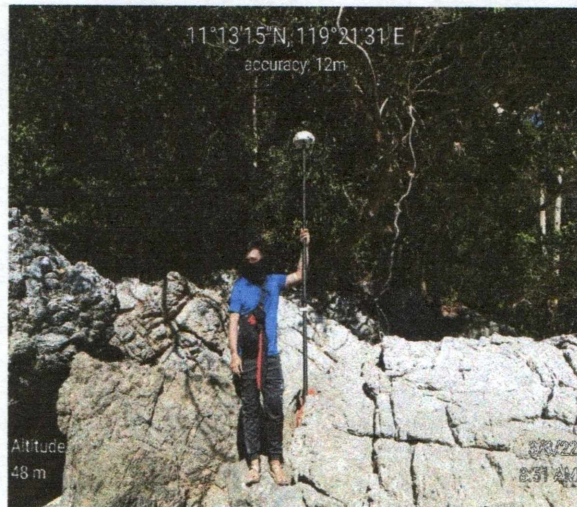
Corner 8



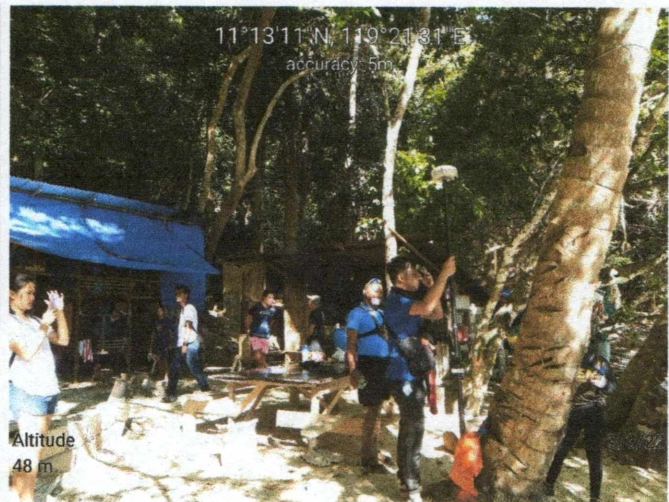
Corner 9



Corner 10



Corner 11



Corner 12



BACKGROUND / COMPLETED STAFF WORK

1. On November 6, 1998, a Special Use Permit (Bathing Establishment) No. DENR-IV-PENRO-110699-0006 signed by then PENRO Palawan Danilo R. Querijero was granted to Ten Knots Development Corporation (Ten Knots Philippines, Inc.) covering 5.0 hectares of forest land situated in Cadlao Island, Brgy. Buena Suerte, El Nido, Palawan. The SUP expired on November 6, 1999.
2. On April 19, 2005, Ten Knots Philippines, Inc. (TKPI) applied for conversion of SUP into Forest Landuse Agreement for Tourism (FLAgT) purposes with reduced area from 5.0has to 3.206 hectares.
3. On December 27, 2005, TKPI was granted the FLAgT No. DENR IV-MIMAROPA-12302030-0010 covering 3.206 hectares over the same area with the previously issued SUP. The FLAgT will expire on December 30, 2030.
4. Through Memorandum dated September 7, 2020, the CENRO Taytay forwarded to the Regional Office thru the PENRO Palawan the compliance monitoring report dated August 28, 2020 of the CENRO Taytay compliance and monitoring team on the FLAgT of TKPI in Cadlao Island, Brgy. Buena Suerte, El Nido, Palawan. The monitoring activity is part of the target activities of the CENRO Taytay for the 3rd quarter of 2020.

The team recommended to the CENRO for the rectification/amendment of the area to conform with the inalienable area actually claimed/occupied; and issuance of a Show Cause Order (SCO) for failing to implement and comply to some of the terms and conditions of the FLAgT.

5. On November 17, 2020, joint inspection joint inspection was conducted by El Nido - Taytay Managed Resource Protected Area (ENTMRPA) – Protected Area Management Office (PAMO) and CENRO Taytay personnel on the subject area.
6. Joint inspection report dated November 23, 2020 of the ENTMRPA – PAMO personnel shows that there is an existing barbed wire fence in the contested area allegedly installed by TKPI in front of the titled property owned by Ms. Baberlyn Gomez. The said fence was found within the forty (40) meters easement.
7. A Notice to Vacate dated February 5, 2021 was issued by CENRO Allan L. Valle against TKPI, and Baberlyn & Israel Gomez per Memorandum dated January 25, 2021 from PENRO Palawan in consonance with the joint inspection report of the PAMO and CENRO Taytay on November 17, 2020 pertaining to the guard house and fence constructed within the easement. TKPI and Gomezs were directed to remove the structure/s built and vacate the area occupied within 30 days for violations on easement per Water Code of the Philippine and ENIPAS of 2018.
8. On a letter dated February 18, 2021, the Regional Executive Director (RED) Maria Lourdes G. Ferrer wrote TKPI disclosing findings of CENRO Taytay Compliance monitoring team (per monitoring report of their violation of some of the terms and conditions of FLAgT). TKPI was directed to appear for a technical meeting to discuss said findings.
9. On February 18, 2021, the CENRO Taytay investigation team proceeded to the subject area for the delineation of the 40-meter easement zone.
10. On March 4, 2021, the ENTMRPA-PAMO received a letter from TKPI signed by TKPI's Project Development Officer Mr. Ralph L. Villamor stating that their

management decided not to push through on the removal of structures in the subject area.

11. On March 23, 2021, Protected Area Superintendent Mildred A. Suza of ENTMRPA-PAMO submitted their report pertaining to the ocular inspection conducted on the compliance of TKPI, and Mr. & Mrs. Israel Gomez to the issued Notice to Vacate dated February 5, 2021. The inspection report shows that as of March 9, 2021 during the inspection and compliance monitoring of ENTMRPA-PAMO personnel, the structures such as guard house and perimeter fence owned by TKPI, and Mr. & Mrs. Israel Gomez that encroaches within 40-meter easement zone and subject of NTV issued by CENRO Taytay last February 5, 2021 were still observed in the area.
12. On May 6, 2021, CENRO Taytay issued Second Notice of Violation and Order to Vacate to both parties pertaining to the guard house and perimeter fence constructed within the easement of Cadlao Island.
13. On July 26, 2021, CENRO Taytay wrote TKPI requesting assistance of their geodetic engineer during the conduct of actual ground survey to determine metes and bounds of 8 FLAgT areas in El Nido and Taytay, per Memorandum dated May 19, 2021 from the RED.
14. Thru Memorandum dated July 29, 2021, the PASu submitted to CENRO their monitoring report on the compliance of both parties on the issued 2nd Notice of Violation and Order to Vacate. Accordingly, the guardhouse within the claimed property of Mr. & Mrs. Israel Gomez is about to be demolished while the guard house and perimeter fence (barbed wire) owned by TKPI is still erected in the subject area, thus, no sign of compliance of issued 1st and 2nd Notice of Violation and Order to Vacate.
15. On August 6, 2021, 3rd and final Notice of Violation and Order to Vacate was issued by SEMS/Chief, RPS Alexander E. Mancio, In-charge, Office of the CENRO Taytay.
16. On August 19, 2021, CENRO forwarded to the PENRO Palawan PASu Suza's compliance monitoring report dated August 18, 2021 on the third and final notice of violation and order, stating that the guard house within the easement is partially demolished and being moved inside the titled property of Gomez which is now outside the 40-meter easement while the perimeter fence owned by TKPI is still erected within easement. PASu Suza recommended for the endorsement of this case to the Local Government of El Nido for their appropriate action. A letter dated August 18, 2021 from the CENRO was addressed to Hon. Edna Gacot-Lim, El Nido Mayor endorsing the matter for issuance of Demolition Order and appropriate action.
17. On September 6, 2021, Hon. Edna Gacot-Lim, Municipal Mayor of El Nido wrote CENRO Taytay stating that their office decided to hold in abeyance the issuance of Demolition Order for the structures within the legal easement. The decision is made after receiving the letter from TKPI dated 21 August 2021 and the letter of Angara Abello Concepcion Regala & Cruz Law Offices (ACCRA Law) dated 2 September 2021. Accordingly, the context of the aforementioned letters, Notices of Violation and Order to Vacate and FLAgT are conflicting documents/issuances which create confusion as to which document shall prevail over the other.
18. On September 13, 2021, El Nido Mayor Lim wrote TKPI reiterating on the action that they must have taken with regards to the letter dated September 6, 2021 as per order of DENR. The LGU gave TKPI 3 working days starting September 13,

2021 to clear the area, otherwise, they shall oblige to order of demolition of the structure within the easement area.

19. Thru Memorandum dated September 30, 2021, the PENRO Palawan forwarded CENRO Taytay's Memorandum dated September 15, 2021 regarding the CSW with relevant comments and recommendations on the issued NTV to Mr. and Mrs. Israel D. Gomez and TKPI in Cadlao Island. Also attached on the PENRO Palawan's Memorandum are the copies of letter from the Municipal Mayor Edna Gacott-Lim to Mr. Alexander Mancio/In-Charge, Office of the CENRO, with attachments, and letter from Mr. Tommy Abile, General Station Manager of DWOK FM with attached letter reply from this office.

It was mentioned in the CSW that as early as September 22, 2016, an ocular inspection and verification with report was conducted by the CENRO Taytay when the said office found out that technical description of the FLAgT does not fall within the contested area when plotted. Said report was forwarded to PENRO Palawan however no longer available on their records files.

The PENRO Palawan recommended that a technical conference be conducted between the Technical services, legal services and other stakeholders in the field offices to come up with a unified action/solution to the case.

20. Thru Memorandum dated October 25, 2021, PENRO Palawan forwarded CENRO Taytay's Memorandum dated September 22 regarding the letter dated 8 September 2021 from ACCRALaw/TKPI to the Regional Executive Director stating that TKPI discovered that one Noel Tampe and Baberlyn Gomez secured original certificates of title (OCTs) which cover areas that overlap with TKPI's FLAgT. These OCTs were issued on 27 April 2015 pursuant to Free Patent Applications.
21. Undated (received by records section February 23, 2021) letter from RED Ferrer was addressed to TKPI disclosing the findings of the Compliance Monitoring Team of Taytay, with instruction to appear to this Office for a technical meeting to discuss said findings.
22. Virtual meeting was conducted on January 13, 2022 to discuss various issues pertaining to the FLAgT of TKPI. The meeting was attended by representatives from TKPI, former Regional Executive Director Maria Lourdes G. Ferrer, Assistant Regional Director for Technical Services (ARDTS) Vicente B. Tuddao, Jr., Ph.D., CESO IV, CENRO Allan Valle of Taytay, and members of DENR MIMAROPA Regional FLAgT committee – composite team. The meeting focused on the location map of FLAgT of TKPI which was found to fall in the sea and on the adjacent/overlapping land titles over Cadlao Island per compliance report of CENRO Taytay personnel dated August 28, 2020. Appeal of the TKPI on the increased Annual Government Share for FLAgT as result of revaluation was also discussed.

ARDTS recommended for the creation of Regional and Field office composite team together with legal division to have an in-depth investigation and come up with recommendations to finally identify the issue and come up with resolution.
23. Survey team for the conduct of (relocation) survey on FLAgT of TKPI was created through Regional Special Order No. 014 series of 2022 dated January 25, 2022, duly approved by OIC, Regional Executive Director Lormelyn E. Claudio, CESO IV.
24. Survey team created through RSO No. 014 proceeded and conducted verification survey of subject area on March 2, 2022 through travel Order Nos. 028, 029, 030 and 031.



REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
REGION IV
PROVINCIAL ENVIRONMENT AND NATURAL RESOURCES OFFICE
STA. MONICA, PUERTO PRINCESA CITY

SPECIAL USE PERMIT (BATHING ESTABLISHMENT)

November 06, 1998

NO. DENR-IV-PENRO-110699-0006

In accordance with Section 57 of Presidential Decree No. 705, otherwise known as the Revised Forestry Code of the Philippines and DENR Administrative Order No. 98-24 dated June 2, 1998, a Special Use Permit for Bathing Establishment is hereby granted to TEN KNOTS DEVELOPMENT CORPORATION to cover 5.0 hectares of public forest land situated at Cadlao Island, Brgy. Buena Suerte, El Nido, Province of Palawan as described on the attached sketch map which form part of this permit.

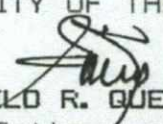
This permit is subject to the existing Forest Laws, Forestry Administrative Orders and regulations and/or those which may thereafter be promulgated including the terms and conditions embodied in Annex "B", the Environmental Compliance Certificate (ECC) which form part of this permit.

The annual rental of the area shall be payable in advance at Two Hundred Fifty Pesos (P 250.00) per hectare until otherwise amended and until an appraisal or reappraisal of the land improvements therein shall have been made. Rental hereof shall eventually be based on 3% of the value of the land and 1% of the value of improvements.

The privilege granted under this permit is the use of the area by the above named permittee for BATHING ESTABLISHMENT.

This permit is NON-TRANSFERABLE AND NON-NEGOTIABLE, except as provided in Section 61 of the aforesaid Decree and expires on November 06, 1999.

BY AUTHORITY OF THE SECRETARY:


DANILO R. QUERIJERO
Provincial Environment and Natural
Resources Officer

Copy Furnished:

Secretary, DENR, Diliman, Q.C.
RED, DENR, RIV, Roxas Blvd. Manila
Director of FMB, Diliman, Q.C.
CENRO, Taytay
File/angie



Condition : This permit is issued on the condition that the proponent shall comply with the requirements of P. D. 1586 (EIA System) prior to project implementation



REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
REGION IV
PROVINCIAL ENVIRONMENT AND NATURAL RESOURCES OFFICE
STA. MONICA, PUERTO PRINCESA CITY

ANNEX «B»

ADDITIONAL RULES AND REGULATIONS FOR SPECIAL USE PERMIT

1. The area granted in this permit : (a) is a timberland ; (b) is devoid of mangrove trees in commercial scale ; (c) shall not be use as security for any indebtedness of the permittee ; neither shall it be involved in any private transaction.
2. The permittee shall : (a) comply with the laws, rules and regulations and instructions hereafter be in force for the proper use of the land and coastal area ; (b) do all his power to prevent and suppress fires in adjacent areas thereto ; (c) preserve the corners and boundary lines of his area ; (d) report forest and marine violations within his area or neighboring forest ; and (e) report to the Regional Executive Director, PENRO and CENRO concerned every six (6) months the kind and value of improvement made in the area.
3. The annual rental shall be paid in advance or before the end of the year to afford the Secretary of DENR, Regional Executive Director, Region IV sufficient time to renew the permit. Application for renewal shall, likewise, be submitted in advance or prior to the expiration of the permit.
4. Permanent improvements shall not be made in the area, or if any improvements made prior to approval of this permit : (a) will not give the permittee any kind of right, claim or title whatever on said area or any portion thereof, or any right to claim damages or reimbursement for expenses incurred for any improvement introduced in the area ; and (b) shall revert to, and become the property of the government upon the cancellation of the permit through fault of the permittee or shall be disposed off and treated in accordance with Forestry Administrative Order No. 8-3, dated July 1, 1941, as amended.
5. No forest growth shall be cut from the strip of twenty (20) meters wide on each side along the roads or permanent trails unless expressly authorized in writing.
6. Non-use of the area within four (4) months after it is granted may result in the cancellation of the permit and forfeiture of the bond, if any.
7. Any Violation of existing forest and other applicable laws and regulations or of the rules, instructions and terms of the permit, shall be sufficient cause for the cancellation of the permit and forfeiture of the bond.

Page 2

8. The permittee shall : (a) not appropriate for himself the exclusive use of the public trails traveling or adjoining the area or impede the use thereof by the public ; (b) not sublet or sublease the area or any portion thereof ; and (c) provide a road-right-of-way not less than three (3) meters along rivers, if any.
9. The permittee shall observe in full force the establishment of a fifty (50) meters buffer zone in the area covered by the permit along the seacoast and twenty (20) meters along rivers, if any.
10. In order to fully implement all the rules, regulations and instructions stipulated herein, the DENR Regional Executive Director, Regional Technical Director for Forestry, PENRO, CENRO concerned, Technical Staff from the Forest Management Sector are enjoined to cause a regular monitoring work on all areas covered by this permit/lease to ensure effective and efficient implementation of the terms and conditions of this Permit and the above mentioned additional rules and regulations and instructions.

PENRO

de



Republic of the Philippines
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
Region IV-B - MIMAROPA
L & S Building, 1515 Roxas Boulevard
Ermita, Manila

FOREST LAND USE AGREEMENT for TOURISM PURPOSES (FLAgT)

BATHING ESTABLISHMENT

No. DENR IV-MIMAROPA-12302030-0010


is

hereby awarded to

TEN KNOTS PHILIPPINES, INC.
(TEN KNOTS DEVELOPMENT CORPORATION)
(Lessee)

Covering Three Point Two Hundred Six (3,206) hectares of forest land, located at Cadiao Island, Barangay Buena Suerte, El Nido, Palawan pursuant to Section 1838 of Republic Act No. 2711, as amended by E.O. 292, known as the Revised Administrative Code, as amended by Section 57 of P.D. 705, as amended and DAO No. 2004-28, for a period of twenty-five (25) years to expire on December 30, 2030.

Given this 27th day of December, in the year of our Lord Two Thousand and Five at the City of Manila, Philippines.


VICENTE S. PARAGAS, CESO III
OIC, ASEC for Field Operations
Concurrent Regional Executive Director
Region IV-B

FOREST LAND USE AGREEMENT FOR TOURISM PURPOSES (FLAgT)

(BATHING ESTABLISHMENT)

DENR IV-MIMAROPA-12302030-0010
NUMBER

TEN KNOTS PHILIPPINES INC.
(TEN KNOTS DEVELOPMENT CORPORATION) (TKDC)
LESSEE

CADLAO ISLAND, BARANGAY BUENA SUERTE, EL NIDO, PALAWAN
LOCATION OF THE AREA


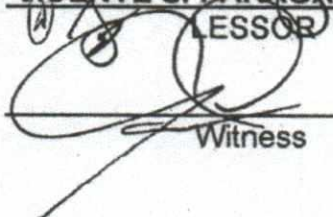
This Forest Land Use Agreement for Tourism purposes (FLAgT) made and entered into by and between the OIC, ASEC for Field Operations Concurrent Regional Executive Director of DENR IV-MIMAROPA REGION, **VICENTE S. PARAGAS, CESO III**, for and in behalf of the Republic of the Philippines, hereinafter called the LESSOR, and **TEN KNOTS PHILIPPINES INC. (TEN KNOTS DEVELOPMENT CORPORATION)**, represented by **MR. ALBERTO A. LIM**, President, with Office address at 2nd Floor Builders Centre Building, 170 Salcedo Street, Legaspi Village, 1229 Makati City, as the LESSEE.

WITNESSETH


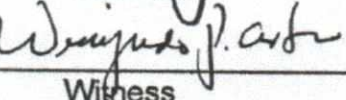
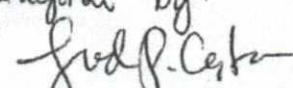
That the LESSOR, as Regional Executive Director of DENR IV-MIMAROPA, acting under the authority of Section 1838 of Republic Act No. 2711, as amended by E.O. 292, known as the Revised Administrative Code, as amended; Section 57 of P.D. 705, as amended and DAO 2004-28, hereby grants to the LESSEE a **FOREST LAND USE AGREEMENT FOR TOURISM (FLAgT) PURPOSES (BATHING ESTABLISHMENT)** for a period of **TWENTY-FIVE (25) years** to expire on **December 30, 2030**, covering an area of **THREE POINT TWO HUNDRED-SIX (3.206) hectares** of forest land, located at **Cadlao Island, Barangay Buena Suerte, El Nido, Palawan**, the description and boundaries shown in the attached sketch/map, which forms part of this FLAgT, subject to the following conditions:

By Authority of the Secretary
Of the Department of Environment
And Natural Resources

By:


VICENTE S. PARAGAS, CESO III
LESSOR

Witness

By:


ALBERTO A. LIM
LESSEE

Witness
Received Original by:
 1/04/06

- I. Within six (6) months from the issuance of the FLaGt, the holder shall delineate and mark on the ground the boundaries of the FLaGt area and its zones, subject to verification by DENR, and shall preserve the monuments and other land marks indicating corners and outlines along the boundaries and within the confines of the area covered by the FLaGt;
- II. The holder shall submit within three (3) months from the issuance of the FLaGt, a Site Management Plan (SMP) for the protection of the environment and conservation of natural resources in the area. The SMP shall be accompanied with a performance bond determined based on procedures for special forest land uses;
- III. The holder shall immediately secure the required Environmental Compliance Certificate (ECC) and other necessary permits prior to conduct of any activity in the area;
- IV. The holder shall utilize the area for the purpose for which the FLaGt is granted. In the event that the area will be utilized for other purpose/s other than what is approved, said use is subject to the prior approval of the Secretary or his/her duly authorized representative;
- V. In all instances, cutting of trees within the FLaGt area shall be subject to prior clearance by the DENR in accordance with existing rules and regulations;
- VI. The holder shall strictly adopt ecological solid waste management and abide with the provisions of the Clean Water Act;
- VII. The FLaGt holder shall protect all biodiversity in the area, especially those unique, rare and endangered flora and fauna identified as such under existing laws, rules and regulations;
- VIII. To inform the RED or his duly authorized representative on any changes in the management, ownership or capital stock of the company or corporation or transfer of a majority of the stock or share of the company or corporation as provided for in PD 705, as amended;

By Authority of the Secretary
Of the Department of Environment
And Natural Resources

By:


VICENTE S. PARAGAS, CESO III
LESSOR


Witness

By:


ALBERTO A. LIM
LESSEE


Witness

- IX. To surrender to the RED or his duly authorized representative, the agreement if not to be renewed on the date of expiration, or if the holder is no longer interested in the area, or in case of cancellation, immediately after the effectivity of its cancellation;
- X. In case of death of individual FLaGT holder, the heir may apply for the transfer of FLaGT within ninety (90) days upon his death;
- XI. Non-Obstruction to Navigation – This FLaGT shall not be construed as permit for the holder to obstruct the free navigation of any stream, creek or river or marine coastal area adjoining or flowing through the area, or to prohibit or interfere with the passage of people along such streams, creeks or rivers or the banks thereof, or to impede the flow and ebb of the tide to and from the interior of the swamps;
- XII. The FLaGT holder shall pay the Government Share, in the amount of **P48,090.00** which is five percent (5%) of the most recent zonal value of the commercial zone within the barangay/municipality/city or province, whichever is higher and shall be paid within 30 days upon the issuance of FLaGT and annually thereafter within the same month that the FLaGT was issued. Failure to pay within the prescribed period shall be subject to surcharges of 8.33% monthly for late payment or 100% for one (1) year.
- XIII. As a guarantee of the faithful performance of and/or compliance with the Forest Laws and Regulations and the terms and conditions of the FLaGT and the payment of the government share thereof, the FLaGT holder shall post a cash bond of **P96,180.00** which is twice (2x) the amount of the government share within three (3) months from the issuance of the FLaGT.

By Authority of the Secretary
Of the Department of Environment
And Natural Resources

By:


VICENTE S. PARAGAS, CESO III

LESSOR

Witness

By:


ALBERTO A. LIM

LESSEE


Witness

GROUND FORS SUSPENSION AND CANCELLATION OF FLAgT:

1. Failure of the FLAgT holder to settle administrative dues including government share after three (3) consecutives notices, after they become due and demandable.
2. Failure of the FLAgT holder to provide the necessary protection of the area.
3. Occupation of FLAgT holder of an area greater or other than that covered by the management agreement.
4. For allowing unauthorized person/s to use the area or any portion thereof for purposes other than what is specified in the management agreement;
5. If the privilege was obtained through fraud, misrepresentation or omission of material facts existing at the time of filing of the application.
6. Abandonment of the area or failure to exercise the privilege granted within the prescribed period of six (6) months from the issuance of the FLAgT without justifiable cause;
7. Failure to introduce improvement/development within the prescribed period as indicated in the comprehensive development/management plan.
8. Repeated violations of the provisions for cancellation.

Manila, Philippines DEC 27 2005, 200

By Authority of the Secretary
Of the Department of Environment
And Natural Resources

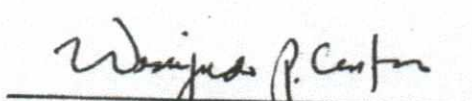
By:


VICENTE S. PARAGAS, CESO III
LESSOR


Witness

By:


ALBERTO A. LIM
LESSEE


Witness

ACKNOWLEDGEMENT

Republic of the Philippines)

Manila

S.S.

BEFORE me, A Notary Public for and in Manila, Philippines on the JAN 04 2006 day of JAN, 20 04, personally appeared the following with their respective certificate opposite their names:

NAME	COM. TAX CERT. NO.	DATE/PLACE ISSUED
<u>ALBERTO A. LIM</u>	06024981	01-19-2005/Manila
VICENTE S. PARAGAS, CESO III	1200321705	02-02-2005 Ilo-ilo City

Known to me to be the same persons who executed the foregoing instruments and who acknowledged to me that the same is their free and voluntary act and deed, as well as the free and voluntary act and deed of the entities represented herein.

This instrument, which is the Forest Land Use Agreement for Tourism Purposes (BATHING ESTABLISHMENT) DENR IV MIMAROPA 12302030-0010, consists of FIVE (5) pages including this page when the ACKNOWLEDGEMENT is written, and is signed by the parties and their instrument on each page thereof.

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

D. L. Wagas
ATTY. DENNIS L. WAGAS

Notary Public NOTARY PUBLIC
UNTIL DEC. 31, 2006

PTR NO. 4547212 MLA. 1-2-06

Until IBP NO. 656149 MLA. IV-1-6-06

PTR No. ROLL NO. 48667

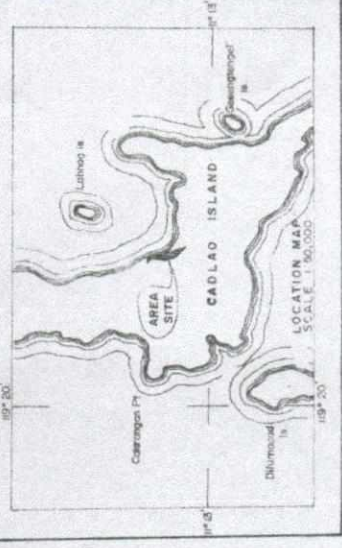
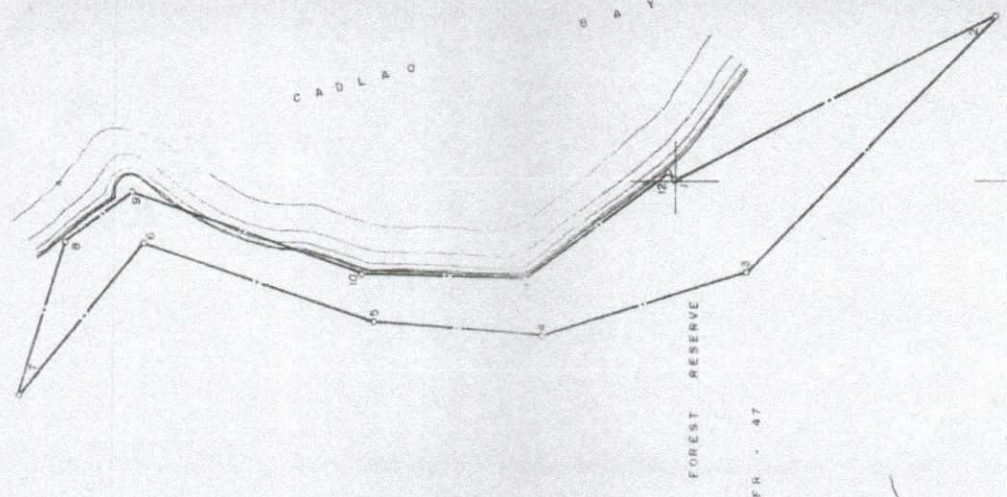
Date Issued

Place Issued

Doc. No. 9
Page No. 1
Book No. 911
Series of 2006

TECHNICAL DESCRIPTION		
THE POINT Cor 1 is N 44° 00' W, 52.40 M from Cor 9 Block XI, Pkg 5-A, ADD, per LC Map No. 1187.		
OUR BEARING AND DISTANCE TO NEXT CORNER	TREE MONUMENT OR NATURAL LANDMARK	REFERENCE OR LOCATION
1 S 27° 00' E 24.40 M	STAKE	BEHIND ROCKY CLIFF
2 N 45° 00' W 24.50 M	IPIL 30 CM DIA.	ON THE GROUND
3 N 17° 00' W 14.50 M	STAKE	ON THE GROUND
4 N 10° 00' E 11.20 M	IPIL 40 CM DIA.	ON THE GROUND

5	N 19° 00' E 105.00 M	KUTIMON 30 CM DIA.	ON THE GROUND
6	N 51° 00' W 135.00 M	STAKE	"
7	S 73° 00' E 110.00 M	"	"
8	S 38° 00' E 95.00 M	"	ALONG SHORELINE
9	S 20° 00' W 65.00 M	"	ON THE GROUND
10	S 28° 00' W 90.00 M	"	ALONG SHORELINE
11	S 39° 00' E 120.00 M	"	"
12	S 44° 00' W 8.00 M	IPIL 30 CM DIA.	"



SHOWING THE AREA COVERED BY
**FOREST LAND USE AGREEMENT FOR TOURISM PURPOSES
 (PLANT)**
 No. DENR IV-MIMAROPA-12302030-0010

OF
**TEN KNOTS PHILIPPINES, INC.
 (TEN KNOTS DEVELOPMENT CORP.)
 CADLAO ISLAND**

LOCATED AT
 ISLAND OF CADLAO
 MUNICIPALITY OF TUBIG
 PROVINCE OF PALAWAN

APPROXIMATE AREA 3,000 HECTARES
 SCALE 1:3,000



Republic of the Philippines
 DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
 MIMAROPA REGION

CERTIFICATION

This is to certify that the use of the area for
 TOURISM PURPOSES (PLANT) No. DENR IV-MIMAROPA-
 12302030-0010 of TEN KNOTS PHILIPPINES, INC. (TKDC)
 (CADLAO ISLAND) is in accordance with the provisions
 of the Forest Land Use Agreement and is hereby
 based on the compilation map submitted and other references available
 in this Office.

JOSE MONTONORUM
 Chief, Forest Resources Conservation Division

RECOMMENDING APPROVAL

ARMANDO R. RUTAGUINO
 Regional Technical Director for Forestry

APPROVED

VICENTE S. PARRINAS, CESO III
 OIC, ASAC for Field Operations,
 Concurrent Regional Executive Director
 Region IV-B

Department of Environment and Natural Resources
FOREST RESOURCES DEVELOPMENT DIVISION
 MIMAROPA REGION

Prepared by: *[Signature]*
 JERRY BIRON

Checked by: *[Signature]*
 VICTORIO

RICARDO M. GUEVARRA
 Chief, Forest Engineering Section

FERNANDO G. PERLAS
 Chief, Forest Resource Management Division



Republic of the Philippines
Department of Environment and Natural Resources
MIMAROPA Region
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE
by the National Highway, Poblacion, Taytay, Palawan 5312

September 7, 2020

MEMORANDUM

FOR : The Regional Executive Director
MIMAROPA Region
1515 L & S Building, by Roxas Blvd., Ermita, Manila

THRU : The Provincial Environment and
Natural Resources Officer
Sta. Monica, Puerto Princesa City

FROM : The Community Environment and
Natural Resources Officer

SUBJECT : **COMPLIANCE MONITORING ON FOREST LAND USE
AGREEMENT FOR TOURISM (FLAGT) PURPOSE IN
CADLAO ISLAND, BARANGAY BUENA SUERTE, EL NIDO,
PALAWAN**

**DENR CENRO
TAYTAY, PALAWAN
RELEASED**
BY: [Signature]
DATE: 09/07/20 CN 2297

This pertains to the target activities under compliance monitoring of existing tenurial instrument within the administrative jurisdiction of this office for 3rd quarter.

In compliance, respectfully forwarding is the report of compliance and monitoring team dated August 12, 2020 for Forest Land-use Agreement for Tourism (FLgT) Purposes for Ten Knots Philippines Incorporated in Cadlao Island, Barangay Buena Suerte, EL Nido, Palawan. This is our Means of Verification (MoV) on the activity. This submission is equivalent to eighty (80) percent accomplishment of the target.

Please acknowledge receipt. Thank you.


ALAN VALLE



Republic of the Philippines
Department of Environment and Natural Resources
MIMAROPA Region
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE
Taytay, Palawan

August 28, 2020

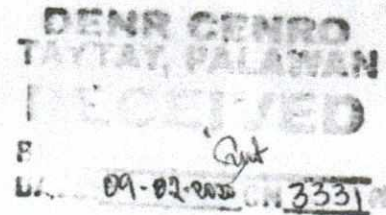
MEMORANDUM

FOR : The OIC-Community Environment and Natural Resources Officer
Taytay, Palawan

THRU : Enforcement and Monitoring

FROM : FLAgT Compliance and Monitoring Team

SUBJECT : **COMPLIANCE MONITORING ON FOREST LAND USE AGREEMENT FOR TOURISM (FLAGT) IN CADLAO ISLAND, BARANGAY BUENA SUERTE, EL NIDO, PALAWAN**



This pertains to target 001 Compliance Monitoring of Forest Land Use Agreement for Tourism Purposes (FLAgT) and STO Conduct of Monitoring and Validation of ENR Programs and Projects of this Office. The undersigned respectfully submit the result of the above monitoring made last August 12, 2020 with corresponding 80% accomplishment of the target.

Please be informed that on August 12, 2020 the Compliance Monitoring Team III per CENRO Special Order No. 02-2020-004 dated February 19, 2020 with the Planning Officer proceeded to the area of FLAgT No. DENR 4-MIMAROPA-12302030-0010 at Cadlao Island, Barangay Buena Suerte, El Nido, Palawan awarded to TenKnot Philippines Incorporated (TKPI) and found out the following:

1. The awarded FLAgT instrument to Ten Knots Philippines Incorporation (TPKI) for Bathing Establishment covering five (5) hectares will expire on December 3, 2030. (*See attached map*);
2. Ten Knots Philippines Incorporation (TPKI) is not fully compliant with the agreement stipulated in the terms and conditions in the instrument, like;
 - a. The holder failed to introduce improvement/development in the area. ✓
 - b. There is no Environmental Compliance Certificate (ECC) presented which is one (1) of the conditions, thus: *"the holder shall immediately secure the required Environmental Compliance Certificate (ECC) and other permits prior to conduct of any activity in the area"*; ✓
 - c. The boundary, landmarks and monument in the area are not fully maintained where only the forefront area of the FLAgT was fenced with barb-wire and only two (2) monuments were identified which is again violation of item (I) *"states that, the holder shall preserve the monument and other land marks indicating corners and outlines along the boundaries within the confines of the area covered by the FLAgT"*;

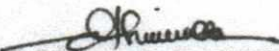
- d. The team found out by ArcGIS application that the area described in the agreement falls in the sea (*See attached map*);
- e. To verify and check the area, the team were assisted by the representative of Ten Knots Philippines Incorporation in identifying and looping the actual area occupied by the holder by getting coordinates through Global Positioning System (GPS).
- f. Upon plotting the technical descriptions of the map generated by the inspection team last 2016 using BLLM No. 1, Cad 1037-D of El Nido Cadastre as their reference, the area falls Land Classification No. 1187, Block VI, Project 5-A dated September 7, 1935 of Land Classification Map 1187 which is largely alienable and disposable area;
- g. Based on records, most of the area occupied by the holder were inside the patented lots of Mr. Roel Tampe with OCT No. 2015000222 identified as Lot 10, Sgs-4B-000172-D identical to Lot 12185, Cad 841-D covering a total area of Forty-four Thousand Five Hundred Eighty-five (44,585) square meters and OCT No. 2015000223 identified as Lot 11, Sgs-4B-000172-D identical to Lot 12186, Cad 841-D covering a total area of Twenty-three Thousand Six Hundred Seventy-four (23,674) square meters; and lot patented to Baberlyn D. Gomez with OCT No. 2015000225 identified as Lot 9, Sgs-4B-000172-D identical to Lot 12184, Cad 841-D covering a total area of Thirty-seven Thousand Seven Hundred Ninety-one (37,791) square meters. (*See attached map*).

In view of all the above, the undersigned recommends the following:

1. Rectification/amendment of the area to conform to the inalienable area actually claimed/occupied.
2. Issuance of Show Cause Order (SCO) for failing to implement and comply the terms and conditions, to wit;
 - a. Introduce improvement/development to the awarded area; ✓
 - b. Secure and submit Environmental Compliance Certificate (ECC); and ✓
 - c. Maintain the boundary, landmarks and monument of the FLAgT area. ✓

Attached herewith are the geotagged photos and filled out monitoring and evaluation form of the activity.

Respectfully submitted:


DONNA C. TABERNILLA
Forester II/Team Leader


JONES MANOEL Y. LAFUENTE
Special Investigator/Member


JOHN VINCENT G. SANCHEZ
Forest Ranger/Member


CHRISTIAN O. CUYO
FT II/Chief, Monitoring Unit


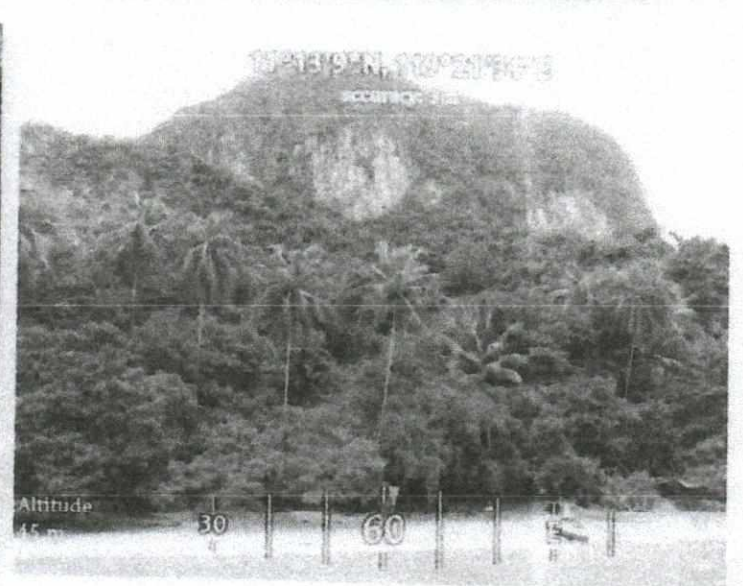
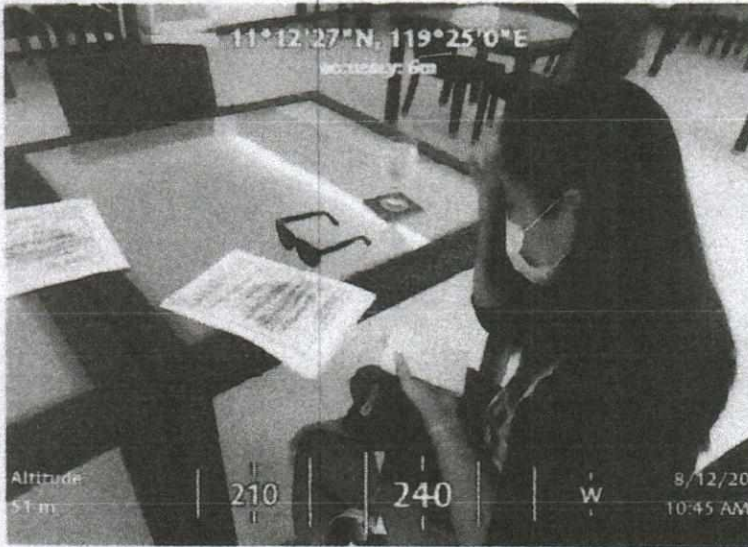

LANIE/JANE E. REY
FT I/Planning Officer, Designate

PHOTO DOCUMENTATION





C E R T I F I C A T I O N


This is to certify that the above picture was taken during the conducted Monitoring and evaluation of FLaGT Instrument of Ten Knots Philippines Incorporation located in Cadlao Island, Barangay Buena Suerte, El Nido, Palawan


DONNA C. TABERNILLA
Forester II/Team Leader


JONES MANOEL Y. LAFUENTE
Special Investigator/ Member


JOHN VINCENT G. SANCHEZ
Forest Ranger/Member


CHRISTIAN O. CUYO
FT II/Chief, Monitoring Unit


LANIE JANE E. REY
FT I/Planning Officer, Designate

MONITORING AND EVALUATION FORM

Name of Agreement Holder

Ten Knots Philippines Incorporated (TKPI)

Kind of Tenure Instrument

Forest Land Use Agreement for Tourism Purposes (FLAgT) No.

(DENR 4B-MIMAROPA-12302030-0010)(Bathing Establishment)

Purpose

Location of the area: Cadlao Island, Barangay Buena Suerte, El Nido, Palawan

Area in hectares: 3.206 Hectares

Date conducted: August 12, 2020

Conducted by:	<u>Donna C. Tabernilla</u>	<u>Forester II/Team Leader</u>
	<u>Jones Manoel Y. Lafuente</u>	<u>SI/Member</u>
	<u>John Vincent G. Sanchez</u>	<u>FR/Member</u>
	<u>Christian O. Cuyo</u>	<u>FT-II/Chief, Monitoring Unit</u>
	<u>Lanie Jane E. Rey</u>	<u>FT-I/Planning Officer, Designate</u>

Purposes: Annual Compliance Monitoring of Forest Landuse Agreement for Tourism

Improvements introduced in the area:

Name of Improvement	Dimension	Estimated Value
None		
None		
None		
None		

Compliance to the terms and conditions of FLAgT

<ul style="list-style-type: none">• Not Fully Compliant with the agreement
<ul style="list-style-type: none">• Failed to introduce improvement/development in the area
<ul style="list-style-type: none">• There is no Environmental Compliance Certificate presented
<ul style="list-style-type: none">• Boundary, Land marks and monument in the area are not fully maintained


Other findings:

<ul style="list-style-type: none">• Based on the map generated by the inspection team last 2016 on the proposed amendments of the approved FLAgT it is largely alienable and disposable
<ul style="list-style-type: none">• Area occupied by the holder were inside the patented lots of Mr. Roel Tampe
<ul style="list-style-type: none">•
<ul style="list-style-type: none">•

Comments/Recommendations:

<ul style="list-style-type: none">• Rectification/amendment of the area to conform to the inalienable area actually claimed/occupied
<ul style="list-style-type: none">• Issuance of Show Cause Order (SCO) for failing to implement and comply the terms and conditions
<ul style="list-style-type: none">•
<ul style="list-style-type: none">•

Submitted by:


DONNA C. TABERNILLA
Forester II/Chief, RPS
Monitoring Team III-Team Leader



Republic of the Philippines
Department of Environment and Natural Resources
MIMAROPA Region
PROVINCIAL ENVIRONMENT AND NATURAL RESOURCES
Sta. Monica, Puerto Princesa City

January 26, 2021

Mr. Tommv M. Abile
General Station Manager
DWOK FM Palawan
Purok Sandiwa, Barangay Tiniguiban,
Puerto Princesa City
Telephone Number (048)716-1162

Dear Mr. Abile,

We received your letter dated January 19, 2021 on even date.

Upon review of the documents submitted by our field investigator, it was noted that Ten Knots Philippines (TKPI) fenced an area, and both TKPI and Baberlyn Gomez have introduced guard house within easement zones. Pursuant to PD 1067 series of 1976 (Water Code of the Philippines), no person shall be allowed to build structure of any kind within easement zones.

"Presidential Decree No 1067 s of 1976 Article 51 - The banks of rivers and streams and the shores of the seas and lakes throughout their entire length and within zone of three (3) meters in urban areas, twenty (20) meters in agricultural areas and forty (40) meters in forest areas, along their margins, are subject to the easement of public use in the interest of recreation, navigation, floatage, fishing and salvage. No person shall be allowed to stay in this zone longer that what is necessary for recreation, navigation, floatage, fishing or salvage or to build structures of any kind."

We have instructed CENRO TAYTAY to issue a Notice to Vacate to both parties for their violations in the easement zones and monitor their compliance.

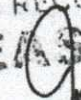
With regards to encroachment/boundary conflict among the two parties, this Office instructed CENRO Taytay to complete their investigation/documents (e.g. map projection) to ascertain if there is existing overlapping and conduct alternative dispute resolution (ADR) between parties if findings so warrant.

It is unfortunate you cited that TKPI is a milking cow of DENR Palawan. I am not aware of that. But if you have evidences, we encourage you to file either criminal or administrative complaint against any of our erring employees. This way you can help us cleanse our ranks from unfit and unworthy public servants.

Attached is a copy of our memorandum instruction to CENRO Taytay on the matter.

We always thank you for your concern to our environment.

DENR PENRO
PALAWAN RECORDS
RELEASED

BY: 
DATE: 1-26-21 2-0434

Very truly yours,


ERIBERTO B. SANOS CESE
PENRO

Copy Furnished
The RED. DENR MIMAROPA



February 5, 2021

NOTICE TO VACATE

THE PRESIDENT

Ten Knots Development Corporation
Cadlao Island, Barangay Buena Suerte
El Nido, Palawan

BABERLY GOMEZ

ISRAEL GOMEZ

Cadlao Island, Barangay Buena Suerte
El Nido, Palawan

2/5/2021 flu. 0385

SIR/MADAM,

This is to inform you that during the joint inspection of Protected Area Management Office and CENRO Taytay, Palawan on November 17, 2020 it was found out that your guardhouse and fence are situated within the easement. By reason thereof and per memorandum instruction from the Provincial Environment and Natural Resources Officer dated January 25, 2021 Item No. 3, you are hereby directed to **REMOVE THE STRUCTURE/S** you built and **VACATE THE AREA** you are occupying as it violates the provision of the law as stated:

I. **President Decree No. 1067**, otherwise known as the Water Code of the Philippines.

Article 51. The banks of rivers and streams and the shores of the seas and lakes throughout their entire length and within a zone of three (3) meters in urban area, twenty (20) meters in agricultural areas and forty (40) meters in forest areas, along their margins are subject to the easement of public use in the interest of recreation, navigation, floatage fishing and salvage. No person shall be allowed to stay in this zone longer than what is necessary for recreation, navigation, floatage, fishing or salvage or to build structures of any kind.

II. **Republic Act No. 11038**, otherwise known as the Extended National Integrated Protected Area System (ENIPAS) of 2018.

Section 24. (paragraph 4) Structures found within the forty (40)-meter easement shall be demolished unless proven necessary to protect the shoreline and mitigate habitat destruction. The PAMB shall levy a reasonable fee for the use of such easement for their continued operations. Wharves shall be kept accessible to the public.



Republic of the Philippines
Department of Environment and Natural Resources
MIMAROPA Region
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE
By the National Highway, Poblacion, Taytay, Palawan 5312
Mobile: 0926-505-9335 TM 0912-171-3889 TNT
Email: cenrotaytay@denr.gov.ph

In view hereof, this office is giving you a period of **THIRTY (30) DAYS** upon receipt of this Notice to comply, or provide us a copy of legal documents relative to tenurial instrument/land title supporting your lawful occupation over the area. Otherwise, we will be compelled to refer your act of non-compliance to the Office of the Mayor of El Nido, or file a case/s against you before the proper court.

We are hoping that you will give this matter your preferential and utmost attention in order to avoid a costly litigation.

Very truly yours,

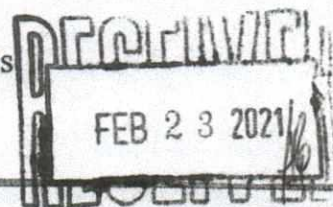

ENGR. ALANA VALLE
OIC CENRO

Copy furnished:

*DENR Region IV-MIMAROPA
PENRO Palawan
The Municipal Mayor of El Nido, Palawan
PAMO ENTMRPA, El Nido, Palawan
File.*



Republic of the Philippines
Department of Environment and Natural Resources
MIMAROPA REGION



TEN KNOTS PHILIPPINES INC.
c/o Mr. Javier D. Hernandez
3rd Floor Alveo Corporate Center
728 28th Street, Bonifacio Global City,
Taguig City, 1634

FEB 23 2021

Dear **Mr. Hernandez,**

Greetings in peace!

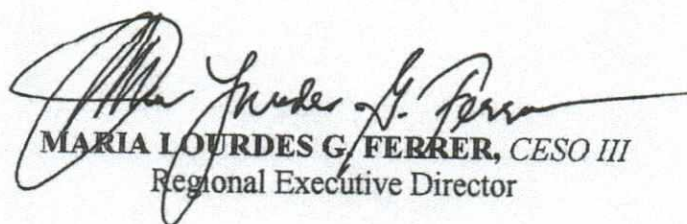
This pertains to the Forest Land Use Agreement for Tourism (FLAgT No. DENR 4-MIMAROPA-12302030-0010) issued to Ten Knots Philippines Incorporated at Cadlao Island, Brgy. Buena Suerte, El Nido, Palawan.

The monitoring activity conducted by the Compliance Monitoring Team of CENRO Taytay, Palawan disclosed the following findings:

- a. The holder failed to introduce improvement/development in the area;
- b. The holder failed to secure the Environmental Compliance Certificate (ECC) which is stipulated on the approved agreement;
- c. The holder failed to maintain / preserve the monument and other marks along the boundaries and within the confines of the area covered by the FLAgT; and
- d. The area described in the agreement falls within the ocean.

In this regard, you are directed to appear to this Office for a technical meeting to discuss the findings of the monitoring team and also bring your approved CDMP and other necessary documents pertaining to the issued FLAgT. You may reach us through the Office of the Chief, Enforcement Division at 8405-0046 or through email at mimaroparegion@denr.gov.ph. Be reminded that failure to perform the terms and conditions cited in the approved contract shall be a ground for suspension and cancellation of the issued FLAgT.

Sincerely yours,


MARIA LOURDES G. FERRER, CESO III
Regional Executive Director

Cc: PENRO Palawan
CENRO Taytay
PASu ENTMRPA



Department of Environment
and Natural Resources
MIMAROPA Region



Doc ID: 31565

DENR by the Bay Bldg., 1515 Roxas Boulevard, Ermita, Manila
DENR VOIP (02) 8248-3367 / 8249-3367 local 2701
Facsimile: (632) 405-0046
Email: mimaroparegion@denr.gov.ph



Republic of the Philippines
Department of Environment and Natural Resources
MIMAROPA Region
Community Environment and Natural Resources
EL NIDO-TAYTAY MANAGED RESOURCE PROTECTED AREA
Calle Real, Barangay Masapana, El Nido, Palawan, 5313
Contact No. GLOBE (0917-1103-262)
Email: denrpao_cenidopal@yahoo.com / entmrpa@gmail.com

March 23, 2021

MEMORANDUM

FOR : The Community Environment and
Natural Resources Officer
Taytay, Palawan

FROM : The Protected Area Superintendent
El Nido-Taytay Managed Resource Protected Area

SUBJECT : OCULAR INSPECTION RE: THE COMPLIANCE OF TEN
KNOTS DEVELOPMENT CORPORATION (TKDC), AND
BABERLY GOMEZ AND ISRAEL GOMEZ TO THE ISSUED
NOTICE TO VACATE (NTV) DATED FEBRUARY 5, 2021

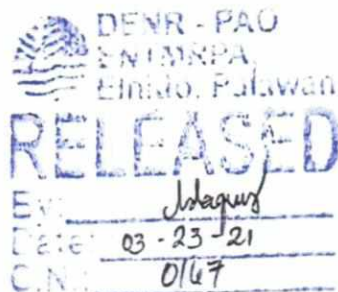
Respectfully forwarded is the memorandum from Protected Area Management Office (PAMO) staff Jenuel P. Casel and Steven John B. Andao dated March 19, 2021 pertaining to the above subject with attachment.

Please be informed that as of March 9, 2021 during the inspection and compliance monitoring of ENTMRPA-PAMO personnel, the structures such as guard houses and perimeter fence owned by Ten Knots Development Corp. (TKDC), and Mr. Israel Gomez and Baberly Gomez that encroaches within 40 meters easement zone and subject of Notice to Vacate (NTV) issued by CENRO Taytay last February 5, 2021 were still observed in the area.

A letter from Ten Knots Philippines Incorporated (TKPI) was received by this office last March 4, 2021 signed by Mr. Ralph L. Villamor, Project Development Officer of TKPI stating that the management of TKPI decided not to push through on the removal of structures in Cadlao Island.

Since the given grace period has lapsed, this office recommends that the issue be forwarded to the Local Government Unit (LGU) of El Nido for their appropriate action.

For information and further instruction.



[Signature]
MILDRED A. SUZA



Republic of the Philippines
Department of Environment and Natural Resources
MIMAROPA Region
Community Environment and Natural Resources
EL NIDO-TAYTAY MANAGED RESOURCE PROTECTED AREA
Calle Real, Barangay Masagana, El Nido, Palawan, 5313
Contact No. GLOBE (0917-1103-262)
Email: denrpa_elnidopal@yahoo.com / entmrpa@gmail.com

March 19, 2021

MEMORANDUM

FOR : The Protected Area Superintendent
El Nido-Taytay Managed Resource Protected Area

FROM : PAMO Personnel
El Nido-Taytay Managed Resource Protected Area

SUBJECT : OCULAR INSPECTION RE: THE COMPLIANCE OF TEN
KNOTS DEVELOPMENT CORPORATION (TKDC), AND
BABERLY GOMEZ AND ISRAEL GOMEZ TO THE ISSUED
NOTICE TO VACATE (NTV) DATED FEBRUARY 05, 2021




Please be informed that on March 09, 2021, the undersigned conducted inspection of the compliance of Ten Knots Development Corporation (TKDC), and Baberly Gomez and Israel Gomez to the Issued Notice to Vacate (NTV) Dated February 05, 2021.

As per inspection conducted, the aforesaid company and individuals did not vacate the area as barbwire fence and guard houses were observed within 40 meters easement. Mr. Israel Gomez and guard personnel of TKDC was advised to remove all their structures within the 40 easement zone as continuous monitoring of the said area will be conducted by personnel of this office and CENRO Taytay, Palawan.

The undersigned recommends for the issuance of second Notice to Vacate (NTV). Attached herewith are the geotagged photos for reference.

For information and further.

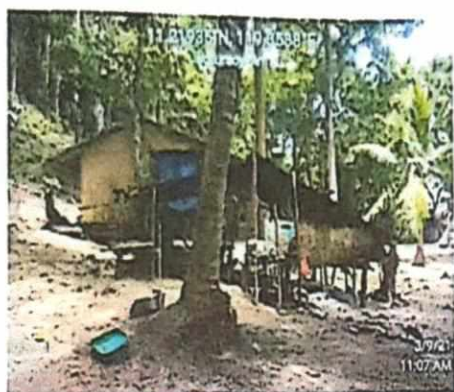

STEVEN JOHN B. ANDAO
Park Ranger


JENUEL P. CASEL
Park Maintenance Foreman



Republic of the Philippines
Department of Environment and Natural Resources
MIMAROPA Region
Community Environment and Natural Resources
EL NIDO-TAYTAY MANAGED RESOURCE PROTECTED AREA
Calle Real, Barangay Masangana, El Nido, Palawan, 5313
Contact No. GLOBE (0917-1103-262)
Email: denrpaio_elnidopal@yahoo.com / entmrpa@gmail.com


PHOTO DOCUMENTATION



Structures within 40 meters easement in lot owned by Mr. Israel Gomez located at Cadlao Island, Brgy. Buena Suerte, El Nido, Palawan as of March 09, 2021.

CERTIFICATION

This is to certify that the above photos were true and correct and taken during the inspection of compliance of Mr. Israel Gomez, Mrs. Baberly Gomez, and Ten Knots Development Corporation (TKDC) to the issued Notice to Vacate dated February 05, 2021 located at Cadlao Island, Brgy. Buena Suerte, El Nido, Palawan.


STEVEN JOHN B. ANDAO
Park Ranger


JENUEL P. CASEL
Park Maintenance Foreman



Republic of the Philippines
Department of Environment and Natural Resources
MIMAROPA Region
Community Environment and Natural Resources
EL NIDO-TAYTAY MANAGED RESOURCE PROTECTED AREA
Calle Real, Barangay Masapana, El Nido, Palawan 5413
Contact No. GLOBE (0917-1101-762)
Email: demrapo_elnidopal@yahoo.com / centmrpa@gmail.com

PHOTO DOCUMENTATION



40 meters easement markers established by CENRO Taytay personnel within the lot owned by Mr. and Mrs. Gomez.




Guard house of TKDC within 40 meters easement and "No Trespassing Sign" observed in the area subject of Notice To Vacate.

CERTIFICATION

This is to certify that the above photos were true and correct and taken during the inspection of compliance of Mr. Israel Gomez, Mrs. Baberly Gomez, and Ten Knots Development Corporation (TKDC) to the issued Notice to Vacate dated February 05, 2021 located at Cadlao Island, Brgy. Buena Suerte, El Nido, Palawan.


STEVEN JOHN B. ANDAO
Park Ranger


JENUEL P. CASEL
Park Maintenance Foreman



CDS File C-20

May 6, 2021

SECOND NOTICE OF VIOLATION AND ORDER TO VACATE

TO : **Mr. Israel Gomez**
Mrs. Baberly Gomez
Cadlao Island, Barangay Bucna Suerte
El Nido, Palawan

: **The President**
Ten Knots Development Corporation
Cadlao Island, Barangay Buena Suerte
El Nido, Palawan

5/10/2021 file 1522

Sir,

Greetings!

This pertains to the first Notice to Vacate dated February 5, 2021 issued to you by this Office pertaining to the guard house and perimeter fence constructed within the easement of Cadlao Island, Bgy. Buena Suerte, El Nido, Palawan. Please be reminded that constructing and maintaining the above structures violates the following laws:

1. **Presidential Decree 1067** also known as the Water Code of the Philippines which states that:

Article 51. The banks of rivers and streams and the shores of the seas and lakes throughout their entire length and within a zone of three (3) meters in urban areas, twenty (20) meters in agricultural areas and forty (40) meters in forest areas, along their margins are subject to the easement of public use in the interest of recreation, navigation, floatage, fishing and salvage. No person shall be allowed to stay in this zone longer than what is necessary for recreation, navigation, floatage, fishing or salvage or to build structures of any kind.

2. **Republic Act No. 7586 (NIPAS Act of 1992)** as amended by **Republic Act No. 11038** or the Expanded NIPAS Act of 2018) which states that:

Section 24(paragraph 4). Structures found within the forty (40)-meter easement shall be demolished unless proven necessary to protect the shoreline and mitigate habitat destruction. The PAMB shall levy a reasonable fee for the use of such easement for their continued operations. Wharves shall be kept accessible to the public.

In view hereof, you are hereby **ordered** to remove the structures you constructed inside the 40-meter easement area within thirty (30) days upon receipt of this Notice. Further, refrain

from further introducing developments in the area unless otherwise with clearance from the PAMB and permits from concerned government offices.

For inquiries regarding this matter, you may visit the PAMO of ENTMRPA located along Real Street, Bgy. Masagana, Municipality of El Nido, Palawan.

We are hoping that you will immediately comply this order.

Sincerely,


ALAN VALLE
GOIC-CENRO

Copy furnished:

*Regional Executive Director, DENR-MIMAROPA
Provincial Environment and Natural Resources Officer – Palawan
Office of the Mayor, Municipality of El Nido, Palawan
Office of the Punong Barangay, Buena Suerte, El Nido, Palawan
Protected Area Management Office – ENTMRPA
File*



Republic of the Philippines
Department of Environment and Natural Resources
MIMAROPA Region
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE
By the National Highway, Poblacion, Taytay, Palawan 5312
Mobile: 0926-505-9335 TM 0912-171-3889 TNT
Email: cenrotaytay@denr.gov.ph

July 26, 2021

MS. MARIGLO LARIRIT

Executive Director

Ten Knots Philippines Incorporated

Masagana, El Nido, Palawan

Madam,

Environmental Greetings!

This pertains to the Memorandum dated May 19, 2021 from the Regional Executive Director, relative to an actual ground survey of the following approved Forest Land-use Agreement for Tourism Purposes (FLAgTs), as listed below:

FLAgT No.	LOCATION	NATURE OF APPLICATION	AREA (ha)
DENR IV-MIMAROPA-11302030-0005	Miniloc Island, Bebeladan, El Nido, Palawan	Bathing Establishment	4.87
DENR IV-MIMAROPA-11302030-0008	Lagen Island, Aberawan, El Nido, Palawan	Bathing Establishment	5.0000
DENR IV-MIMAROPA-11302030-0009	Pangulasian Island, Bebeladan, El Nido, Palawan	Bathing Establishment	5.0000
DENR IV-MIMAROPA-11302030-0010	Cadlao Island, Buena Suerte, El Nido, Palawan	Bathing Establishment	3.206

FLAgT No.	LOCATION	NATURE OF APPLICATION	Remarks
DENR 4B-12312029-0002	Apulit Island, Maytegued, Taytay, Palawan	Bathing Establishment	Previously under the name of Santa Isabelle Corporation; transferred to Bacuit Bay Development Corporation;
DENR 4B-12312029-0003	Apulit Island, Maytegued, Taytay, Palawan	Hotel Site	
DENR 4B-12312029-0004	Apulit Island, Maytegued, Taytay, Palawan	Camp Site	

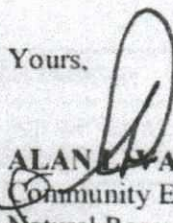


Republic of the Philippines
Department of Environment and Natural Resources
MIMAROPA Region
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE
By the National Highway, Poblacion, Taytay, Palawan 5312
Mobile: 0926-505-9335 TM 0912-171-3889 TNT
Email: cenrotaytay@denr.gov.ph

In view hereof, respectfully requesting the assistance of your Geodetic Engineer (GE) during the conduct of the said survey to determine the metes and bounds of the areas. We will notify you of our schedule once it has been final.

Kindly prepare all other documents in the possession of the company concerning the areas. Thank you.

Yours,


ALAN VALLE
Community Environment and
Natural Resources Officer

Copy furnished:

RED-MIMAROPA
L&S Building, Roxas Boulevard,
Ermita, Manila

PENRO-PALAWAN
Sta. Monica, Puerto Princesa City

PAMO-ENTMRPA
El Nido, Palawan



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

DENR MIMAROPA RECORDS SECTION
RECEIVED
25 MAY 2021
☐ INCOMING ☒ OUTGOING
DATE NO. _____
MAY 19 2021

MEMORANDUM

TO : PENRO
Sta. Monica, Puerto Princesa City

ATT'N : CENRO
Taytay, Palawan

FROM : Regional Executive Director

SUBJECT : **CONDUCT OF GROUND SURVEY OF AREAS COVERED BY
TEN KNOTS PHILIPPINES, INCORPORATED (TKPI) TENURE
APPLICATIONS**

This refers to the approved Forest Land-use Agreement for Tourism Purposes (FLAgTs) of Ten Knots Philippines, Incorporated (TKPI) in Palawan. Four of these are situated within El Nido-Taytay Managed Resource Protected Area (ENTMRPA) issued to the TKPI in year 2005, as listed below:

FLAgT No.	LOCATION	NATURE OF APPLICATION	AREA* (ha)
DENR IV-MIMAROPA-11302030-0005	Miniloc Island, Barangay Bebeladan, El Nido, Palawan	Bathing Establishment	4.87
DENR IV-MIMAROPA-12302030-0008	Lagen Island, Barangay Aberawan, El Nido, Palawan	Bathing Establishment	5.0000
DENR IV-MIMAROPA-12302030-0009	Pangulasian Island, Barangay Bebeladan, El Nido, Palawan	Bathing Establishment	5.0000
DENR IV-MIMAROPA-12302030-0010	Cadlao Island, Barangay Buena Suerte, El Nido, Palawan	Bathing Establishment	3.206

*No actual ground survey conducted as reported

In addition to the above, TKPI has acquired the following three (3) FLAgTs:

FLAgT No.	LOCATION	NATURE OF APPLICATION	Remarks
DENR 4B-12312029-0002	Apulit Island, Maytegued, Taytay, Palawan	Bathing Establishment	Previously under the name Santa Isabelle Corporation; transferred to Bacuit Bay Development Corporation;
DENR 4B-12312029-0003	Apulit Island, Maytegued, Taytay, Palawan	Hotel Site	
DENR 4B-12312029-0004	Apulit Island, Maytegued, Taytay, Palawan	Camp Site	

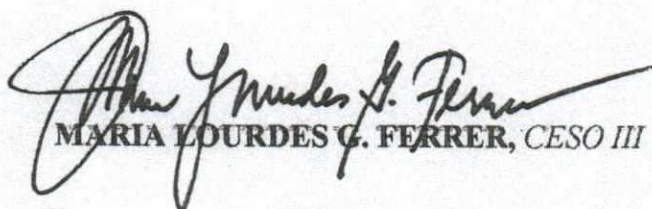
In the assessment conducted by CENRO Taytay, Palawan in 2020 and early 2021, it was reported that the tenure holder has put up structures beyond their tenurial areas.

In your Memorandum dated 16 March 2021 which we received on 08 April 2021, your recommended issuance of Special-Use Agreement in Protected Areas (SAPA) and Forest Land-use Agreement for Tourism (FLAgT), of those excess areas within Protected Area (PA) and outside PA, respectively, subject to payment of back rental fee starting from time of occupation/construction without necessary permits.

In consideration of your recommended action and in order to initiate the process, you are hereby instructed to conduct an actual ground survey in coordination with TKPI to determine the metes and bounds of the tenure area, together with proponent's Geodetic Engineers (GEs), under a complementing arrangement in order to facilitate the survey process. Survey activity shall be funded under GEM. Submit each survey results (in electronic survey format), lot data computation and other pertinent survey documents for review and approval by this office.

Specifically in relation to the FLAgTs acquired from Sta. Isabel, please submit a copy of DENR's approval of the transfer or request consisted with the DENR Administrative Order (DAO) No. 2004-28 dated August 25, 2004 entitled "*Rules and Regulations Governing the Use of Forestlands for Tourism Purposes*".

Lastly, please review the government share of the above tenurial areas that had been issued in 2005 considering the government share reflected in our records remain to be the original amount.


MARIA LOURDES G. FERRER, CESO III

Cc: The Chief, Licenses, Patents and Deeds Division
The Chief, Enforcement Division



Department of Environment
and Natural Resources
MIMAROPA Region



Doc ID: 44030

DENR by the Bay Bldg., 1515 L & S Building, Roxas Boulevard, Ermita, Manila 1000
DENR VOIP: (02) 8248-3367/ 8248-3468/ 8249-3367 local 2700
Facsimile : (632) 405-0046
Email: denr@mimaro.denr.gov.ph
Website: <http://mimaro.denr.gov.ph>



Republic of the Philippines
Department of Environment and Natural Resources
MIMAROPA Region
Community Environment and Natural Resources
EL NIDO-TAYTAY MANAGED RESOURCE PROTECTED AREA
Calle Real, Barangay Masagana, El Nido, Palawan, 5313
Contact No. GLOBE (0917-1103-262)
Email: denrpa0_elnidopal@yahoo.com / entmrpa@gmail.com

July 29, 2021

MEMORANDUM

FOR : Community Environment and
Natural Resources Officer
Taytay, Palawan

FROM : The Protected Area Superintendent
El Nido-Taytay Managed Resource Protected Area

SUBJECT : COMPLIANCE MONITORING ON THE ISSUED 2ND NOTICE
OF VIOLATION AND ORDER TO VACATE TO ISRAEL
GOMEZ, BABERLY GOMEZ AND TEN KNOTS
DEVELOPMENT CORP. AT CADLAO ISLAND, BRANGAY
BUENA SUERTE, EL NIDO, PALAWAN

Respectfully forwarded is the memorandum dated July 13, 2021 from Park Maintenance Foreman Jenuel P. Casel, Park Rangers Steven John B. Andao and Herson Y. Caliao pertaining to the above subject with attached photo documentation.

Based on the report of the team, the guardhouse within the claimed property of Mr. Israel Gomez and Ms. Baberly Gomez is about to be completely demolished while the guardhouse and perimeter fence (barbed wire) owned by Ten Knots Development Corp. (TKDC) is still erected in the subject area, thus, no sign of compliance to issued Notice of Violation and Order to Vacate issued by CENRO Taytay dated February 5, 2021 and second notice dated May 6, 2021.

For information and further instruction.


MILDRED A. SUZA





Republic of the Philippines
Department of Environment and Natural Resources
MIMAROPA Region
Community Environment and Natural Resources
EL NIDO-TAYTAY MANAGED RESOURCE PROTECTED AREA
Calle Real, Barangay Masapana, El Nido, Palawan, 5313
Contact No. GLOBE (0917-1103-262)
Email: denmpao_chudopal@yahoo.com / entmpa@gmail.com

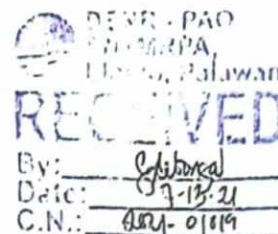
July 13, 2021

MEMORANDUM

FOR : The Protected Area Superintendent
El Nido-Taytay Managed Resource Protected Area

FROM : The ENTMRPA-PAMO Personnel
El Nido-Taytay Managed Resource Protected Area

SUBJECT : COMPLIANCE MONITORING ON THE ISSUED NOTICE OF VIOLATION AND ORDER TO VACATE TO ISRAEL GOMEZ, BABERLY GOMEZ AND TEN KNOTS DEVELOPMENT CORP. AT CADLAO ISLAND, BARANGAY BUENA SUERTE, EL NIDO, PALAWAN




Relative to the compliance monitoring to the issued second Notice of Violation and Order to Vacate pertaining to the guard house and perimeter fence constructed within the easement of Cadlao Island, Barangay Buena Suerte, El Nido, Palawan.

As per monitoring conducted, the guard house of Mr. Gomez is about to be completely demolished and the guard house and fence of the TKDC has no sign of compliance.

Further, during the activity the guard on-duty informed the undersigned that they are waiting for the command/instruction from their official of when to demolished the said structures. Other more, this office will continuously monitor the area and submit updates pertaining their compliance on the issued Notice of Violation and Order to Vacate.

For information.


STEVEN JOHN B. ANDAO
Park Ranger


HERSON Y. CALIAO
Park Ranger


JENUEL P. CASEL
Park Maintenance Foreman

PHOTO DOCUMENTATION



Photo showing the perimeter fence and guardhouse owned by Ten Knots Development Corp. (TKDC) located at Cadlao Island.



Photo showing the partially demolished guardhouse owned by Mr. Israel Gomez located at Cadlao Island.

CERTIFICATION

This is to certify that the above photos were true and correct and taken during the conducted compliance monitoring on the issued second Notice of Violation and Order to Vacate (NOV/OTV) addressed to Mr. Israel Gomez, Mrs. Baberly Gomez, and Ten Knots Development Corp. (TKDC) dated May 6, 2021 signed by CENRO Alan L. Valle.


STEVEN JOHN B. ANDAO
Park Ranger


HERSON Y. CALIAO
Park Ranger


JENUEL P. CASEL
Park Maintenance Foreman



August 6, 2021

THIRD AND FINAL NOTICE OF VIOLATION AND ORDER TO VACATE

TO : **Mr. Israel Gomez**
Mrs. Baberly Gomez
Cadlao Island, Barangay Buena Suerte
El Nido, Palawan

: **The President**
Ten Knots Development Corporation
Cadlao Island, Barangay Buena Suerte
El Nido, Palawan

AUG 09 2021

2463

Sir,

Greetings!

This pertains to the first and second Notices to Vacate dated February 5, 2021 and May 6, 2021 respectively, issued to you by this Office pertaining to the guard house and perimeter fence constructed within the easement of Cadlao Island, Bgy. Buena Suerte, El Nido, Palawan. Please be reminded that constructing and maintaining the above structures violate the following laws:

1. **Presidential Decree 1067** also known as the Water Code of the Philippines which states that:

Article 51. The banks of rivers and streams and the shores of the seas and lakes throughout their entire length and within a zone of three (3) meters in urban areas, twenty (20) meters in agricultural areas and forty (40) meters in forest areas, along their margins are subject to the easement of public use in the interest of recreation, navigation, floatage, fishing and salvage. No person shall be allowed to stay in this zone longer than what is necessary for recreation, navigation, floatage, fishing or salvage or to build structures of any kind.

2. Republic Act No. 7586 (NIPAS Act of 1992) as amended by Republic Act No. 11038 or the Expanded NIPAS Act of 2018) which states that:

Section 24(paragraph 4). Structures found within the forty (40)-meter easement shall be demolished unless proven necessary to protect the shoreline and mitigate habitat destruction. The PAMB shall levy a reasonable fee for the use of such easement for their continued operations. Wharves shall be kept accessible to the public.

In view hereof, you are hereby ordered to completely remove the structures you constructed inside the 40-meter easement area upon receipt of this Notice. Further, refrain from further introducing developments in the area unless otherwise with clearance from the PAMB and permits from concerned government offices.

For inquiries regarding this matter, you may visit the PAMO of ENTMRPA located along Real Street, Bgy. Masagana, Municipality of El Nido, Palawan.

We are hoping that you will immediately comply this order.

Sincerely,

For and in the absence of the CENRO:


ALEXANDER E. MANCIO
SEMS / In Charge, Office of the CENRO

Copy furnished:

*Regional Executive Director, DENR-MIMAROPA
Provincial Environment and Natural Resources Officer – Palawan
Office of the Mayor, Municipality of El Nido, Palawan
Office of the Punong Barangay, Buena Suerte, El Nido, Palawan
Protected Area Management Office – ENTMRPA
File*



PAMO ENTMRPA

Republic of the Philippines
Department of Environment and Natural Resources
MIMAROPA Region
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE
By the National Highway, Poblacion, Taytay, Palawan 5312
Contact number 09265059335 (Globe) / 09121713889 (Smart)
Email: cenrotaytay@denr.gov.ph

August 19, 2021

MEMORANDUM

FOR : The Provincial Environment and Natural Resources Officer - Palawan
Sta. Monica, Puerto Princesa City

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

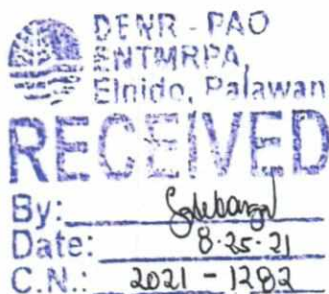
SUBJECT : COMPLIANCE MONITORING ON THE THIRD AND FINAL NOTICE OF VIOLATION AND ORDER TO VACATE ISSUED TO MR. ISRAEL GOMEZ, MS. BABERLY GOMEZ AND TEN KNOTS DEVELOPMENT CORPORATION (TKDC) FOR THE STRUCTURES BUILT WITHIN THE EASEMENT OF CADLAO ISLAND, BARANGAY BUENA SUERTE, EL NIDO, PALAWAN

AUG 19 2021 2569

Respectfully forwarded is the memorandum dated August 18, 2021 of PASu Mildred A. Suza of El Nido-Taytay Managed Resource Protected Area (ENTMRPA), El Nido, Palawan regarding the above subject. Based on the said report, monitoring conducted by the Protected Area Management Office (PAMO) personnel on August 16, 2021 found that Mr. Israel Gomez had partially demolished their structures while the perimeter fence of TKDC is still erected within the legal easement in violation of Article 51 of the Presidential Proclamation No. 1067, and Section 20 of the Republic Act No. 11038 known as the ENIPAS Act of 2018.

In line with this, respectfully informed that this Office had already endorsed the matter to the Office of the Municipal Mayor of El Nido through letter dated August 18, 2021 (copy attached) for the issuance of *Demolition Order* and subsequent action/s thereafter within her authority.

For information and further instruction.



For and in the absence of the CENRO:

ALEXANDER E. MANCIO
SEMS/Chief, RPS
In Charge, Office of the CENRO

Copy furnished: PAMO-ENTMRPA



Republic of the Philippines
Department of Environment and Natural Resources
MIMAROPA Region
Community Environment and Natural Resources
EL NIDO-TAYTAY MANAGED RESOURCE PROTECTED AREA
Calle Real, Barangay Masagana, El Nido, Palawan, 5313
Contact No. GLOBE (0917-1103-262)
Email: denrpao_cenroelapal@denr.gov.ph / cenmrpa@gmail.com

August 18, 2021

MEMORANDUM

FOR : Community Environment and
Natural Resources Officer
Taytay, Palawan

FROM : The Protected Area Superintendent
El Nido-Taytay Managed Resource Protected Area

SUBJECT : COMPLIANCE MONITORING ON THE ISSUED THIRD AND
FINAL NOTICE OF VIOLATION AND ORDER TO VACATE
TO ISRAEL GOMEZ, BABERLY GOMEZ AND TEN KNOTS
DEVELOPMENT CORP. AT CADLAO ISLAND, BRANGAY
BUENA SUERTE, EL NIDO, PALAWAN

Respectfully forwarded is the memorandum dated August 17, 2021 from Park Maintenance Foreman Jenuel P. Casel, Park Rangers Alexander Myles E. Legaspi and Kenny D. Coruna pertaining to the above subject with attached photo documentation.

Based on the report of the team, as of August 18, 2021 the guardhouse within the easement is partially demolished and being moved inside the titled property of Mr. Israel Gomez which is outside the 40-m easement while the perimeter fence (barbed wire) owned by Ten Knots Development Corp. (TKDC) is still erected within easement.

With the above findings and considering their non-compliance to the Notice of Violation and Order to Vacate issued by CENRO this office recommends for the endorsement of this case to the Local Government of El Nido for their appropriate action.

For information and record.


MILDRED A. SUZA





Republic of the Philippines
Department of Environment and Natural Resources
MIMAROPA Region
Community Environment and Natural Resources
EL NIDO-TAYTAY MANAGED RESOURCE PROTECTED AREA
Calle Real, Barangay Masapana, El Nido, Palawan, 5313
Contact No. GLOBE (0917-1103-262)
Email: denrpaos elnidopal@yahoo.com / entmrpa@gmail.com

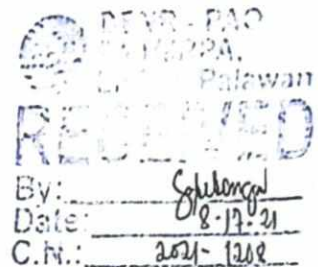
August 17, 2021

MEMORANDUM

FOR : The Protected Area Superintendent
El Nido-Taytay Managed Resource Protected Area

FROM : The ENTMRPA-PAMO Personnel
El Nido-Taytay Managed Resource Protected Area

SUBJECT : COMPLIANCE MONITORING ON THE ISSUED THIRD AND FINAL NOTICE OF VIOLATION AND ORDER TO VACATE TO ISRAEL GOMEZ, BABERLYN GOMEZ, AND TEN KNOTS DEVELOPMENT CORP. AT CADLAO ISLAND BARANGAY BUENA SUERTE, EL NIDO, PALAWAN



The report contains the relevant details concerning the compliance monitoring to the issued third and final Notice of Violation and Order to Vacate of the guardhouse and perimeter fence constricted within easement of Cadlao Island, Barangay Buena Suerte, El Nido, Palawan.

As per monitoring conducted, the undersigned together with Park Maintenance Foreman Jenuel P. Casel observe and documented that there is still no movement and sign of compliance on the guardhouse and the fence of TKDC. Furthermore, the guardhouse of Mr. Israel Gomez inside the easement is partially demolished as of August 18, 2021, and being moved inside the titled property and outside the 40-m easement reference on the easement marker with flag.

Attached herewith are the photo documentations taken during the activity.

For information and record.


ALEXANDER MYLES E. LEGASPI
Park Ranger


KENNY D. CORUÑA
Park Ranger

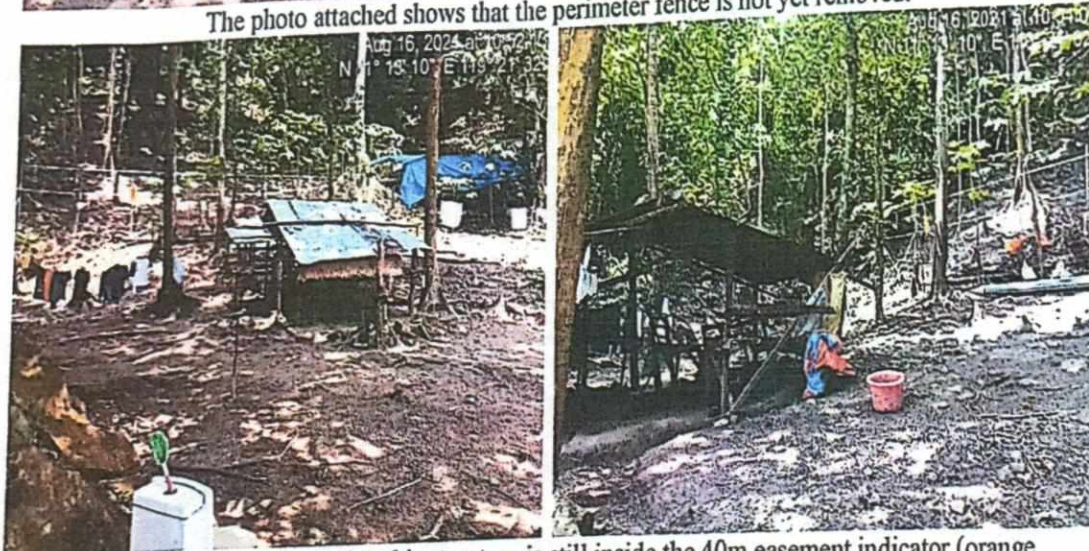


Republic of the Philippines
Department of Environment and Natural Resources
MIMAROPA Region
Community Environment and Natural Resources Office
EL NIDO-TAYTAY MANAGED RESOURCE PROTECTED AREA
Calle Real, Bgy. Masagana, El Nido, Palawan 5313
Contact No: GLOBE (0917-110-3262)
Email: denrpao_elnidopal@yahoo.com / enlmrpa@gmail.com

PHOTO DOCUMENTATION



The photo attached shows that the perimeter fence is not yet removed.



The photo attached shows that this structure is still inside the 40m easement indicator (orange flag).

CERTIFICATION

This is to certify that the above photos were true and correct and taken during the conducted compliance monitoring on the issued second Notice of Violation and Order to Vacate (NOV/OTV) addressed to Mr. Israel Gomez, Mrs. Baberly Gomez, and Ten Knots Development Corp. (TKDC) dated August 16, 2021


ALEXANDER MYLES E. LEGASPI
Park Ranger


KENNY D. GORUÑA
Park Ranger



Republic of the Philippines
Department of Environment and Natural Resources
MIMAROPA Region
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE
By the National Highway, Poblacion, Taytay, 5312 Palawan
Contact number: 09265059335 (Globe) / 09121713889 (Smart)
Email: cenrotaytay@denr.gov.ph

August 18, 2021

HON. EDNA GACOT-LIM
Municipal Mayor
El Nido, Palawan

Madam,

AUG 19 2021 2568

Greetings!


This pertains to the construction and maintenance of structures by Mr. Israel Gomez and Baberly Gomez and Ten Knots Development Corporation (TKDC) within the legal easement in Cadlao Island, Bgy. Buena Suerte, El Nido, Palawan which are in violation of Article 51 of the Presidential Decree 1067 and Section 20(v) of the Republic Act 11038 or the ENIPAS Act of 2018. Based on records, this Office had already issued three *Notices of Violation and Order to Vacate* dated February 5, 2021 (**Annex A**), May 6, 2021 (**Annex B**) and August 6, 2021 (**Annex C**) respectively. In furtherance, the recent inspection and verification report of the Protected Area Management Office (PAMO) of El Nido-Taytay Managed Resource Protected Area (ENTMRPA), shows that the Gomez's had already initiated partial demolition of their structures built in the subject area while the TKDC had not initiated self-demolition.

In view of the foregoing, respectfully endorse this matter to your Office for the issuance of *Demolition Order* and subsequent action/s thereafter within your authority.

We are looking forward to your usual support on enforcing environmental laws within the municipality. Thank you.

Yours,

For and in the absence of the CENRO:


ALEXANDER E. MANCIO
SEMS / Chief, RPS
In Charge, Office of the CENRO

Copy furnished:

The Regional Executive Director, DENR-MIMAROPA
Provincial Environment and Natural Resources Officer – Palawan
Protected Area Management Office – ENTMRPA
File

2021



Republic of the Philippines
Province of Palawan
Municipality of El Nido

OFFICE OF THE MUNICIPAL MAYOR

DENR PENRO
PALAWAN RECORDS
RECEIVED

BY
DATE 09/09/2021 CN 21-9000

06 September 2021

MR. ALEXANDER E. MANCIO
SEMS/Chief, RPS
In Charge, Office of the CENRO
Department of Environment and Natural Resources
National Highway, Poblacion, Taytay 5312 Palawan

Sir,

Anent your letter dated August 18, 2021, endorsing the Notices of Violation and Order to Vacate for the issuance of Demolition Order for the structures constructed and maintained by Mr. Israel Gomez and Beberly Gomez and Ten Knots Development Corporation (TKDC) within the legal easement in Cadlao Island, Bgy. Buena Suerte, El Nido, Palawan which are in violation of Article 51 of the Presidential Decree 1067 and Section 20(v) of the Republic Act 11038 or the ENIPAS Act of 2018, I would like to inform your good office that this office decided to hold in obedience the issuance of Demolition Order for the abovementioned structures.

This decision is made after receiving the letter of Ten Knots Philippines Incorporated (TKPI) dated 21 August 2021 and the letter of Angara Abello Concepcion Regala & Cruz Law Offices dated 2 September 2021. From the contexts of the aforementioned two letters, dated 21 August 2021 and 2 September 2021 respectively, the Notices of Violation and Order to Vacate and the Forest Land Use Agreement for Tourism Purposes (FLAg-T) are conflicting documents/issuances both of your department which create confusion to this office as to which of these documents shall prevail over the other. Thus, kindly clarify this concern to this office for our proper guidance.

Attached herewith are: (1) copy of the letter of Ten Knots Philippines Incorporated (TKPI) dated 21 August 2021 and (2) copy of the letter of Angara Abello Concepcion Regala & Cruz Law offices and its Annexes "A" "B" and "C" for your comments.

Anticipating your kind and immediate response in this regard.

Very truly yours,

EDNA GACOT-LIM
Municipal Mayor

Copy furnished:

The Regional Executive Director, DENR-MIMAROPA
Provincial Environment & Natural Resources Office-Palawan
Protected Area Management Office-ENTMRPA
Ten Knots Philippines Incorporated
Angara Abello Concepcion Regala & Cruz Law Offices
File

RELEASED
BY Jasper
07 SEP 2021

Ten Knots

PHILIPPINES
INCORPORATED

21 August 2021

Hon. Mayor Edna Gacot-Lim

Municipal Mayor of El Nido
Palawan, Philippines

Dear Mayor Lim:

Greetings!

We write to you regarding our property at Cadlao Sabang covered by a Forest Land Use Agreement for Tourism Purposes (FLAg-T).

1. The subject parcel measures 3.206 hectares in Cadlao Sabang, between titled properties of Ten Knots.
2. Waiver of Rights between Armando Dajao and Ten Knots Development Corporation was executed on 27 August 1997.
3. DENR PENRO issued a Special Use Permit (SUP) (Bathing Establishment) to Ten Knots Development Corporation covering 5.0 hectares of public forest land of said area on 6 November 1998. Supporting documents include a SEP Clearance issued by PCSD signed by then PCSD Chairman Congressman Alfredo E. Abueg, Jr. on 23 September 1998.
4. As per DENR AO 2004-28 Section 13, the SUP may be converted to a Forest Land Use Agreement for Tourism Purposes (FLAgT) that is good for 25 years. Ten Knots availed itself of this agreement and was issued a FLAgT for said Cadlao Sabang property on 27 December 2005. Among the supporting documents to this is a PAMB endorsement signed by your good office as Vice Chairman and Presiding Officer of the PAMB.
5. Since 2005, Ten Knots has been paying a yearly lease rental to DENR in addition to the RPT to the Municipal Assessor. Annually and sometimes quarterly, DENR personnel visit our FLAgT areas, including that in Cadlao Sabang.
6. In 2017, Ten Knots discovered that titles were issued by the DENR to a certain Noel Tampe and Baberlyn Gomez, with areas overlapping with the FLAgT of Ten Knots. We are questioning the issuance of these titles. In fact, we had a technical conference with DENR in 2017 at the office of Mr. Bayani Mantubig and we await another technical conference with the current DENR officers in charge of this matter.

Handwritten:
Hans J. J. J. J.
8-23-2021
9:27 AM

Ten Knots

PHILIPPINES
INCORPORATED

7. The FLAgT area of Ten Knots includes a portion of the 40-meter easement. As per Section 58 of C.A. No. 141, Section 59, DAO DENR 2004-24, DAO DENR 2004-28, the DENR may execute an agreement with an applicant to occupy, develop, utilize, and manage the foreshore lands, which includes the 40-meter easement.

We stand by our FLAgT.

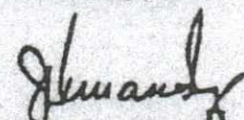
The metes and bounds extend to what is included as the 40-meter easement, as presented to and surveyed by the DENR Team led by then PASU Loreto Rodriguez and Mr. Gaudencio Valdeztañon of the Office of the CENRO in 2004, and approved by the then Chief of the Forestry Resources Conservation Division Jose M. Difuntorum and the then Regional Executive Director Vicente S. Paragas.

Our existing fence delineates our FLAgT boundaries as per agreement with the DENR surveyors in 2004.

Our SUP was issued in 1998 and was converted to FLAgT in 2005. This precedes the titles issued to certain individuals in 2015, and our FLAgT should be respected by DENR. We maintained presence in the area since the transfer of rights from Mr. Dajao in 1997. There were no other occupants in the area except for Ten Knots since 1997. Ten Knots was never informed of plans to survey the area in the name of those individuals.

We hope that this clarifies matters.

Respectfully yours,


JAVIER D. HERNANDEZ
Attorney-in-fact

CENRO ordered TKPI to remove its guard house and perimeter fence which is within the 40-meter easement area.³ The easement area is covered by TKPI's FLAGT.

- c. On 17 August 2021, TKPI wrote the CENRO requesting that the actual ground survey be conducted sometime between 13 to 17 September 2021 due to the availability of its geodetic engineer.
- d. On 23 August 2021, TKPI wrote the CENRO confirming receipt of the NTV, reiterating that its occupation of the 40-meter easement area should be respected. TKPI also informed the CENRO that it is awaiting the actual ground survey pursuant to its 26 July 2021.⁴

TKPI is currently awaiting the schedule of the: (1) next technical conference with the DENR to discuss the overlap on TKPI's FLAGT and Noel Tampe's and Baberlyn Gomez' OCTs; and (2) actual ground survey to be conducted by the CENRO. These are necessary for a definitive resolution of the pending issues discussed above.

Following Department Administrative Order Nos. 2004-24 and 2004-28, the DENR may execute agreements to occupy, develop, utilize, and manage foreshore lands. Undeniably, the 3,206 hectares of forest land covered by the FLAGT includes the 40-meter easement, within which the perimeter fence and the guard house are situated. To date, TKPI remains to be in open and peaceful possession of the forest land subject of the FLAGT. Thus, TKPI respectfully reiterates its position that its FLAGT, which is valid until 31 December 2030, must be respected.

We shall continue to apprise your good office of the developments regarding this matter.

Very truly yours,

ANGARA ABELLO CONCEPCION REGALA & CRUZ

By:


SALVADOR L. PEÑA


³ Annex "B" and made an integral part hereof.

Citing Presidential Decree 1067, otherwise known as the "Water Code of the Philippines", Art. 51, and R.A. No. 7598 or the "NIPAS Act of 1992" as amended by R.A. No. 11038 or the "Expanded Nipás Act of 2018", Sec. 24(4).

⁴ A copy of the 23 August 2021 letter is attached as Annex "C" and made an integral part hereof.


CHRYBILLA CARISSA P. BAUTISTA


CHRISTOPHER LOUIE D. OCAMPO


JESSICA SHARLA G. BUSTAMANTE

mailed 1:44 PM

2021

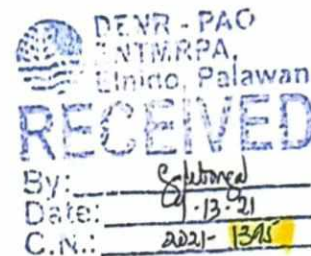


Republic of the Philippines
Province of Palawan
Municipality of El Nido

OFFICE OF THE MUNICIPAL MAYOR

13 September 2021

MR. JAVIER D. HERNANDEZ
CEO / President
Ten Knots Development Corporation
3rd Floor Alveo Corporate Center, 728 28th Street
Bonifacio Global City, 1634 Taguig City
Philippines



Dear Sir,

We would like to reiterate on the action you must have taken in regard to our letter dated 6 September 2021, as per order from the DENR coursed to the LGU.

If you have made the necessary action ordered to you, you may disregard this letter. If not, you are given 3 working days starting today, to clear the area. Otherwise, I shall be obliged to order the demolition of the structure within the easement area on September 15, 2021.

Attached please find the previous letter we sent to you.

fence



Very truly yours,

EDNA GACOT-LIM
Municipal Mayor

cc: *Capt Lakanni L. Hidalgo, MAEM, CE, CGSP, CLSO, CMPP, CSP, OSH*
TKDC Group Security Manager

Ronnie Ercilla III
Operation Manager-MBMD Security Agency, Inc.

DENR/CENRO

El Nido Municipal Police Station (ENMPS)

MENRO



Republic of the Philippines
Department of Environment and Natural Resources
MIMAROPA Region
PROVINCIAL ENVIRONMENT AND NATURAL RESOURCES
Sta. Monica, Puerto Princesa City

RECEIVED

06 OCT 2021

☐ INCOMING
BY: _____
TIME: _____

☐ OUTGOING
DATE NO. _____

September 30, 2021

MEMORANDUM

FOR : The Regional Executive Director
DENR MIMAROPA Region

FROM : The Provincial Environment and
Natural Resources Office

SUBJECT : COMPLETESTAFF WORK (CSW) ON THE ISSUED NOTICE TO
VACATE TO MR AND MRS ISRAEL D. GOMEZ AND TEN KNOTS
DEVELOPMENT INCORPORATED, IN CADLAO ISLAND,
BARANGAY BUENA SUERTE, EL NIDO, PALAWAN


Respectfully forwarded is the Memorandum from CENRO Taytay Palawan dated September 15, 2021 in connection with the above subject.

Aside from the Completed Staff Work on the issued notice to vacate at Cadlao Island Barangay Buena Suerte, El Nido, Palawan, we are also attaching a copy of the following:

1. Copy of the letter to Mr. Alexander Mancio/In-Charge, Office of the CENRO from Municipal Mayor Edna Gacott-Lim with attachment
2. Copy of letter received from Mr. Tommy Abile, General Station Manager of DWOK FM with attached letter reply from this Office

In order to avoid future legal issues pertaining to this case, may we recommend that a technical conference be conducted between the Technical Services, the Legal Services and other stakeholders in the field offices to come up with a unified action/solution to this case.

For information and further instruction.


ERIBERTO B SAÑOS CESE

Copy Furnished :

DENR-CENRO, Taytay, Palawan
cenrotaytay@denr.gov.ph

NDC MES Doc No. 2021-9275 2021-9494 & 2021-9000

**DENR PENRO
PALAWAN RECORDS
RELEASED**

BY: 
DATE: 10-01-21 ON 21-2263



Republic of the Philippines
Department of Environment and Natural Resources
MIMAROPA Region
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE
by the National Highway, Poblacion, Taytay, Palawan, 5312
Mobile: 0926-505-9335 TM 0912-171-3889 ^{TNT}
Email: cenrotaytay@denr.gov.ph

September 15, 2021

MEMORANDUM

FOR : The Provincial Environment and Natural Resources Officer-Palawan
Sta Monica, Puerto Princesa City

FROM : The Community Environment and Natural Resources Officer
This Jurisdiction

SUBJECT : **COMPLETE STAFF WORK (CSW) ON THE ISSUED NOTICE
TO VACATE TO MR & MRS. ISRAEL D. GOMEZ AND TEN
KNOTS DEVELOPMENT INCORPORATED, IN CADLAO
ISLAND, BARANGAY BUENA SUERTE, EL NIDO,
PALAWAN**

This pertains to the issued Notice to Vacate with Mr. & Mrs. Israel D. Gomez and Ten Knots Development Incorporated (TKDI) in Cadlao Island, Barangay Buena Suerte, El Nido, Palawan in violation of Article 51 of the Presidential Decree 1067 and Section 20 (v) of the Republic Act 11038 or the ENIPAS Act of 2018. Hereunder are the documents available in this Office regarding the action taken in chronological order.

1. On November 6, 1998, a Special Use Permit for Bathing Establishment No. DENR-IV-PENRO-110699-0006 was granted to Ten Knots Development Corporation to cover 5.0 hectares of public forest land situated at Cadlao Island, Brgy. Buena Suerte, El Nido, Province of Palawan as described on the sketch map which form part of the permit.
2. On December 27, 2005, a Forest Land Use Agreement for Tourism Purposes (FLAgT) for Bathing Establishment No. DENR IV-MIMAROPA-12302030-0010 was granted to Ten Knots Philippines, Inc. (Ten Knots Development Corporation) covering Three Point Hundred-Six (3,206) hectares of forest land, located at Cadlao Island, Barangay Buena Suerte, El Nido, Palawan pursuant to Section 1838 of Republic Act No. 2711, as amended by E.O. 292, known as the Revised Administrative Code, as amended by Section 57 of P.D 705, as amended and DAO No. 2004-28, for a period of twenty-five (25) years to expire on December 30, 2030.
3. That the technical description of the area covered by the approved FLAgT when plotted does not falls within the contested area. Thus, an ocular inspection and verification has been conducted with reports submitted on September 22, 2016 with recommendation for the amendment of the erroneous polygon of FLAgT No. DENR IV-MIMAROPA-12302030-0010 and the adoption of the proposed polygon of TKPI with its correct corresponding technical descriptions and coordinates. This report was forwarded to PENRO-Palawan on the same date; however, copy of the said report is not available on records file.

DENR CENRO
TAYTAY, PALAWAN
RELEASED
BY: *fin*
DATE: 9/16/2021 ON 2890

4. The subject area falls within Agricultural Land (Alienable and Disposable Land) as per Block VI, Project 5-A of Land Classification Map No. 1187 established dated September 7, 1935. It is also situated in E Nido Managed Resource Protected Area per Presidential Proclamation No. 38, series of 1998.
5. That this Office have no available record on file for the land title application with respect to the issued Katibayan ng Orihinal na Titulo Blg. 2015000225 to Baberlyn D. Gomez including the Katibayan ng Orihinal na Titulo Blg. 2015000222 and Katibayan ng Orihinal na Titulo Blg. 2015000223 issued to Noel Tampe on 27 April 2015 pursuant to Free Patent Application.
6. That the report dated November 23, 2020 of the ENTMRPA – Protected Area Management Office (PAMO) personnel shows that there is an existing barbed wire fence in the contested area allegedly installed by TKPI in front of the titled property owned by Ms. Baberlyn Gomez. The said fence was found within the forty (40) meters easement.
7. That a Notice to Vacate was issued dated February 5, 2021 by CENRO Alan L. Valle per memorandum instruction from the Provincial Environment and Natural Resources Officer (PENRO) dated January 25, 2021 in consonance with the joint inspection report of the Protected Area Management Office and CENRO Taytay, Palawan on November 17, 2020 pertaining to the guard house and fence constructed within the easement of Cadlao Island, Bgy. Buena Suerte, El Nido, Palawan in violations of the following laws:
 - a. Presidential Decree 1067 also known as the Water Code of the Philippines which states that:

Article 51. The banks of rivers and streams and the shores of the seas and lakes throughout their entire length and within a zone of three (3) meters in urban areas, twenty (20) meters in agricultural areas and forty (40) meters in forest areas, along their margins are subject to the easement of public use in the interest of creation, navigation, floatage, fishing and salvage No person shall be allowed to stay in this zone longer than what is necessary for recreation, navigation, floatage, fishing or salvage or to build structures of any kind.
 - b. Republic Act No. 7586 (NIPAS Act of 1992) as amended by Republic Act No. 11038 or the Expanded NIPAS Act of 2018) which states that:

Section 24 (paragraph 4). Structures found within the forty (40) meters easement shall be demolished unless proven necessary to protect the shoreline and mitigate habitat destruction. The PAMB shall levy a reasonable fee for the use of such easement for their continued operations. Wharves shall be kept accessible to the public.

8. On March 23, 2021, PASu Mildred A. Suza submitted their report pertaining to the ocular inspection conducted on the compliance of Ten Knots Development Corporation (TKDC), and Mr. & Mrs. Israel Gomez to the issued Notice to Vacate issued dated February 2, 2021. The inspection report shows that as of March 9, 2021 during the inspection and compliance monitoring of ENTMRPA-PAMO personnel, the structures such as guard house and perimeter fence owned by Ten Knots Development Corp. (TKDC), and Mr. & Mrs. Israel Gomez that encroaches within 40 meters easement zone and subject of Notice to Vacate (NTV) issued by CENRO Taytay last February 5, 2021 were still observed in the area. Accordingly, a letter from Ten Knots Philippines Incorporated (TKPI) was received by that Office last March 4, 2021 signed by Mr. Ralph L. Villamor, Project Development Officer of TKPI stating that the management of TKPI decided not to push through on the removal of structures in the subject area. The investigating team recommends for the issuance of 2nd Notice of Vacate (NTV).
9. On May 6, 2021, CENRO Alan L. Valle issued the Second Notice of Violation and Order to Vacate to both parties pertaining to the guard house and perimeter fence constructed within the easement of Cadlao Island, Bgy. Buena Suerte, El Nido, Palawan.
10. On July 29, 2021, CENRO Alan L. Valle through memorandum dated June 29, 2021 instructed the Protected Area Superintendent (PASu) to conduct monitoring on their action/s taken relative to the 2nd Notice of Violation and Order to Vacate for structures within easement in Cadlao Island, Brgy. Buena Suerte, El Nido, Palawan
11. On July 29, 2021, the Protected Area Superintendent (PASu) Mildred A. Suza submitted their monitoring report on the compliance of both parties on the issued 2nd Notice of Violation and Order to Vacate. Accordingly, the guardhouse within the claimed property of Mr. & Mrs. Israel Gomez is about to be completely demolished while the guard house and perimeter fence (barbed wire) owned by Ten Knots Development Corp. (TKDC) is still erected in the subject area, thus, no sign of compliance to issued Notice of Violation and Order to Vacate by CENRO Taytay dated February 5, 2021 and 2nd notice dated May 6, 2021.
12. On August 6, 2021, 3rd and Final Notice of Violation and Order to Vacate issued by SEMS/Chief, RPS Alexander E. Mancio, In-Charge, Office of the CENRO to both parties.
13. On August 18, 2021, PASu Mildred A. Suza submitted their monitoring report stating that the guard house within the easement is partially demolished and being moved inside the titled property of Mr. Israel Gomez which is outside the 40-m easement while the perimeter fence (barbed wire) owned by Ten Knots Development Corp. (TKDC) is still erected within easement. Hence, PASu Suza recommends for the endorsement of this case to the Local Government of El Nido for their appropriate action.

14. The three Notices of Violation and Order to vacate of various dates was endorsed dated August 18, 2021 to the Local Government Unit of El Nido for issuance of Demolition Order and subsequent action/s within their authority.
15. On September 6, 2021, Hon. Edna Gacot-Lim, Municipal Mayor of El Nido sent their letter informing CENR Office that their office decided to hold in abeyance the issuance of Demolition Order for the structures within the legal easement. The decision is made after receiving the letter of Ten Knots Philippines Incorporated (TKPI) dated 21 August 2021 and the letter of Angara Abello Concepcion Regala & Cruz Law Offices dated 2 September 2021. Accordingly, the context of aforementioned two letters, dated 21 September 2021 and 2 September 2021 respectively, the Notices of Violation and Order to Vacate and the Forest Land Use Agreement for Tourism Purposes (FLAgT) are conflicting documents/issuances both of this Office which create confusion as to which documents shall prevail over the other.
16. On September 8, 2021, Angara Abello Concepcion Regala & Cruz signed by Salvador L. Pena, Chrysilla Carisa P. Bautista, Christopher Louie D. Ocampo and Jessica Sharla G. Bustamante sent their letter address to the Office of the Regional Executive Director (RED) and the Community Environment and Natural Resources Office in behalf of their client, Ten Knots Philippines, Inc. (TKPI), in relation to Forest Land Use Agreement for Tourism Purposes No. DENR IV-MIMAROPA-12302030 (FLAgT). Accordingly, TKPI was previously awarded by the Department of Environment and Natural Resources (DENR) a 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 1998, TKPI has been in open, continuous, and exclusive possession of the areas covered by the FLAgT through a Special Use Permit.
17. On September 10, 2021, the CENR Office acknowledge receipt of the document submitted by Angara Abello Concepcion Regala & Cruz, and informed the Law Firm that they will be inform as soon as possible of the action taken on the matter.
18. On September 13, 2021, Hon. Edna Gacot Lim sent a letter to CEO/President Javier D. Hernandez of Ten Knots Development Corporation copy furnished this office, reiterating on the action taken that they must have taken with regards to the letter dated September 6, 2020 as per order from the DENR. The LGU gave them 3 working days starting September 13, 2021 to clear the area, otherwise, they shall obliged to order the demolition of the structure within the easement area.

Comments with review of related legal basis

1. That the subject area is within El Nido-Taytay Managed Resource Protected Area (ENTMRPA) pursuant to Presidential Decree No. 32 dated October 8, 1998;
2. That on February 18, 2021 the CENRO investigation team proceeded to the area and delineated the forty (40) meter easement zone as provided in Section 20 Paragraph (v) of Republic Act No. 7586 as amended by Republic Act No. 11038 known as the eNIPAS Act of 2018.
3. That the subject area is covered with the approved segregation plan of Lot 285 (portion), Cad. 1037-D, El Nido Cadastre under Sgs-4B-000172-D surveyed for the Republic of the Philippines with a total area of 386,982 square meters situated in Barangay Buena Suerte, El Nido, Palawan;
4. That Lot 285, Cad. 1037-D is listed as **Timberland** in the survey claimant containing an area of 8,173,234 square meters;
5. That based on records, the segregated portion (Sgs-4B-000172-D) is within Agricultural and Disposable land as per Block VI, Project No. 5-A, Land Classification Map No. 1187 approved on September 7, 1935;
6. That Lot 9, Sgs-4B-000172-D identical to Lot 12184, Cad 1037-D was awarded to Ms. Baberlyn D. Gomez on April 23, 2015 covered by Katibayan ng Orihinal na Titulo Blg. 2015000225 containing an area of 37,791 square meters, while Lots 10 & 11, Sgs-4B-000172-D were titled to Noel Tampe (attorney in fact of Israel Gomez);
7. That a Waiver of Rights for Lots 9, 10 & 11 Sgs-4B-000172-D dated **December 23, 2014** was executed between waivor **Armando Dajao and Israel D. Gomez married to Baberlyn D. Gomez** in support to the patents application. ("Annex 1")
8. That there was also a Waiver of Rights executed between the **TKPI and Armando Dajao** over the area described as **North- Public Forest (Lot 285, Cad 1037-D), East- Shore, West- Public Forest Land (Lot 285, Cad 1037-D) and South - Plan H-119129; TCT No. T-11719 (owned by the TKPI) duly notarized dated August 27, 1997** containing a total area of Five (5) hectares, more or less. ("Annex 2")
9. That the location map of the FLAgT approved by the Regional Office, shows the actual claim of the TKPI, but its corresponding technical description when plotted did not conform to the claimed area. ("Annex 3")

10. That the area claimed by the TKPI covering the proposed FLAgT amendment, overlaps Lots 9, 10 & 11 all of Sgs-4B-000172-D. (*see attached map*)
11. That accordingly, the fences of the TKPI was introduced as early as year 2000 and that their area claimed was bounded between H-19198 and H-119129 with TCT No. T-11719. ("Annex 4").
12. Forest Landuse Agreement for Tourism Purposes (FLAgT) is a contract between the DENR and a natural or juridical person, **authorizing the latter to occupy, manage and develop, subject to government share, any forestland of the public domain for tourism purposes** and to undertake any authorized activity therein for a period of 25 years and renewable for the same period upon mutual agreement by both parties. It shall include special forest landuses such as Bathing Establishment, Camp Site, Ecotourism Destination, Hotel Site (inclusive of related resort facilities) and Other Tourism Purposes;
13. Forestlands is lands of the public domain comprising of the public forest, the permanent forest or forest reserves, and forest reservations;
14. Originally, the approved map of the said FLAgT does not essentially falls within the contested area. Claims and conflicts arises in between both parties only when the Ten Knots Philippines proposed an amendment for their FLAgT and relocated the same in front and within the portion of the titled area.
15. That the proposed area does not essentially met the requirement of FLAgT, considering that the proposed area for amendment is not classified as a forestland. Hence, the approval of the Protected Area Management Board (PAMB) is an essential requirements in the approval of the proposed relocation for the FLAgT area.
16. Protected Areas refer to identified portions of land and water set aside under the NIPAS Act by reason of their unique physical and biological significance, managed to enhance biological diversity and protected against destructive human exploitation.
17. That the contested area is just merely a proposed area for amendment in replacement for the approved area; fencing activity is still unlawful violating the provision of ENIPAS Act of 2018. In furtherance, item XI of the Terms and Condition of the agreement stipulated that "this FLAgT shall not be construed as permit for the holder ..., or to prohibit or interfere with the passage of people along such streams, creeks or rivers or the banks thereof, or to impede the flow and ebb of the tide to and from the interior of the swamps."

Recommendations

1. The contested area falls within the Agricultural land (Alienable and Disposable Land). Hence, actual ground survey on the existence of overlapping of the area covered by the amended FLaGT area of Ten Knots Philippines, Inc. and the areas covered by Original Certificate of Title of Baberlyn D. Gomez and Noel Tampe.
2. Legal advice is hereby solicited whether the claim of TKPI over the subject area covered with the sketch map signed by this Office has merit to prove their claim that the same is their new FLaGT area.
3. Legal advice whether the approved FLaGT areas are not covered with the implementation of legal easement as called for under Republic Act No. 7586 (NIPAS Act of 1992) as amended by Republic Act No. 11038 or the Expanded NIPAS Act of 2018) in consonance further with the provision of Presidential Decree 1067 also known as the Water Code of the Philippines.
4. Forest Land Agreement for Tourism may also be a misplaced instrument to cover the subject contested project site encroaching largely to the Alienable and Disposable Land. Hence, meticulous technical review is recommended for its approval.
5. It is also recommended for the issuance of Order of Investigation considering that it has already overlapping of claims in the area that involve titled property and FLaGT.

In view of the above circumstances, this Office respectfully request for a technical personnel to that Office for the requested conference of the TKPI to discuss the overlap on the subject area and actual ground survey of the approved FLaGT.

For information and further instruction.


ALAN L. VALLE

Republic of the Philippines
Province of Palawan
City of Puerto Princesa 55

WAIVER OF RIGHTS

ALAMIN NG LAHAT

Ang Waiver of Rights na ito ay ginawa sa pagitan nina

ARMANDO S. DAJAO, SR., nasa wastong edad, Filipino, kasal kay LIGAYA R. DAJAO, at nakatira sa Barangay Buena Suerte, El Nido, Palawan (kikilalanin dito bilang WAIVOR);

at

ISRAEL D. GOMEZ, nasa wastong edad, Filipino, kasal kay BARBERLYN D. GOMEZ, at nakatira sa Barangay Corong-Corong, El Nido, Palawan (kikilalanin dito bilang WAIVEE);

SAKSIHAN:

NA ang WAIVOR ay may legal na karapatan sa Lot 9 (37,791 square meters), Lot 10 (44,585 square meters), at Lot 11 (23,674 square meters) na nakapaloob lahat sa LOT NO. 285 part, CAD 1037-D na may sukat na FOUR HUNDRED THOUSAND SIX HUNDRED THIRTEEN (400,613) SQUARE METERS at nasa Cadlao Island, Barangay Buena Suerte, El Nido, Palawan. Nakalakup dito bilang Annex "A" ang Barangay Certification sa nasabing lupa na nakasulat ang pangalan ng WAIVOR.

NA ang WAIVOR ay nais na ibenta at ilipat ang kanyang karapatan at interes sa nabanggit na lupa sa taong may kakayanan at ang WAIVEE ay interesadong bihin ang nasabing karapatan at interes.

NGAYON, alinsunod sa mga nabanggit sa itaas at para sa perang natanggap, ang WAIVOR ay IBINEBENTA at INILIPAT ang lahat ng kanyang karapatan at interes sa sa Lot 9, Lot 10, at Lot 11 na nakapaloob sa LOT NO. 285 part, CAD 1037-D na may sukat na FOUR HUNDRED THOUSAND SIX HUNDRED THIRTEEN (400,613) SQUARE METERS, at nasa Cadlao Island, Barangay Buena Suerte, El Nido, Palawan, kasama ang lahat ng mga improvements at tanim na matatagpuan dito, patungo sa WAIVEE, sa kanyang mga heirs at tagapagmana.

NA ang WAIVOR ay nangangako na ang nasabing lupa ay malaya sa lahat ng adverse claims, na ito ay hindi nakasangla at walang sinasagot na obligasyon at nangangako rin na ipapagtanggol ang WAIVEE sa lahat ng adverse claims na maaring i-file sa mga ahensya ng gobyerno na makakaapekto sa karapatan ng WAIVEE sa nabanggit na lupa sa itaas.

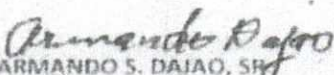
NA ang WAIVOR ay nangangako na ibibigay sa WAIVEE ang lahat ng dokumento na kailangan para malipat sa WAIVEE ang karapatan at interes sa nasabing lupa pagkatapos magirmahan ang Waiver na ito. Ang lahat ng bayarin na kailanganin para malipat sa WAIVEE ang karapatan at interes sa nabanggit na lupa sa itaas ay sasagutin ng WAIVEE.

Ang nilalaman ng Waiver na ito ay hindi lamang magiging epektibo sa mga partidos na nakapirma dito kung hindi pati na rin sa kanilang mga tagapagmana at successors-in-interest.


Armando S. Dajao, Sr.
 Israel D. Gomez
 Dajao R.D. Jr.
 Dajao

"ANNEX 1"

BILANG PAGSASAKSI, pinipirmahan ito ng mga partidos ngayong ika-23 ng Disyembre 2014 sa Puerto Princesa City.



ARMANDO S. DAJAO, SR.
OSCA ID NO. 2272 issued by
LGU-EL NIDO, 12/13/14
Waiver

With marital consent:


LIGAYA R. DAJAO
OSCA ID NO. 2268 issued by
LGU-EL NIDO, 12/13/14


ISRAEL D. GOMEZ
TIN 936-565713
Waivee

Pinirmahan sa presensya ni:


SAMUEL DELA ROSA


CHE ANN MARIE FLORES

Republic of the Philippines
Province of Palawan)
Puerto Princesa City) S.S.

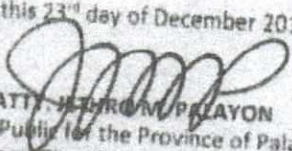
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ACKNOWLEDGMENT

BEFORE ME, a Notary Public for and in the City of Puerto Princesa and Province of Palawan, personally appeared the abovementioned parties who exhibited to me their competent evidences of identity indicated under their names and who all represented to me that their signature on the foregoing instrument were voluntarily affixed by them for the purposes stated therein and who declared that they had executed the same as their free and voluntary act and deed.

This instrument consists of only two (2) pages, including this page in which this acknowledgment is written, duly signed by the parties and their instrumental witnesses on each and every page hereof.

WITNESS MY HAND AND SEAL this 23rd day of December 2014 at the City of Puerto Princesa.


ATTY. HILRON M. PALAYON
Notary Public for the Province of Palawan
and City of Puerto Princesa
4th Floor, GETAN Square, Rizal Avenue,
Puerto Princesa City
Roll of Attorney's No. 59735
PTR No. 33544725, 1/3/2014 PAL
IBP No. 895626, 28/12/2013, PAL
MCLE Compliance No. IV-0012890

Doc. No. 49
Page No. 10
Book No. V,
Series of 2014.

"ANNEX 2"

WAIVER OF RIGHTS

KNOW ALL MEN BY THESE PRESENTS

I, **ARMANDO S. DAJAO** (hereinafter referred to as "Assignee"), of legal age, Filipino, married to Ligaya Rosento-Dajao, and residing at Zone II, Bgy. Buena Suerte, El Nido, Palawan, for and in consideration of the sum of PESOS THREE HUNDRED THOUSAND (P/300,000.00), Philippine Currency, payable in the manner stated below, do hereby assign to and waive in favor of **TEN KNOTS DEVELOPMENT CORPORATION**, a corporation duly organized and existing under the Philippine law, with office address at the 2/F Builders Center Bldg., 170 Salcedo St., Legaspi Village, Makati City (hereinafter referred to as the "Company"), my rights and interests over a parcel of public forest land, with improvements, situated in Sabang, Cadiao Island, Bgy. Buena Suerte, El Nido, Palawan, and more particularly described as follows:

Land Area: Five (5) Hectares, more or less
Boundaries: N - Public Forest Land (Lot 285, CAD 1017-D)
E - Shore
W - Public Forest Land (Lot 285, CAD 1017-D)
S - Plan II-119129, TCT No. T-11719
in the name of Ten Knots Philippines, Inc.
Improvements: Planted with coconut, cashew and bamboo trees

The consideration of P/300,000.00 shall be paid as follows: (1) The amount of PESOS ONE HUNDRED FIFTY THOUSAND (P/150,000.00) shall be paid by the Company as soon as Assignee hands over this document to the Company duly signed and notarized; (2) The payment of the balance of PESOS ONE HUNDRED FIFTY THOUSAND (P/150,000.00) shall be subject to a suspensive condition, i.e., the Company shall pay Assignee the said amount only if and when the Department of Environment and Natural Resources issues the Company a special use permit (bathing establishment) for the subject land.

All taxes payable in connection with this waiver shall be for the account of Assignee.

This waiver shall be effective and binding on all the heirs, successors-in-interest, next-of-kin, and other relatives of Assignee.

I hereby declare that should there be a failure on the part of the Company to pay fully the consideration above-mentioned, my only recourse will be to recover the balance, it being understood that this waiver is final and irrevocable.

This document, the contents hereof, and my rights and obligations under this document and under the law have been read and explained to me in the language that I fully understand. I am signing this document freely and voluntarily, with full understanding of its contents and my rights and obligations hereunder and under the law.

IN WITNESS WHEREOF, I have set my hand this 14th day of August, 1997 at El Nido, Palawan, Philippines.

Armando Dajao
ARMANDO S. DAJAO

Ligaya R. Dajao
Victorio H. Llaneta
Agapino

"ANNEX 2"

With My Marital Consent

Ligaya S. Dajao
Ligaya Rosendo Dajao

SIGNED IN THE PRESENCE OF

Victorio M. Santos

J. P. P. P.

ACKNOWLEDGMENT

REPUBLIC OF THE PHILIPPINES)

Province of Palawan) S.S.
Municipality of El Nido

BEFORE ME, a Notary Public for and in Province of Palawan, this 23rd day of August, 1997, personally appeared ARMANDO S. DAJAO, with Community Tax Certificate No. 10570344-B issued at El Nido, Palawan April 06, 1997, known to me and to me known to be the same person who executed the foregoing Waiver of Rights, consisting of two (2) pages including this page on which the Acknowledgment is written, and he acknowledged to me that the same is his free act and voluntary deed.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal on the date and at the place earlier stated.

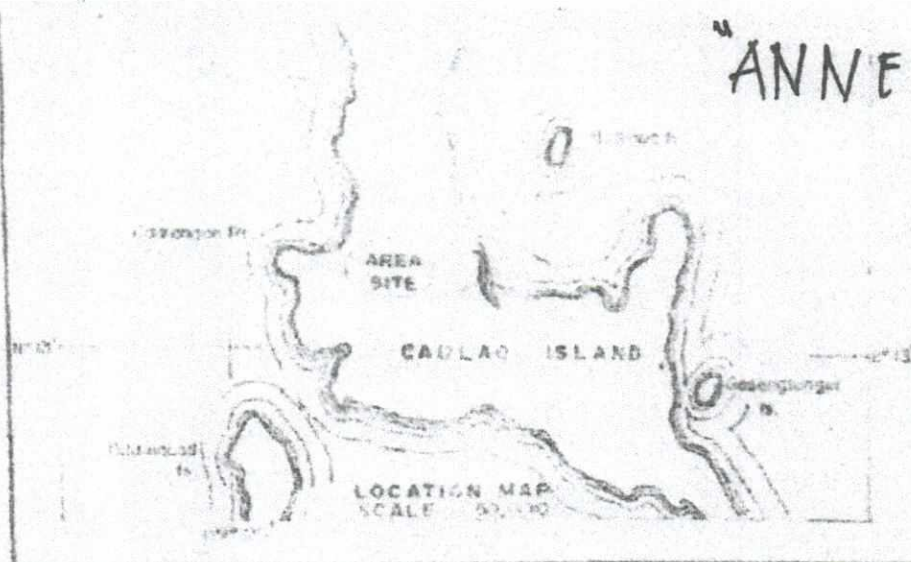
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Page No. 40.
Book No. 11.
Series of 1997



OSCAR P. PALOMAR
Notary Public
Until December 31, 1998
PTR. No. 0594040-B
Issued on January 28, 1997
P.O. Princess City
TIN: 120-177-025

Armando Dajao

ANNEX -



MAP

SHOWING THE AREA COVERED BY

**FOREST LAND USE AGREEMENT FOR TOURISM PURPOSES
(FLaGT)**

No. DENR IV-MIMAROPA-12302030-0010

OF

**TEN KNOTS PHILIPPINES, INC.
(TEN KNOTS DEVELOPMENT CORP.)
CADLAO ISLAND**

**LOCATED AT
ISLAND OF CADLAO
MUNICIPALITY OF EL NIDO
PROVINCE OF PALAWAN**

**APPROXIMATE AREA 3,200 HECTARES
SCALE 1:2,000**

LEGEND

Boundary of the Area

Shoreline



**Republic of the Philippines
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
MIMAROPA REGION**

CERTIFICATION

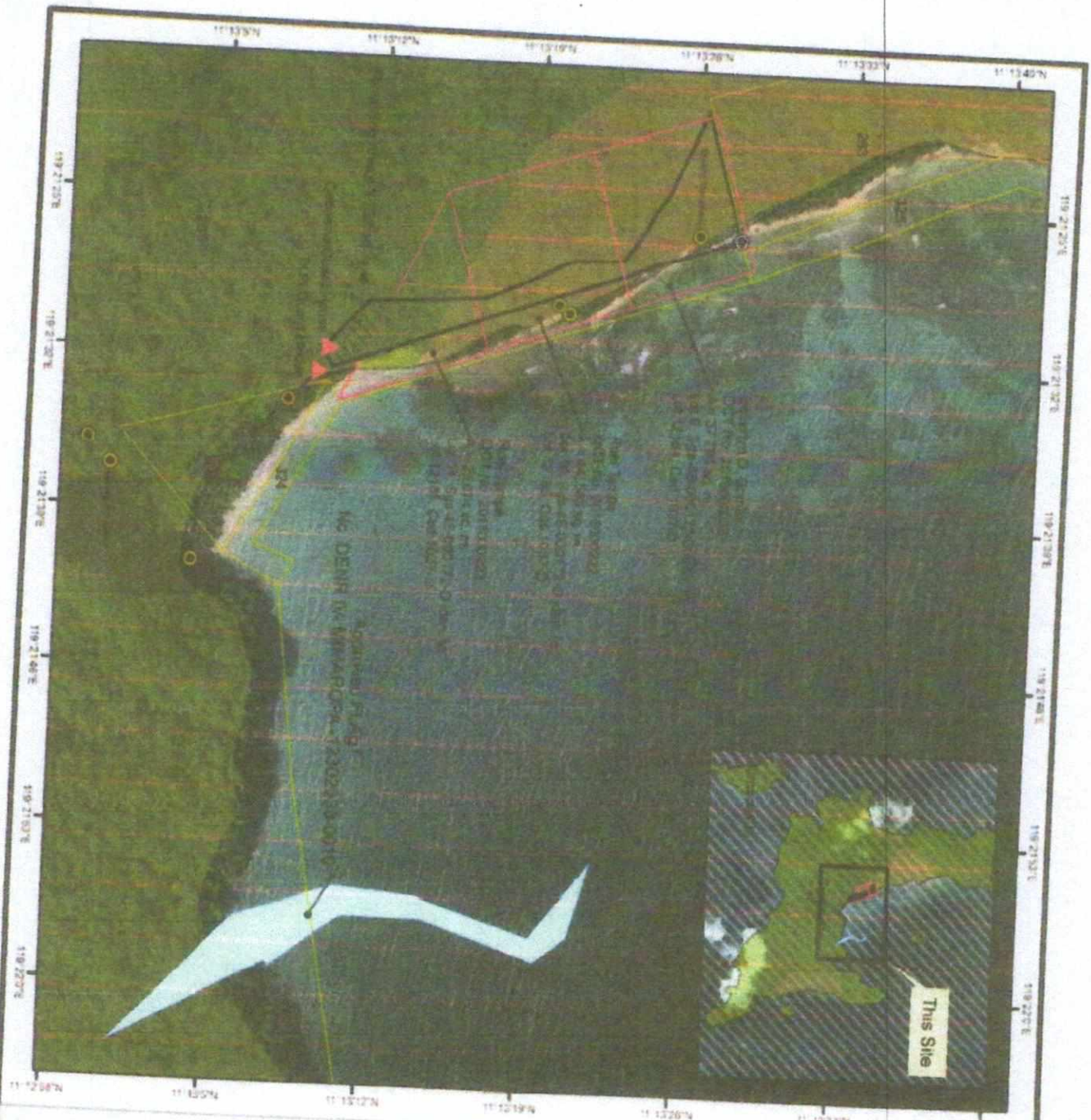
This is to certify that this is the true and correct map of the area covered by FOREST LAND USE AGREEMENT FOR TOURISM PURPOSES (FLaGT) No. DENR IV-MIMAROPA-12302030-0010 of TEN KNOTS PHILIPPINES, INC. (TKOC) (CADLAO ISLAND) as described herein. This map was prepared based on the compilation map submitted and other references available in this Office.

JOSE M. DIFUNYONUM
Chief, Forest Resources Conservation Division

RECOMMENDING APPROVAL

ARMANDO P. RUTAGUIO
Regional Technical Director for Forestry

APPROVED

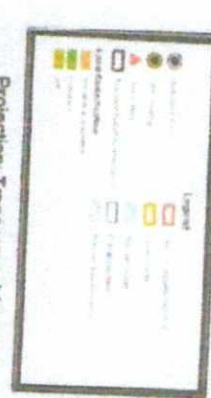


**MAP SHOWING THE
LOCATION OF
FOREST LAND USE AGREEMENT FOR
TOURISM PURPOSES (FLAGT)
No. DENR IV-MIMAROPA-12302030-0010**

**TEN KNOTS PHILIPPINES, INC.
(TEN KNOTS DEVELOPMENT CORP.)**

**Located at
Cadiao Is., Bigy Buena Suerta, El Nido,
Palawan**

SCALE: 1:7,000



**Projection: Transverse_Mercator
Datum: D_WGS_1984 Spheroid: WGS_1984**



Digitized by:

**JONES MANOEL Y. LAFUENTE
Special Investigator I**

Checked and Verified by:

**DONNA C. TABERNILLA
Forester II/Chief, RPS**

**MARIANO P. LILANG, JR.
DMO IV/Chief, EMS**

Attested by:

**ALAN L. VALLE
CENRO**

"ANNEX"

H-13108

SURVEYED ON MAY 25 1929

APPROVED ON MAY 28 1930

AREA-138 85950 M

FLAG-7

DENR IV-MIMAROPA-12302030-0010

AREA-3 205 H6012755

H-119129

SURVEYED ON JUL

APPROVED ON FEB

AREA-25 87150 M

SARANGGANI OF S...
ZONE-2

2021



Republic of the Philippines
Province of Palawan
Municipality of El Nido

OFFICE OF THE MUNICIPAL MAYOR

**DENR PENRO
PALAWAN RECORDS
RECEIVED**

BY: *[Signature]*
DATE: 09-09-2021 CN 21-900x

06 September 2021

MR. ALEXANDER E. MANCIO

SEMS/Chief, RPS
In Charge, Office of the CENRO
Department of Environment and Natural Resources
National Highway, Poblacion, Taytay 5312 Palawan

Sir,

Anent your letter dated August 18, 2021, endorsing the Notices of Violation and Order to Vacate for the issuance of Demolition Order for the structures constructed and maintained by Mr. Israel Gomez and Beberly Gomez and Ten Knots Development Corporation (TKDC) within the legal easement in Cadlao Island, Bgy. Buena Suerte, El Nido, Palawan which are in violation of Article 51 of the Presidential Decree 1067 and Section 20(v) of the Republic Act 11038 or the ENIPAS Act of 2018, I would like to inform your good office that this office decided to hold in obedience the issuance of Demolition Order for the abovementioned structures.

This decision is made after receiving the letter of Ten Knots Philippines Incorporated (TKPI) dated 21 August 2021 and the letter of Angara Abello Concepcion Regala & Cruz Law Offices dated 2 September 2021. From the contexts of the aforementioned two letters, dated 21 August 2021 and 2 September 2021 respectively, the Notices of Violation and Order to Vacate and the Forest Land Use Agreement for Tourism Purposes (FLAg-T) are conflicting documents/issuances both of your department which create confusion to this office as to which of these documents shall prevail over the other. Thus, kindly clarify this concern to this office for our proper guidance.

Attached herewith are: (1) copy of the letter of Ten Knots Philippines Incorporated (TKPI) dated 21 August 2021 and (2) copy of the letter of Angara Abello Concepcion Regala & Cruz Law offices and its Annexes "A" "B" and "C" for your comments.

Anticipating your kind and immediate response in this regard.

Very truly yours,

[Signature]
EDNA GACOT-LIM
Municipal Mayor

Copy furnished:

The Regional Executive Director, DENR-MIMAROPA
Provincial Environment & Natural Resources Office-Palawan
Protected Area Management Office-ENTMRPA
Ten Knots Philippines Incorporated
Angara Abello Concepcion Regala & Cruz Law Offices
File

RELEASED
BY: *[Signature]*
07 SEP 2021
DATE TIME

Ten Knots

PHILIPPINES
INCORPORATED

21 August 2021

Hon. Mayor Edna Gacot-Lim

Municipal Mayor of El Nido
Palawan, Philippines

Dear Mayor Lim:

Greetings!

We write to you regarding our property at Cadlao Sabang covered by a Forest Land Use Agreement for Tourism Purposes (FLAG-T).

1. The subject parcel measures 3.206 hectares in Cadlao Sabang, between titled properties of Ten Knots.
2. Waiver of Rights between Armando Dajao and Ten Knots Development Corporation was executed on 27 August 1997.
3. DENR PENRO issued a Special Use Permit (SUP) (Bathing Establishment) to Ten Knots Development Corporation covering 5.0 hectares of public forest land of said area on 6 November 1998. Supporting documents include a SEP Clearance issued by PCSD signed by then PCSD Chairman Congressman Alfredo E. Abueg, Jr. on 23 September 1998.
4. As per DENR AO 2004-28 Section 13, the SUP may be converted to a Forest Land Use Agreement for Tourism Purposes (FLAGT) that is good for 25 years. Ten Knots availed itself of this agreement and was issued a FLAGT for said Cadlao Sabang property on 27 December 2005. Among the supporting documents to this is a PAMB endorsement signed by your good office as Vice Chairman and Presiding Officer of the PAMB.
5. Since 2005, Ten Knots has been paying a yearly lease rental to DENR in addition to the RPT to the Municipal Assessor. Annually and sometimes quarterly, DENR personnel visit our FLAGT areas, including that in Cadlao Sabang.
6. In 2017, Ten Knots discovered that titles were issued by the DENR to a certain Noel Tampe and Baberlyn Gomez, with areas overlapping with the FLAGT of Ten Knots. We are questioning the issuance of these titles. In fact, we had a technical conference with DENR in 2017 at the office of Mr. Bayani Mantubig and we await another technical conference with the current DENR officers in charge of this matter.

Handwritten signature
8-23-2021
9:27 AM

Ten Knots

PHILIPPINES
INCORPORATED

7. The FLAgT area of Ten Knots includes a portion of the 40-meter easement. As per Section 58 of C.A. No. 141, Section 59, DAO DENR 2004-24, DAO DENR 2004-28, the DENR may execute an agreement with an applicant to occupy, develop, utilize, and manage the foreshore lands, which includes the 40-meter easement.

We stand by our FLAgT.

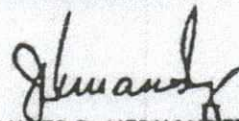
The metes and bounds extend to what is included as the 40-meter easement, as presented to and surveyed by the DENR Team led by then PASU Loreto Rodriguez and Mr. Gaudencio Valdeztaon of the Office of the CENRO in 2004, and approved by the then Chief of the Forestry Resources Conservation Division Jose M. Difuntorum and the then Regional Executive Director Vicente S. Paragas.

Our existing fence delineates our FLAgT boundaries as per agreement with the DENR surveyors in 2004.

Our SUP was issued in 1998 and was converted to FLAgT in 2005. This precedes the titles issued to certain individuals in 2015, and our FLAgT should be respected by DENR. We maintained presence in the area since the transfer of rights from Mr. Dajao in 1997. There were no other occupants in the area except for Ten Knots since 1997. Ten Knots was never informed of plans to survey the area in the name of those individuals.

We hope that this clarifies matters.

Respectfully yours,


JAVIER D. HERNANDEZ
Attorney-in-fact

NAME	DATE OF ACQUISITION	DATE OF TRANSFER	DATE OF REGISTRATION	DATE OF CANCELLATION
------	---------------------	------------------	----------------------	----------------------

1. The area of the land is situated in the Municipality of Marikina, City of Marikina, Province of Marikina, Region IV-A, and is bounded by the following metes and bounds: ...

2. The area of the land is situated in the Municipality of Marikina, City of Marikina, Province of Marikina, Region IV-A, and is bounded by the following metes and bounds: ...



Department of Environment and Natural Resources
Bureau of Forestry
Office of the Regional Executive Director
Region IV-A

CENRO ordered TKPI to remove its guard house and perimeter fence which is within the 40-meter easement area.³ The easement area is covered by TKPI's FLACT.

- c. On 17 August 2021, TKPI wrote the CENRO requesting that the actual ground survey be conducted sometime between 13 to 17 September 2021 due to the availability of its geodetic engineer.
- d. On 23 August 2021, TKPI wrote the CENRO confirming receipt of the NTV, reiterating that its occupation of the 40-meter easement area should be respected. TKPI also informed the CENRO that it is awaiting the actual ground survey pursuant to its 26 July 2021.⁴

TKPI is currently awaiting the schedule of the: (1) next technical conference with the DENR to discuss the overlap on TKPI's FLACT and Noel Tampe's and Baberlyn Gomez' OCTs; and (2) actual ground survey to be conducted by the CENRO. These are necessary for a definitive resolution of the pending issues discussed above.

Following Department Administrative Order Nos. 2004-24 and 2004-28, the DENR may execute agreements to occupy, develop, utilize, and manage foreshore lands. Undeniably, the 3.206 hectares of forest land covered by the FLACT includes the 40-meter easement, within which the perimeter fence and the guard house are situated. To date, TKPI remains to be in open and peaceful possession of the forest land subject of the FLACT. Thus, TKPI respectfully reiterates its position that its FLACT, which is valid until 31 December 2030, must be respected.

We shall continue to apprise your good office of the developments regarding this matter.

Very truly yours,

ANGARA ABELLO CONCEPCION REGALA & CRUZ

By:


SALVADOR L. PEÑA

³ Annex "B" and made an integral part hereof.

Citing Presidential Decree 1067, otherwise known as the "Water Code of the Philippines", Art. 51, and R.A. No. 7598 or the "NIPAS Act of 1992" as amended by R.A. No. 11038 or the "Expanded Nipas Act of 2018", Sec. 24(4).

⁴ A copy of the 23 August 2021 letter is attached as Annex "C" and made an integral part hereof.


CHRYBILLA CARISSA P. BAUTISTA


CHRISTOPHER LOUIE D. OCAMPO


JESSICA SHARLA G. BUSTAMANTE



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

Annex "A"

COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE

By the National Highway, Poblacion, Taytay, Palawan 5312

Mobile: 0926-505-9335 TM 0912-171-3889 TNT

Email: cenrotaytay@denr.gov.ph

July 26, 2021

MS. MARIGLO LARIT

Executive Director

Ten Knots Philippines Incorporated

Masagana, El Nido, Palawan

Madam,

Environmental Greetings!

This pertains to the Memorandum dated May 19, 2021 from the Regional Executive Director, relative to an actual ground survey of the following approved Forest Land-use Agreement for Tourism Purposes (FLAgTs), as listed below:

FLAgT No.	LOCATION	NATURE OF APPLICATION	AREA (ha)
DENR IV-MIMAROPA-11302030-0005	Mintloc Island, Bebeladan, El Nido, Palawan	Bathing Establishment	4.87
DENR IV-MIMAROPA-11302030-0008	Lagen Island, Aberawan, El Nido, Palawan	Bathing Establishment	5.0000
DENR IV-MIMAROPA-11302030-0007	Pangulasian Island, Bebeladan, El Nido, Palawan	Bathing Establishment	5.0000
DENR IV-MIMAROPA-11302030-0010	Cadlao Island, Buena Suerte, El Nido, Palawan	Bathing Establishment	3.206

FLAgT No.	LOCATION	NATURE OF APPLICATION	Remarks
DENR 4B-12312029-0002	Apuli Island, Maytegued, Taytay, Palawan	Bathing Establishment	Previously under the name of Santa Isabelle Corporation; transferred to Bacuit Bay Development Corporation.
DENR 4B-12312029-0003	Apuli Island, Maytegued, Taytay, Palawan	Hotel Site	
DENR 4B-12312029-0004	Apuli Island, Maytegued, Taytay, Palawan	Camp Site	

COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE

By the National Highway, Poblacion, Taytay, Palawan 5312

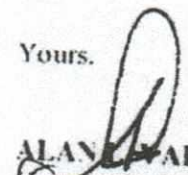
Mobile: 0926-505-9335 TM 0912-171-3889 TNT

Email: cenrotaytay@denr.gov.ph

In view hereof, respectfully requesting the assistance of your Geodetic Engineer (GE) during the conduct of the said survey to determine the metes and bounds of the areas. We will notify you of our schedule once it has been final.

Kindly prepare all other documents in the possession of the company concerning the areas. Thank you.

Yours,


ALAN VALLE
Community Environment and
Natural Resources Officer

Copy furnished:

RFD-MIMAROPA
L&S Building, Roxas Boulevard,
Ermita, Manila

PENRO-PALAWAN
Sta. Monica, Puerto Princesa City

PAMO-ENTMRPA
El Nido, Palawan



August 6, 2021

THIRD AND FINAL NOTICE OF VIOLATION AND ORDER TO VACATE

TO : **Mr. Israel Gomez**
Mrs. Baberly Gomez
Cadlao Island, Barangay Buena Suerte
El Nido, Palawan

: **The President**
Ten Knots Development Corporation
Cadlao Island, Barangay Buena Suerte
El Nido, Palawan

Sir,

Greetings!

This pertains to the first and second Notices to Vacate dated February 5, 2021 and May 6, 2021 respectively, issued to you by this Office pertaining to the guard house and perimeter fence constructed within the easement of Cadlao Island, Bgy. Buena Suerte, El Nido, Palawan. Please be reminded that constructing and maintaining the above structures violate the following laws:

1. **Presidential Decree 1067** also known as the Water Code of the Philippines which states that:

Article 51. The banks of rivers and streams and the shores of the seas and lakes throughout their entire length and within a zone of three (3) meters in urban areas, twenty (20) meters in agricultural areas and forty (40) meters in forest areas, along their margins are subject to the easement of public use in the interest of recreation, navigation, floatage, fishing and salvage. No person shall be allowed to stay in this zone longer than what is necessary for recreation, navigation, floatage, fishing or salvage or to build structures of any kind.

2. Republic Act No. 7586 (NIPAS Act of 1992) as amended by Republic Act No. 11038 or the Expanded NIPAS Act of 2018) which states that:

Section 24(paragraph 4). Structures found within the forty (40)-meter easement shall be demolished unless proven necessary to protect the shoreline and mitigate habitat destruction. The PAMB shall levy a reasonable fee for the use of such easement for their commuted operations. Wharves shall be kept accessible to the public.

In view hereof, you are hereby **ordered** to completely remove the structures you constructed inside the 40-meter easement area upon receipt of this Notice. Further refrain from further introducing developments in the area unless otherwise with clearance from the PAMB and permits from concerned government offices.

For inquiries regarding this matter, you may visit the PAMO of ENTMRPA located along Real Street, Bgy Masagana, Municipality of El Nido, Palawan

We are hoping that you will immediately comply this order.

Sincerely,

For and in the absence of the CENRO:


ALEXANDER E. MANCIO
SEMS - In Charge, Office of the CENRO

Copy furnished:

Regional Executive Director, DENR-MIMAROPA
Provincial Environment and Natural Resources Officer - Palawan
Office of the Mayor, Municipality of El Nido, Palawan
Office of the Punong Barangay, Buena Suerte, El Nido, Palawan
Protected Area Management Office - ENTMRPA
File

1 August 2021

Mr. [Name]
[Address]
[City, State, Zip]

RE
[Name]
[Address]
[City, State, Zip]

Handwritten signature
[Name]
[Address]
[City, State, Zip]

Dear Mr. [Name]:

As you are aware, our company has had a flagrant violation of the [Law] in the [Area] of [Location]. As per DENR AD 2004-11 and [Other Reference], we are required to [Action]. We have been [Action] with [Party] and [Party] and we have been [Action] the ground survey that will be [Action] [Location] [Location] of [Location] of the Memorandum of the [Location] [Location] [Location].

We warrant that no further improvements will be introduced into [Location] [Location] [Location] [Location].

Very truly yours,

Handwritten signature
Margaret Larrit
Attorney-in-fact

cc: [Name]
[Address]
[City, State, Zip]
[Name]
[Address]
[City, State, Zip]
[Name]
[Address]
[City, State, Zip]
[Name]
[Address]
[City, State, Zip]

**DWOK FM
107.9**

**PALAWAN
ANG BIGWAS STATION**

PUROK SANDIWA, BARANGAY TINIGUIBAN, PUERTO PRINCESA CITY, PALAWAN, 5300
MOBILE NO: 09464089970 | TELEPHONE NO: 048-716-1152

September 24, 2021

DENR PENRO
PALAWAN RECORDS
RECEIVED

BY: [Signature]
DATE: 10-27-2021 CN 21-9494

**ERIBERTO SAÑOS
PENRO
Palawan**

GREETINGS!

Sir,

I am sending you this letter for the updates regarding on the easement issue that illegally fenced by the TEN KNOTS INC. Lately we received the copy of a letter came from the Local Governments of El Nido Palawan wherein they also attached the letter from Community Environment and Natural Resources Office (CENRO) Taytay anent the demolition of the structures and construction made in Cadlao Island Brgy. Buena Suerte El Nido.

The Municipality of El Nido already conducted an ocular inspection on the said area and approved the demolition by ordering them an immediate self-removal of the aforementioned structure. The LGU's are also willing to execute the said order if no one from both parties take an action on the said order.

With this, as the one who bring this matter on your honorable office, I am requesting you to kindly send us any personnel from your office to assist and witness the demolition to be made. I also talked to someone from Palawan Council of Sustainable Development (PCSD) who is willing to help with the removal of the fence on the said easement for it is a scope of their department but your office just needs to send them a request for it.

I hope you will respond and grant my request.

Respectfully Yours,

[Signature]
TOMMY M. ABILE
General Station Manager



Republic of the Philippines
Department of Environment and Natural Resources
MIMAROPA Region
PROVINCIAL ENVIRONMENT AND NATURAL RESOURCES OFFICE 05 NOV 2021
Bgy. Sta. Monica, Puerto Princesa City, Palawan
Telfax No. (048) 434 - 8791
Email Add: penropalawan@denr.gov.ph

INCOMING
OUTGOING
DATE NO.

October 25, 2021

MEMORANDUM

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

FROM : The Provincial Environment and
Natural Resources Officer

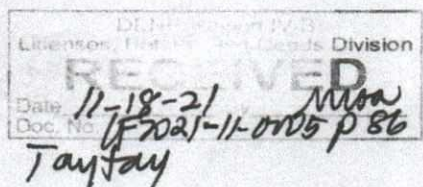
SUBJECT : **LETTER OF ANGRA ABELLO CONCEPTION REGALA AND CRUZ
LAW OFFICE REGARDING THE CONFLICT BETWEEN FOREST
LAND USE AGREEMENT FOR TOURISM PURPOSES (FLAGT) OF
TEN KNOTS PHILIPPINES, INC. (TKPI) AND ORIGINAL
CERTIFICATE OF TITLE OWNED BY MS. BABERLYN D. GOMEZ
AND NOEL TRAMPRE LOCATED AT CADLAO ISLAND,
BARANGAY BUENA SUERTE, EL NIDO, PALAWAN**

Respectfully forwarded is the Memorandum dated September 22, 2021 from CENRO-Taytay, Palawan forwarding the memorandum dated September 9, 2021, from Assistant PASU Jemuel P. Casel of PAMO-ENMTRPA, with enclosure regarding the conflict between FLAgT No. DENR-IV-MIMAROPA-12302030-0010 of Ten Knots Philippines Inc. and OCT No. 2015000225 and 2015000222 of Beberlyn D. Gomez and Noel Trampe at Cadlao Island, Buena Suerte, EL Nido, Palawan.

Please be informed that the CSW on the issued Notice to vacate to Mr. and Mrs. Esrael D. Gomez and Ten Knots Development Incorporated has been forwarded to your end per the attached memorandum dated September 30, 2021

For information and further instruction.

For the PENRO:



Johnny P. Lilang
JOHNNY P. LILANG
Chief Technical Services Division
In-Charge Office of the PENRO

Copy furnished:
The Community Environment and
Natural Resources Officer
Taytay, Palawan
DAIF Ref. No. 2021-9788
TSD-RPS Utilizationgbb

**DENR PENRO
PALAWAN RECORDS
RELEASED**

BY: *[Signature]*
DATE: *11-25-21*
OCT 28 2021



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

COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE

By the National Highway, Poblacion, Taytay, Palawan 5912

Mobile: 0926-505-9335 TM 0912-171-3889 TNT

Email: cenrotaytay@denr.gov.ph

**DENR PENRO
PALAWAN RECORDS
RECEIVED**

DATE 10-11-2021 CON D. 788

September 22, 2021

MEMORANDUM

FOR : The Provincial Environment and Natural Resources Officer
Sta. Monica, Puerto Princesa City

FROM : The OIC, Community Environment and
Natural Resources Officer
Taytay, Palawan

SUBJECT : **LETTER OF ANGARA ABELLO CONCEPCION REGALA AND
CRUZ LAW OFFICE REGARDING THE CONFLICT BETWEEN
FORESTLAND USE AGREEMENT FOR TOURISM PURPOSES
(FLAGT) OF TEN KNOTS PHILIPPINES, INC (TKPI) AND
ORIGINAL CERTIFICATE OF TITLE OWNED BY MS.
BABERLYN D. GOMEZ AND NOEL TRAMPRE LOCATED AT
CADLAO ISLAND, BARANGAY BUENA SUERTE, EL NIDO,
PALAWAN**

Respectfully forwarded is the memorandum dated September 9, 2021 of Jenuel P. Casel, Assistant PASu of PAMO-ENMTRPA, with enclosures regarding the conflict between the Forest Land Use Agreement for Tourism Purposes (FLAGT) No. DENR-IV-MIMAROPA-12302030-0010 of Ten Knots Philippines INC (TKPI) and Original Certificate of Title Nos. 2015000225 and 2015000222 by Baberlyn D. Gomez and Noel Trampe located at Cadlao Island, Barangay Buena Suerte, El Nido, Palawan.

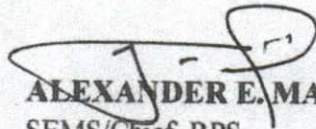
In view hereof, respectfully informed that this Office had already submitted Complete Staff Work (CSW) on the matter dated September 16, 2021 with corresponding recommendation.

For information and further instruction.

For and in the absence of the CENRO:

**DENR CENRO
TAYTAY, PALAWAN
RELEASED**

9/22/2021 *file* 2917


ALEXANDER E. MANCIO
SEMS/Chief, RPS
In-Charge, Office of the CENRO 8



Republic of the Philippines
Department of Environment and Natural Resources
MIMAROPA Region
Community Environment and Natural Resources Office
EL NIDO-TAYTAY MANAGED RESOURCE PROTECTED AREA
Calle Real, Bgy. Masagana, El Nido, Palawan 5313
Contact No: GLOBE (0917-110-3262)
Email: denrpao_elnidopal@yahoo.com / entmrpa@gmail.com

September 9, 2021

MEMORANDUM

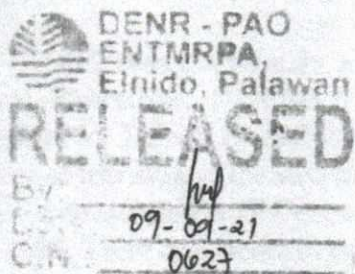
FOR : The Community Environment and
Natural Resources Officer
Taytay, Palawan

FROM : The Protected Area Superintendent
El Nido- Taytay Managed Resource Protected Area

SUBJECT : **FOREST LAND USE AGREEMENT FOR TOURISM PURPOSES
(FLAGT) OF TEN KNOTS PHILIPPINES, INC. (TKPI)**

Respectfully forwarded is the letter of Angara Abello Concepcion Regala & Cruz law office regarding the conflicting claims over the issued Forest Land Use Agreement for Tourism Purposes No. DENR IV-MIMAROPA-12302030-0010 of Ten Knots Philippines, Inc. (TKPI) and Original Certificate of Titles No. 2015000225 and 2015000222 by Baberlyn D. Gomez and Noel Trampe located Cadlao Island, Bgy. Buena Suerte, El Nido.

For information and record.



For the PASu:

JENUER P. CASEL
PMF/Assistant PASu
In-Charge. ENTMRPA-PAMO

S.

TKPI discovered that one Noel Tampe and Baberlyn Gomez secured original certificates of title ("OCTs") which cover areas that overlap with TKPI's FLAGT. In particular, the Registry of Deeds of Palawan issued Katibayan ng Orihinal na Titulo Blg. 2015000225 to Baberlyn D. Gomez, while Katibayan ng Orihinal na Titulo Blg. 2015000222 and Katibayan ng Orihinal na Titulo Blg. 2015000223 were issued to Noel Tampe. These OCTs were issued on 27 April 2015 purportedly pursuant to Free Patent Applications. 11

Most recently, TKPI and the Community Environment and Natural Resources Office ("CENRO") had the following exchange:

- a. On 26 July 2021, the CENRO wrote TKPI to facilitate the conduct of an actual ground survey to determine the metes and bounds of the area covered by its FLAGT, pursuant to a 19 May 2021 Memorandum from the Regional Executive Director. Said survey will be conducted with the assistance of TKPI's geodetic engineer. ||
- b. On 10 August 2021, TKPI received the CENRO's 6 August 2021 Third and Final Notice of Violation and Order to Vacate ("NTV"), which was also addressed to Israel and Baberlyn Gomez. In the NTV, the CENRO ordered TKPI to remove its guard house and perimeter fence which is within the 40-meter easement area. The easement area is covered by TKPI's FLAGT.
- c. On 17 August 2021, TKPI wrote the CENRO requesting that the actual ground survey be conducted sometime between 13 to 17 September 2021 due to the availability of its geodetic engineer. ||
- d. On 23 August 2021, TKPI wrote the CENRO confirming receipt of the NTV, and reiterating that its occupation of the 40-meter easement area should be respected. TKPI also informed the CENRO that it is awaiting the actual ground survey pursuant to CENRO's letter dated 26 July 2021.

TKPI is currently awaiting the schedule of the: (1) next technical conference with the DENR to discuss the overlap on TKPI's FLAGT and Noel Tampe's and Baberlyn Gomez' OCTs; and (2) actual ground survey to be conducted by the CENRO.

In the meantime, TKPI requests for guidance on the implementation of its FLAGT in light of the issuance of OCTs which overlap with the timberland ||

an integral part hereof.

subject of the FLAGT. TKPI maintains its position that its FLAGT shall be respected until 30 December 2030.

We understand that the technical conference with the DENR and the actual ground survey by the CENRO are necessary for a definitive resolution of the pending issues discussed above. To facilitate such resolution, however, TKPI also respectfully requests for copies of all surveys conducted involving the areas covered by its FLAGT and the OCTs of Gomez and Tampe.

Thank you for your kind consideration and prompt attention on this matter.

Very truly yours,

ANGARA ABELLO CONCEPCION REGALA & CRUZ ✓

By:


SALVADOR L. PEÑA


CHRYSILLA CARISSA P. BAUTISTA


CHRISTOPHER LOUIE D. OCAMPO


JESSICA SHARLA G. BUSTAMANTE



REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
REGION IV
PROVINCIAL ENVIRONMENT AND NATURAL RESOURCES OFFICE
STA. MONICA, PUERTO PRINCESA CITY

2 000 3 2-2
Annex "B"

SPECIAL USE PERMIT (BATHING ESTABLISHMENT)

November 06, 1998

NO. DENR-IV-PENRO-110699-0006

In accordance with Section 57 of Presidential Decree No. 703, otherwise known as the Revised Forestry Code of the Philippines and DENR Administrative Order No. 98-24 dated June 2, 1998, a Special Use Permit for Bathing Establishment is hereby granted to TEN KNOTS DEVELOPMENT CORPORATION to cover 5.0 hectares of public forest land situated at Cadiao Island, Brgy. Buena Suerte, El Nido, Province of Palawan as described on the attached sketch map which forms part of this permit.

This permit is subject to the existing Forest Laws, Forestry Administrative Orders and regulations and/or those which may thereafter be promulgated including the terms and conditions embodied in Annex "B", the Environmental Compliance Certificate (ECC) which forms part of this permit.

The annual rental of the area shall be payable in advance at Two Hundred Fifty Pesos (P 250.00) per hectare until otherwise amended and until an appraisal or reappraisal of the land improvements therein shall have been made. Rental hereof shall eventually be based on 3% of the value of the land and 3% of the value of improvements.

The privilege granted under this permit is the use of the area by the above named permittee for BATHING ESTABLISHMENT.

This permit is NON-TRANSFERABLE AND NON-NEGOTIABLE, except as provided in Section 61 of the aforesaid Decree and expires on November 06, 1999.

BY AUTHORITY OF THE SECRETARY:


DANILO R. QUERIJERO

Provincial Environment and Natural
Resources Officer

Copy Furnished:

Secretary, DENR, Diliman, Q.C.
RED, DENR, RIV, Roxas Blvd Manila
Director of FMB, Diliman, Q.C.
CENRO, Taytay
File/engr

Condition : This permit is issued on the condition that the proponent shall comply with the requirements of P. D. 1586 (EIA System) prior to project implementation



Republic of the Philippines
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
Region IV-B – MIMAROPA
L & S Building, 1515 Roxas Boulevard
Ermita, Manila

**FOREST LAND USE AGREEMENT for TOURISM PURPOSES
(FLAgT)**

BATHING ESTABLISHMENT

No. DENR IV-MIMAROPA-12302030-0010

Is

hereby awarded to

TEN KNOTS PHILIPPINES, INC.
(TEN KNOTS DEVELOPMENT CORPORATION)
(Lessee)

Covering Three Point Two Hundred-Six (3,206) hectares of forest land, located at Cadiao Island, Barangay Buena Suerte, El Nido, Palawan pursuant to Section 1838 of Republic Act No. 2711, as amended by E.O. 292, known as the Revised Administrative Code, as amended by Section 57 of P.D. 705, as amended and DAO No. 2004-28, for a period of twenty-five (25) years to expire on December 30, 2030.

Given this 27th day of December, in the year of our Lord Two Thousand and Five at the City of Manila, Philippines.


VICENTE S. PARAGAS, CESO III
OIC, ASEC for Field Operations
Concurrent Regional Executive Director
Region IV-B



Republic of the Philippines
Department of Environment and Natural Resources
Region IV-B, MIMAROPA
DENR By the Bay Building
1515 Roxas Blvd., Ermita, Manila

FOREST LAND USE AGREEMENT FOR TOURISM PURPOSES (FLAgT)

(BATHING ESTABLISHMENT)

DENR IV-MIMAROPA-12302030-0010
NUMBER

TEN KNOTS PHILIPPINES INC.
(TEN KNOTS DEVELOPMENT CORPORATION) (TKDC)
LESSEE

CADLAO ISLAND, BARANGAY BUENA SUERTE, EL NIDO, PALAWAN
LOCATION OF THE AREA

This Forest Land Use Agreement for Tourism purposes (FLAgT) made and entered into by and between the OIC, ASEC for Field Operations Concurrent Regional Executive Director of DENR IV-MIMAROPA REGION, **VICENTE S. PARAGAS, CESO III**, for and in behalf of the Republic of the Philippines, hereinafter called the LESSOR, and **TEN KNOTS PHILIPPINES INC. (TEN KNOTS DEVELOPMENT CORPORATION)**, represented by **MR. ALBERTO A. LIM**, President, with Office address at 2nd Floor Builders Centre Building, 170 Salcedo Street, Legaspi Village, 1229 Makati City, as the LESSEE.

WITNESSETH

That the LESSOR, as Regional Executive Director of DENR IV-MIMAROPA, acting under the authority of Section 1838 of Republic Act No. 2711, as amended by E.O. 292, known as the Revised Administrative Code, as amended; Section 57 of P.D. 705, as amended and DAO 2004-28, hereby grants to the LESSEE a **FOREST LAND USE AGREEMENT FOR TOURISM (FLAgT) PURPOSES (BATHING ESTABLISHMENT)** for a period of **TWENTY-FIVE (25) years** to expire on **December 30, 2030**, covering an area of **THREE POINT TWO HUNDRED-SIX (3.206) hectares** of forest land, located at **Cadlao Island, Barangay Buena Suerte, El Nido, Palawan**, the description and boundaries shown in the attached sketch/map, which forms part of this FLAgT, subject to the following conditions:

By Authority of the Secretary
Of the Department of Environment
And Natural Resources

By:

VICENTE S. PARAGAS, CESO III

LESSOR

Witness

By:

ALBERTO A. LIM

LESSEE

Witness

- I. Within six (6) months from the issuance of the FLaGT, the holder shall delineate and mark on the ground the boundaries of the FLaGT area and its zones, subject to verification by DENR, and shall preserve the monuments and other land marks indicating corners and outlines along the boundaries and within the confines of the area covered by the FLaGT;
- II. The holder shall submit within three (3) months from the issuance of the FLaGT, a Site Management Plan (SMP) for the protection of the environment and conservation of natural resources in the area. The SMP shall be accompanied with a performance bond determined based on procedures for special forest land uses;
- III. The holder shall immediately secure the required Environmental Compliance Certificate (ECC) and other necessary permits prior to conduct of any activity in the area;
- IV. The holder shall utilize the area for the purpose for which the FLaGT is granted. In the event that the area will be utilized for other purpose/s other than what is approved, said use is subject to the prior approval of the Secretary or his/her duly authorized representative;
- V. In all instances, cutting of trees within the FLaGT area shall be subject to prior clearance by the DENR in accordance with existing rules and regulations;
- VI. The holder shall strictly adopt ecological solid waste management and abide with the provisions of the Clean Water Act;
- VII. The FLaGT holder shall protect all biodiversity in the area, especially those unique, rare and endangered flora and fauna identified as such under existing laws, rules and regulations;
- VIII. To inform the RED or his duly authorized representative on any changes in the management, ownership or capital stock of the company or corporation or transfer of a majority of the stock or share of the company or corporation as provided for in PD 705, as amended;

By Authority of the Secretary
Of the Department of Environment
And Natural Resources

By:


VICENTE S. PARAGAS, CESO III
LESSOR


Witness

By:


ALBERTO A. LIM
LESSEE


Witness

- IX To surrender to the RED or his duly authorized representative, the agreement if not to be renewed on the date of expiration, or if the holder is no longer interested in the area, or in case of cancellation, immediately after the effectivity of its cancellation;
- X In case of death of individual FLaGT holder, the heir may apply for the transfer of FLaGT within ninety (90) days upon his death;
- XI. Non-Obstruction to Navigation – This FLaGT shall not be construed as permit for the holder to obstruct the free navigation of any stream, creek or river or marine coastal area adjoining or flowing through the area, or to prohibit or interfere with the passage of people along such streams, creeks or rivers or the banks thereof, or to impede the flow and ebb of the tide to and from the interior of the swamps;
- XII. The FLaGT holder shall pay the Government Share, in the amount of P48,090.00 which is five percent (5%) of the most recent zonal value of the commercial zone within the barangay/municipality/city or province, whichever is higher and shall be paid within 30 days upon the issuance of FLaGT and annually thereafter within the same month that the FLaGT was issued. Failure to pay within the prescribed period shall be subject to surcharges of 8.33% monthly for late payment or 100% for one (1) year.
- XIII. As a guarantee of the faithful performance of and/or compliance with the Forest Laws and Regulations and the terms and conditions of the FLaGT and the payment of the government share thereof, the FLaGT holder shall post a cash bond of P96,180.00 which is twice (2x) the amount of the government share within three (3) months from the issuance of the FLaGT.

By Authority of the Secretary
Of the Department of Environment
And Natural Resources

By:

VICENTE S. PARAGAS, CESO III
LESSOR

Witness

By:

ALBERTO A. LIM
LESSEE

Witness

GROUND FOR SUSPENSION AND CANCELLATION OF FLAgT:

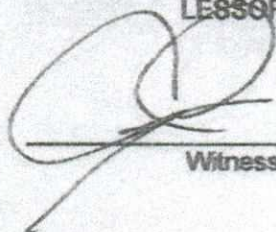
1. Failure of the FLAgT holder to settle administrative dues including government share after three (3) consecutive notices, after they become due and demandable.
2. Failure of the FLAgT holder to provide the necessary protection of the area.
3. Occupation of FLAgT holder of an area greater or other than that covered by the management agreement.
4. For allowing unauthorized person/s to use the area or any portion thereof for purposes other than what is specified in the management agreement;
5. If the privilege was obtained through fraud, misrepresentation or omission of material facts existing at the time of filing of the application.
6. Abandonment of the area or failure to exercise the privilege granted within the prescribed period of six (6) months from the issuance of the FLAgT without justifiable cause;
7. Failure to introduce improvement/development within the prescribed period as indicated in the comprehensive development/management plan.
8. Repeated violations of the provisions for cancellation.

Manila, Philippines DEC 27 2005, 200

By Authority of the Secretary
Of the Department of Environment
And Natural Resources

By:

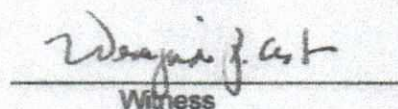
VICENTE S. PARAGAS, CESO III
LESSOR



Witness

By:


ALBERTO A. LIM
LESSEE



Witness

ACKNOWLEDGEMENT

Republic of the Philippines)

Manila

S.S.

BEFORE me, A Notary Public for and in Manila, Philippines on the _____ day of _____, 20____, personally appeared the following with their respective certificate opposite their names:

NAME	COM. TAX CERT. NO.	DATE/PLACE ISSUED
<u>ALBERTO A. LIM</u>	06024981	01-19-2005/Manila
<u>VICENTE S. PARAGAS, CESO III</u>	1200321705	02-02-2005 Ilo-ilo City

Known to me to be the same persons who executed the foregoing instruments and who acknowledged to me that the same is their free and voluntary act and deed, as well as the free and voluntary act and deed of the entities represented herein.

This instrument, which is the Forest Land Use Agreement for Tourism Purposes (BATHING ESTABLISHMENT) DENR IV MIMAROPA 12302030-0010, consists of FIVE (5) pages including this page when the ACKNOWLEDGEMENT is written, and is signed by the parties and their instrument on each page thereof.

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

D. Wagas

ATTY. DENNIS L. WAGAS

Notary Public

NOTARY PUBLIC

UNTIL DEC. 31, 2006

PTR NO. 4547218 MLA 1-2-06

Until

IBP NO. 656149 MLA IV-1-6-06

PTR No.

ROLL NO. 48667

Date Issued

Place Issued

Doc. No. ✓

Page No. ✓

Book No. III

Series of 2106

FEB 23 2021

TEN KNOTS PHILIPPINES INC.
c/o Mr. Javier D. Hernandez
3rd Floor Alveo Corporate Center
728 28th Street, Bonifacio Global City,
Taguig City, 1634

Dear Mr. Hernandez,

Greetings in peace!

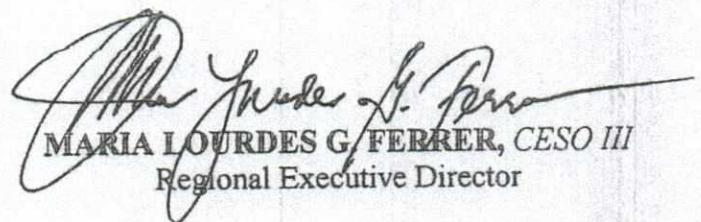
This pertains to the Forest Land Use Agreement for Tourism (FLAgT No. DENR 4-MIMAROPA-12302030-0010) issued to Ten Knots Philippines Incorporated at Cadlao Island, Brgy. Buena Suerte, El Nido, Palawan.

The monitoring activity conducted by the Compliance Monitoring Team of CENRO Taytay, Palawan disclosed the following findings:

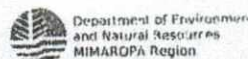
- a. The holder failed to introduce improvement/development in the area;
- b. The holder failed to secure the Environmental Compliance Certificate (ECC) which is stipulated on the approved agreement;
- c. The holder failed to maintain / preserve the monument and other marks along the boundaries and within the confines of the area covered by the FLAgT; and
- d. The area described in the agreement falls within the ocean.

In this regard, you are directed to appear to this Office for a technical meeting to discuss the findings of the monitoring team and also bring your approved CDMP and other necessary documents pertaining to the issued FLAgT. You may reach us through the Office of the Chief, Enforcement Division at 8405-0046 or through email at mimaroparegion@denr.gov.ph. Be reminded that failure to perform the terms and conditions cited in the approved contract shall be a ground for suspension and cancellation of the issued FLAgT.

Sincerely yours,


MARIA LOURDES G. FERRER, CESO III
Regional Executive Director

Cc: PENRO Palawan
CENRO Taytay
PASu ENTMRPA



Doc ID: 31585

DENR by the Bay Bldg., 1515 Roxas Boulevard, Ermita, Manila
DENR VOIP (02) 8248-3367 / 8249-3367 local 2701
Facsimile: (632) 405-0046
Email: mimaroparegion@denr.gov.ph



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

JAN 10 2022

SUBJECT: FOREST LAND USE
AGREEMENT FOR TOURISM (FLAgT)
PURPOSES OF TEN KNOTS PHILIPPINES
INC.

NOTICE OF MEETING

TO:

1. The Owners/Operators/Manager or Authorized Representatives of
 - Ten Knots Philippines, Inc.
3rd Floor Alveo Corporate Center, 728 28th Street
BGC 1634 Taguig City, Philippines
2. The members of DENR MIMAROPA Regional FLAgT Committee - Composite Team & Secretariat per R.S.O. No. 421 series of 2020
3. The Chief and/or Representative, Legal Division
4. The Chief and/or Representative, Enforcement Division
5. The PENR Officer – Palawan and/or Authorized Representative
6. The CENR Officer – Taytay, Palawan and/or Authorized Representative

GREETINGS!

NOTICE is hereby given that a virtual meeting will be held on January 13, 2022, Thursday, at 9:00AM via Zoom. The meeting will focus on various issues pertaining to the Forest Land Use Agreement of Ten Knots Philippines, Inc.

Zoom meeting link will be provided a day before the schedule.

Please consider this as our formal invitation for you to attend and participate in the said meeting.

Issued this JAN 10 2022 in the City of Manila, Philippines.


VICENTE B. TUDDAO, JR., Ph.D., CESO IV
Assistant Regional Director for Technical Services

Copy furnished:

- The Regional Executive Director
DENR MIMAROPA Region

DENR by the Bay, 1515 L&S Bldg., Roxas Boulevard, Ermita, Manila
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VIRTUAL MEETING RE FOREST LAND USE AGREEMENT FOR TOURISM (FLAGT) PURPOSES OF TEN KNOTS PHILIPPINES, INC. (TKPI)
January 13, 2022

Minutes/Highlights of Meeting

AGENDA/ISSUES	DISCUSSION	AGREEMENTS/COMMITMENTS/INSTRUCTION
<p>Presentation by CENRO of the map showing the plotting of the approved FLAGT map vs the resulting map of their Relocation Survey</p>	<p>Relocation survey map showed that the FLAGT area covers both A&D and forestland. The CENRO has recommended amendment of the FLAGT area however they mentioned that even after removal of the area within A&D, a portion of the remaining FLAGT area in forestland is covered by a land title. Hence, they are requesting how to resolve the problem.</p> <p>CENRO also presented LC map and survey maps of the areas with land titles including the one that overlaps the subject FLAGT area. Possibility of reversion/cancellation proceedings on these OCTs within timberland adjacent/overlapping the subject FLAGT area was also discussed.</p>	<p>ARD Tuddao recommended creation of Regional and Field Office composite team together with legal division to have an in-depth investigation and come up with recommendations to finally identify the issue and come up with resolution. Representatives from NAMRIA and LMB will also be invited to join the team.</p> <p>Advice from the Legal Division is to modify the FLAGT and file for the reversion case/s of OCTs.</p> <p>TKPI assured that they will not build anything until the issue is resolved.</p>
<p>Issuance of Notices of Violation and Orders to Vacate</p> <p>On the ongoing construction of Mr. Gomez, within the area with overlapping FLAGT and OCT</p>	<p>Notices of Violation and Orders to Vacate were issued to TKPI thrice within 2021 by the CENRO, for construction of structures within the mandatory easement zone. TKPI complied accordingly with the notices/orders.</p> <p>There is a complaint on the ongoing construction of Mr. Gomez within the area with overlapping OCT and FLAGT which also overlaps a portion of the easement; and that the said activity does not have permit/clearances according to TKPI considering it is also within PA.</p>	<p>ARD Tuddao recommended to issue status quo or stoppage order to temporarily stop their development considering that area subject of investigation is found to have overlap in timberland (specifically with FLAGT area of TKPI); said order can be issued provided that reversion case is filed immediately</p>
<p>On payment of Annual Government Share</p>	<p>ARD Tuddao informed that the Regional Office sought advice from DENR Central Office thru Memorandum for the Secretary regarding the appeals not only by TKPI but of other FLAGT holders affected by the increase of AGS as result of revaluation. The regional office is still waiting advice from the central office as to the matter.</p>	<p>RED instructed ARDTS to follow up FMB regarding the status of request seeking advice to the request for the deferment of payments; and what actions to be taken pursuant to the advice from the Central Office; and to discuss the mode of deferment being requested/raised.</p>
<p>On other establishments within El Nido without forest tenurial instruments</p>	<p>TKPI appealed that the law be applied to all, specifying the numerous DOT-accredited establishments in El Nido with no FLAGTs/SAPAs, so that the government enjoy the revenue it deserves and needs from forest tenure holders. TKPI is only the entity with FLAGT in El Nido.</p> <p>RED informed that that is one of main objective of the assessment being conducted under GEM to at least identify those kinds of concerns.</p>	

Prepared by: 
MARIA GLORIA G. GALIMA
EcoMS II, LPDD





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

REGIONAL SPECIAL ORDER

No. NO 014 *pcy*
Series 2022

JAN 25 2022

**SUBJECT : CREATION OF SURVEY TEAM FOR THE CONDUCT OF
RELOCATION SURVEY ON FOREST LAND USE
AGREEMENT FOR TOURISM (FLAgT) PURPOSES (TEN
KNOTS INC. PHILLIPPINES) LOCATED IN CADLAO
ISLAND, BARANGAY BUENA SUERTE, EL NIDO, PALAWAN**

In the interest of the service, the Survey Team is hereby created to conduct Ground Verification survey on Forest Land Use Agreement For Tourism in Barangay Buena Suerte El Nido, Palawan. The Team is composed of the following personnel:

Engr. Donna Belle Luengo Engr. II, PENRO-Palawan	-	Team Leader
Engr. Reian D. Buenafe Engr. II-SMD	-	Assistant Team Leader
Engr. Malco Lamigo Engr. II- CDD	-	Member
Alexander Mancio Senior EMS, CENRO-Taytay	-	Member
Maria Gloria Galima EMS II-LPDD	-	Member
Marian Lachica Engr. II, CENRO-Taytay	-	Member
O'soniel Moises Tuddao PIT II – SMD	-	Member
Leonardo Juarigue Engineering Aide, PENRO-Palawan	-	Member


The team shall have the following duties and functions:

1. Conduct relocation Survey to determine the actual position of the subject area;

2. Coordinate with the parties concerned and other pertinent documents relative to the survey;
3. Conduct verification of Office records in support for the conduct of relocation survey;
4. The RTK in the Regional Office shall be used in executing the said survey and;
5. Submit report within 10 working days upon completion of the survey.

Traveling expenses incurred during the conduct of the survey shall be charged against their respective Office funds or other sources, subject to the availability of funds and existing accounting and auditing rules and regulations.

This Order takes effect immediately.


LORMELYN E. CLAUDIO, CESO IV
Regional Executive Director

Oardts/AI/01-20-22