

SANIDAD LAW OFFICES

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14 August
2020

MR. ALAN VALLE
OIC-CENRO
Taytay-El Nido, Palawan

RE : NOTICE TO VACATE dated 4 August 2020

Greetings!

We write you on behalf of our clients Cauayan Island Resort Philippines, Inc., & Cauayan Island España S.L./Philippines both represented by the Chairman of the Board Mr. Emil Primorac Orche in response to a *Notice to Vacate* dated 4 August 2020 (“*Notice*”) we received from your good office.

In gist, the *Notice* categorically and explicitly directs our clients to voluntarily remove their improvements and to vacate the area within thirty (30) days from receipt of the *Notice* on the following premises: (1) The land on which the improvements are built on is classified as timber land and hence inalienable as per Land Classification Map 1187, and (2) Possible violations of P.D. No. 705, P.D. No. 1067, R.A. 7586 & Proclamation No. 32, Series of 1998. In the alternative, the Notice also directs our clients to present legal documents evidencing lawful occupation over said area.

Based on the records in our possession, it is our position that our clients are in lawful possession over the subject area considering the following observations:

- a. Our client began construction including its operations from 2010 to 2018 or eight (8) long years greatly contributing to the tourism industry of the Province of Palawan but the tourism industry of the whole Philippines being the few luxury resorts in the area;
- b. Our client has established Cauayan Island Resort on the Island of Cauayan situated in Baccuit Bay, Buena Suerte, El Nido, Palawan and not Cadlao Island as stated in the *Notice*;
- b. That admittedly, there are no establishments built on Cadlao Island;
- c. That as per the Tax Declaration No. 13-007-0003 under our clients name, the classification of land as stated therein is AGRICULTURAL and NOT TIMBERLAND, hence ALIENABLE;

Attached and made an integral part herein as **ANNEX “A”**.

d. No less than your good office- DENR Regional Office IV who issued ENVIRONMENTAL COMPLIANCE CERTIFICATE dated 30 July 2012 in the name of our client Cauayan Island Espana-Philippines explicitly allowing for the construction and maintenance of Cauayan Island Resort Project located at Cauayan Island, Buena Suerte, El Nido, Palawan.

Attached and made an integral part herein as **ANNEX “B”**.

e. Again, the El Nido-Taytay Managed Resource Protected Area Protected Areas Management Board under the DENR has also issued an ENDORSEMENT dated 11 August 2011 stating therein that its approval for the Cauayan Island Resort Project to proceed.

Attached and made an integral part herein as **ANNEX “C”**

f. The National Commission of Indigenous Peoples (NCIP) has issued a CERTIFICATION dated 16 September 2011 stating that it interposes no objection to the proposed establishment of the Cauayan Island Resort;

Attached and made an integral part herein as **ANNEX “D”**.

g. The Palawan Council for Sustainable Development under the Office of the President has further approved and endorsed the establishment of Cauayan Island Resort in a CERTIFICATION dated 27 January 2012.

Attached and made an integral part herein as **ANNEX “E”**.

h. Notwithstanding the foregoing, even the local government of the Provincial Government of Palawan and Municipality of El Nido, Palawan has respectively passed Resolutions of Approval and No Objections namely:

PALAWAN PROVINCIAL RESOLUTION NO. 9561-11, SERIES OF 2011 entitled “*Interposing No Objection On The Project And Activities Submitted To The Sangguniang Panlalawigan Of Cauayan Island Espana-Philippines Represented By Ms. Kathleen Caulong For The Proposed Beach Resort Project Located At Barangay Buena Suerte, El Nido, Palawan For Concurrence By The Palawan Council For Sustainable Development Pursuant To Provincial Ordinance No. 682, Series Of 2003*”;

SANGGUNIANG BAYAN OF EL NIDO, PALAWAN RESOLUTION NO. 11-123, SERIES OF 2011 entitled “*A Resolution favorably endorsing the establishment named Cauayan Island resort owned by Cauayan Island Espana-Philippines located at Barangay Buena Suerte, El Nido, Palawan*”;

SANGGUNIANG BAYAN OF EL NIDO, PALAWAN RESOLUTION NO. 28, SERIES OF 2011 entitled “*A Resolution favorably endorsing the proposed project and application of Cauayan Island Espana-Philippines to the Sangguniang Bayan members, Provincial Board Members, SAPA, PAMB-ENTMPRA, NCIP Office, DENR-CENRO-PENRO Regional Office, PCSD, Forest Land Agreement for Tourist (FLAGT), Special Land Use Permit (SLUP), ANS IEE the Proposed Commercial*

Resort to be named as Cauayan Island Resort located at Barangay Buena Suerte, El Nido, Palawan”

Attached and made an integral part herein as **ANNEX “F”, ANNEX “G”** and **ANNEX “H”**, respectively.

i. In fact even the Office of the Zoning Officer of El Nido, Palawan has issued a LOCATIONAL CLEARANCE dated 29 July 2011 favorably GRANTING the rights over the SIX hectares of land located at Cauayan Island, Buena Suerte, El Nido, Palawan having conformed to the SLUP of the Municipality of El Nido, Palawan having paid the amount of P41, 650.00 under O.R. No. 6235623.

Attached and made an integral part herein as **ANNEX “I”**.

j. Inevitably, the Municipality of El Nido subsequently issued several OCCUPANCY PERMITS for all improvements and/or structures introduced by our client stating therein our client’s conformity to the National Building Code;

k. No less than the Municipality of El Nido through the Office of the Municipal Mayor Hon. Edna G. Lim, has in fact issued a BUSINESS PERMIT for the year 2020 for the operation of Cauayan Island Resort..

Attached and made an integral part herein as **ANNEX “H”**.

That at the moment the re-processing of the application for SAPA, or in the interim, of a Memorandum of Agreement, over the Cauayan Island located in Brgy. Buena Suerte, El Nido, Palawan, has already been filed by the Cauayan Island Resort Philippines Inc. notwithstanding the lifting of Suspension of the Implementation of DAO 2007-17 Re: Rules and Regulations governing Special Uses within Protected Areas in a *Memorandum* dated 15 March 2018 from the Secretary of the DENR.

We further reiterate that there is no legal or procedural bar to the processing of the SAPA application of Cauayan Philippines. Please take into consideration the following:

1. Cauayan Philippines has fully complied with all the documentary requirements for its SAPA application.
2. The management of Cauayan Resort is fully compliant with environmental laws and guidelines towards the preservation and protection of the Cauayan Island as a protected area.
3. To date, there is no pending legal proceeding involving the land subject of the SAPA application or as to the personality of the applicant.

In fine and with all due respect, we urge your good office to RECONSIDER and to no longer include our client within the force and effect of the said *Notice* considering that their presence on Cauayan Island is legitimate for all intents and

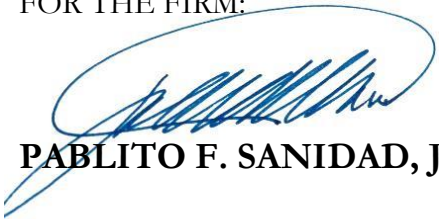
purposes and to do so would stand to lose hundreds of millions of pesos in introduced improvements to our clients prejudice. Lastly, the establishment of Cauayan Island Resort has been contributing to the booming tourism industry of the Country including the fact that they have been helping the livelihood of local residents in area.

Further, may we further request for the immediate resumption of the processing of the SAPA application of Cauayan Philippines.

Please do not hesitate to contact us if you have any other queries.
Thank you in advance!

Very truly yours,

FOR THE FIRM:



PABLITO F. SANIDAD, JR.