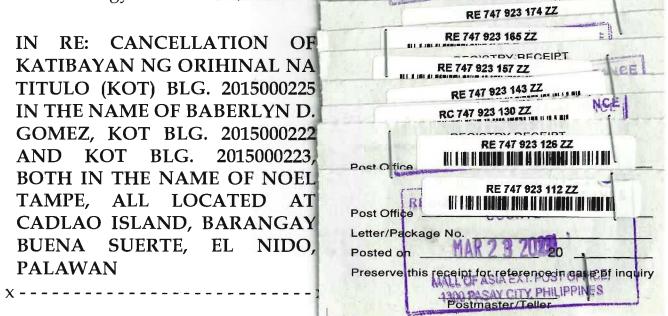
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Republic of the Philippines **Department of Environment and Natural Resources** MIMAROPA Region PROVINCIAL ENVIRONMENT AND NATURAL RESOURCES OFFICE Brgy. Sta. Monica, Puerto P .



#### **POSITION PAPER**

Complainant **Ten Knots Philippines**, **Inc.** ("TKPI"), by counsel, in compliance with this Honorable Office's *Order* dated 7 March 2023, respectfully states:<sup>1</sup>

#### STATEMENT OF FACTS

TKPI's Forest Land Use Agreement for Tourism Purposes in Cadlao Island, Bacuit Bay, El Nido, covering around three hectares of forest land

1. On 6 November 1998, this Honorable Office, through its Provincial Environmental and Natural Resources Office ("PENRO") in Palawan, issued a Special Use Permit ("SUP") to TKPI covering 5.0 hectares of public forest land in Cadlao Island, Barangay Buena Suerte, El Nido, Palawan.<sup>2</sup> The SUP granted TKPI the privilege to use the area as a bathing establishment.<sup>3</sup>

<sup>&</sup>lt;sup>1</sup> On 8 March 2023, TKPI received this Honorable Office's Order dated 7 March 2023 directing it to submit a Position Paper within fifteen (15) days from receipt, or until 23 March 2023. Hence, this Position Paper is timely filed.

<sup>&</sup>lt;sup>2</sup> A copy of TKPI's Special Use Permit dated 6 November 1998 is attached hereto as Annex "A" and made an integral part hereof.

<sup>&</sup>lt;sup>3</sup> See Annex "A".

2. On 25 August 2004, this Honorable Office issued Administrative Order No. 2004-28 ("AO No. 2004-28"), otherwise known as *Rules and Regulations Governing the Use of Forestlands for Tourism Purposes*. AO No. 2004-28, to allow qualified persons to occupy, develop, utilize, and sustainably manage forestlands for tourism purposes.<sup>4</sup>

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3. Through AO No. 2004-28, a Forest Landuse Agreement for Tourism Purposes ("FLAg-T") may be executed with this Honorable Office to authorize qualified persons to occupy, manage, and develop any forestland of the public domain for tourism purposes and to undertake authorized activities therein, which shall include special forest land uses such as a bathing establishment, camp site, ecotourism destination, hotel site, and other tourism purposes.<sup>5</sup>

4. Section 13 of AO No. 2004-28 permits the conversion of existing special land use permits to a FLAg-T:

"Section 13. Conversion of Existing Special Land Use Permits to FLAg-T. Existing Special Land Use Permits may be converted to FLAg-T. Provided, that the holder thereof has shown satisfactory performance based on DENR's monitoring and evaluation system and has complied with all the terms and conditions of the permit."

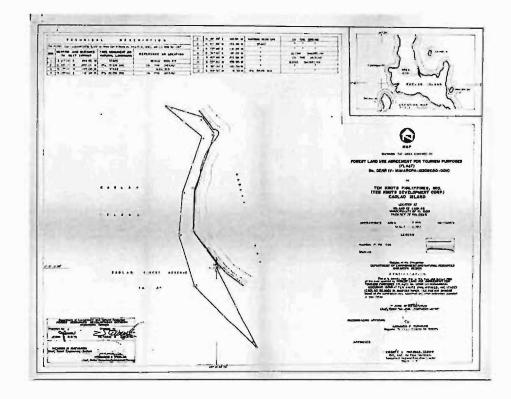
5. TKPI applied to convert its SUP into a FLAg-T pursuant to Section 13 of AO No. 2004-28.

6. On 27 December 2005, the Honorable Office granted TKPI a FLAg-T over 3.2 hectares of land in Cadlao Island, Barangay Buena Suerte, El Nido, Palawan, with a validity of twenty-five (25) years or until December 2030 for the purpose of using the same as a Bathing Establishment.<sup>6</sup> The FLAg-T covers the area found in the description and boundaries shown in the sketch/map attached to the FLAg-T:

<sup>&</sup>lt;sup>4</sup> DENR Admin. Order No. 2004-28, Sec. 1.1.

<sup>&</sup>lt;sup>5</sup> DENR Admin. Order No. 2004-28, Sec. 2.11.

<sup>&</sup>lt;sup>6</sup> A copy of TKPI's FLAg-T No. DENR IC-MIMAROPA-12302030-0010 dated 27 December 2005 is attached hereto as Annex "B" and made an integral part hereof.



7. Through the years, this Honorable Office continually recognized TKPI's FLAg-T as evidenced by the regular inspections conducted therein and the collection of the government's share on the said property,<sup>7</sup> pursuant to AO No. 2004-28.

8. As grantee of the FLAg-T over the 3.2 hectare of land in Cadlao Island, Barangay Buena Suerte, El Nido, Palawan, TKPI has the right to occupy and to utilize the same for the purpose for which the FLAg-T was granted (as a bathing establishment) which shall be respected for the duration of the FLAg-T, or until December 2030, so long as TKPI is compliant with the terms and conditions enumerated therein. Absent any ground for suspension and/or cancellation of the FLAg-T, TKPI is entitled to occupy the property covered under the said instrument.

Issuance of the Suspicious Original Certificate of Titles ("OCTs") of Baberlyn D. Gomez ("Gomez") and Noel Tampe ("Noel Tampe")

9. In 2017, TKPI discovered that on 27 April 2015, the Registry of Deeds of Palawan issued Original Certificate of Titles ("OCT") in the names of Baberlyn Gomez ("Gomez") and Noel Tampe ("Tampe") with a total area of 10.6 hectares, purportedly pursuant to agricultural

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Copies of the official receipts showing TKPI's payment of the government's share in the FLAg-T are attached hereto as Annexes "C" to "C-11" and made integral parts hereof.

Free Patent Applications. Tampe, who obtained two OCTs, was awarded a total of 6.8259 hectares of land, while Gomez was awarded a total of 3.7791 hectares.8 The OCTs commonly state that the lots were surveyed by Geodetic Engineer Emmanuel N. Ortile on 6 and 7 January 2015. These surveys, which were the basis for titling of the lots, were approved on 2 February 2015.

10. The technical descriptions of the awarded lands indicate that the lands are identical to those already delineated through a cadastral survey, particularly Cad 1037-D. The technical descriptions uniformly indicate that all corners of each parcel of land were "marked on the ground by P.S. cylindrical concrete monuments, 15 x 60 centimeters". The Free Patent Applications were granted on 23 April 2015 through Provincial Environment and Natural Resources Office of Palawan ("PENRO") officer Juan C. Dela Cruz, and the OCTs were registered with the Registry of Deeds of Palawan on 27 April 2015.9

As will be shown below, a portion of the land covered by 11. these OCTs overlap with the area covered by TKPI's FLAg-T as evidenced by the results of the actual ground survey conducted on 27 October 2021 by Engineer Nestor D. Veneracion ("Engr. Veneracion"). Said overlap was confirmed by the results of another survey conducted on 2 March 2022, and was confirmed by the DENR in a meeting held on 8 December 2022.

12. To stress, the area covered by the FLAg-T are not alienable and disposable lands of the public domain. As such, the issuance of the OCTs contradicts the previous survey made by the CENRO insofar as the 3.2-hectare forest land is concerned.

13. On 2 July 2020, Spouses Israel and Baberlyn Gomez ("Spouses Gomez"), through counsel, demanded TKPI to (a) vacate the area covered by the FLAg-T; (b) recall the security personnel detailed in the area; and (c) remove all existing structures thereat.<sup>10</sup>

14. Spouses Gomez asserted their purported right over the lot by entering the area with armed security personnel and workers who were contracted by them to build structures thereon. To maintain the

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Katibayan ng Orihinal na Titulo ("KOT") Blg. 2015000225, KOT Blg. 2015000222 and KOT 8 Blg. 2015000223 are attached hereto as Annexes "D" to "F", respectively, and made integral parts hereof. Ibid.

<sup>10</sup> A copy of the letter dated 2 July 2020 of Spouses Gomez is attached hereto as Annex "G" and made an integral part hereof.

peace, TKPI did not forcefully prevent their entry but recorded Spouses Gomez's construction activities onsite.

15. 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 FLAg-T, pursuant to a 19 May 2021 Memorandum from the Regional Executive Director.<sup>11</sup>

16. On 8 September 2021, TKPI's counsel responded to Spouses Gomez's letter dated 2 July 2020, stating that it cannot heed the demands as it is merely exercising its rights to occupy and utilize the forest land covered by its duly issued FLAg-T.<sup>12</sup>

17. Unbeknownst to TKPI, Tampe sold his property to Significa Vista Ventures, Inc. through a *Deed of Absolute Sale* dated 8 September 2021. Significa Vista Ventures, Inc. owns and operates Lihim Resorts.

#### Notice of Violation and Order to Vacate ("NTV") against TKPI and Spouses Gomez

18. TKPI received *Notices of Violation* and *Order to Vacate* ("NTV"), which were also addressed to Spouses Gomez.<sup>13</sup> In the NTV, TKPI was ordered to remove its guard house and perimeter fence, which were within the 40-meter easement area. Allegedly, the structures violated Presidential Decree 1067, or the Water Code of the Philippines, and Republic Act No. 7568, as amended by Republic Act No. 11038, or the Extended National Integrated Protected Areas System ("NIPAS") Act of 2018, which provide for a forty (40)-meter easement. The NTV alleged violation of the rules implementing the National Building Code by citing the absence of building and occupancy permits.<sup>14</sup>

19. TKPI complied although the easement area is covered by its FLAg-T. Under protest and without prejudice to its rights under the FLAg-T, TKPI removed the guard post, despite its firm legal position that it is exempted from the building permit requirement under Rule III, Section 301, item 3 of the Revised Implementing Rules and Regulations of PD 1096 or the National Building Code of the

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<sup>&</sup>lt;sup>11</sup> A copy of the CENRO's letter to TKPI dated 26 July 2021 is attached hereto as Annex "H" and made an integral part hereof.

<sup>&</sup>lt;sup>12</sup> A copy of TKPI's letter 8 September 2021 is attached hereto as Annex "I" and made an integral part hereof.

<sup>&</sup>lt;sup>13</sup> A copy of CENRO's letter dated 6 August 2021 is attached hereto as Annex "J" and made an integral part hereof.

<sup>&</sup>lt;sup>14</sup> Ibid.

Philippines.<sup>15</sup> In stark contrast, Spouses Gomez continued to aggressively unload construction materials and perform construction activities in blatant disregard, and a continuing violation, of the NTV.<sup>16</sup>

20. To give light to the ongoing issues, TKPI sought the aid of various government instrumentalities in the implementation and enforcement of its duly issued FLAg-T<sup>17</sup>

#### Correspondence, technical conference, and surveys conducted to resolve the overlap between TKPI's FLAg-T and the OCTs in the names of Gomez and Tampe.

21. To resolve the seeming overlap between TKPI's FLAg-T and the OCTs in the names of Gomez and Tampe, the CENRO coordinated with TKPI to facilitate the conduct of an actual ground survey to determine the metes and bounds of the area covered by the FLAg-T,<sup>18</sup> which TKPI insisted to conduct over the disputed properties.<sup>19</sup>

22. TKPI's counsel sought guidance from the DENR Region IV-MIMAROPA and CENRO on the implementation of its FLAg-T in light of the issuance of OCTs overlapping with its FLAg-T.<sup>20</sup> TKPI also sought the assistance of the Land Management Bureau ("LMB"), the Land Registration Authority ("LRA") and the Office of the Register of Deeds to give light on the irregular issuance of the questioned OCTs.<sup>21</sup>

<sup>&</sup>lt;sup>15</sup> A copy of TKPI's letter to CENRO dated 23 August 2021 is attached hereto as Annex "K" and made an integral part hereof. A copy of TKPI's letter to this Honorable Office and CENRO dated 16 November 2021 is attached hereto as Annex "L" and made an integral part hereof. A copy of TKPI's letter to OBO dated 16 November 2021 is attached hereto as Annex "M" and made an integral part hereof.

<sup>&</sup>lt;sup>16</sup> Copies of TKPI's letters to the OBO both dated 4 October 2021 are attached hereto as Annexes "N" and "N-1" and made integral parts hereof.; A copy of TKPI's demand letter to Villaroman Law as counsel for Spouses Gomez dated 16 November 2021 is attached hereto as Annex "O" and made an integral part hereof.

<sup>&</sup>lt;sup>17</sup> Copies of TKPI's letters to the OBO dated 2 September 2021, to the Office of the Mayor ("Mayor") dated 21 August 2021 and 2 September 2021, to the Office of the Katarungang Barangay ("Barangay") dated 16 November 2021, are attached hereto as Annexes "P" to "S" and made integral parts hereof. Copies of the Mayor's letter to TKPI dated 6 September 2021 and to CENRO dated 6 September 2021, are attached hereto as Annexes "T" and "U" and made integral parts hereof.

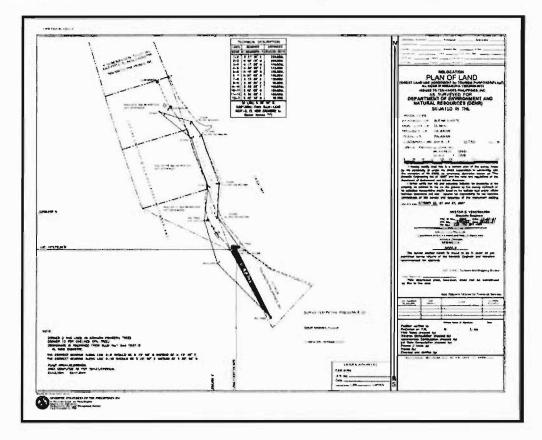
<sup>&</sup>lt;sup>18</sup> See Annex "H", CENRO's letter to TKPI dated 26 July 2021.

<sup>&</sup>lt;sup>19</sup> A copy of TKPI's letter to CENRO dated 17 August 2021 is attached hereto as Annex "V" and made an integral part hereof. *See also*: Annex "K", Letter to the CENRO dated 23 August 2021.

<sup>&</sup>lt;sup>20</sup> A copy of TKPI's letter to CENRO and this Honorable Office dated 8 September 2021 is attached hereto as Annex "W" and made an integral part hereof.

<sup>&</sup>lt;sup>21</sup> Copies of TKPI's letters to the LMB and to the LRA and Register of Deeds, both dated 8 September 2021, are attached hereto as Annexes "X" and "X-1", respectively, and made integral parts hereof. A copy of TKPI's letter to the LMB dated 16 November 2021 is attached hereto as Annex "Y" and made an integral part hereof.

23. Upon the parties' agreement, an actual ground survey was conducted on 27 October 2021 by Engr. Veneracion for and on behalf of the DENR, as overseen by DENR's Engr. Marian Lachica, and in the presence of representatives of TKPI and Spouses Gomez and the barangay officials of Brgy. Buena Suerte, El Nido, Palawan, to confirm the metes and bounds of the area covered by TKPI's FLAg-T:<sup>22</sup>



24. In other words, the survey confirmed that the areas claimed by Spouses Gomez overlapped with TKPI's FLAg-T. The survey also confirmed that the OCTs cover timberland, which are not alienable and disposable land of the public domain susceptible of private acquisition through a free patent application.

25. On 13 January 2022, a technical conference was held between DENR Region IV-MIMAROPA, CENRO, and TKPI. During that conference, DENR Region IV-MIMAROPA again confirmed that the overlapping areas are timberland. Among the issues identified during that meeting was the erroneous, if not irregular, titling of areas that are timberland and covered by TKPI's FLAg-T. To address the issue, DENR Region IV-MIMAROPA explained that a final survey will be

<sup>&</sup>lt;sup>22</sup> A copy of the Barangay's letter to TKPI dated 14 October 2021 is attached hereto as Annex "Z" and made an integral part hereof. A copy of TKPI's letter to the Barangay dated 19 October 2021 is attached hereto as Annex "AA" and made an integral part hereof. A copy of the NBMB Security Agency's report dated 27 October 2021 is attached hereto as Annex "BB" and made an integral part hereof. A copy of the relocation map based on the 27 October 2021 survey conducted is attached hereto as Annex "CC" and made an integral part hereof.

conducted and the titles covering timberland will be cancelled. DENR Region IV-MIMAROPA likewise committed that a reversion case will be filed to reclaim the timberland mistakenly covered by the OCTs.

26. To resolve the overlap between TKPI's FLAg-T and the OCTs of Tampe and Gomez, a team composed of personnel from the DENR Region IV-MIMAROPA, CENRO, the DENR's geodetic engineer and the Protected Area Officer of El Nido conducted a survey on 2 March 2022. TKPI representatives and Gomez were present when the survey was conducted.

27. The survey focused on the survey points of TKPI's FLAg-T, but unfortunately left out the areas that overlapped with the OCTs issued in the names of Gomez and Tampe.

#### Issuance of Order of Investigation dated 8 September 2022 by this Honorable Office.

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28. Despite the conduct of the survey, TKPI was not immediately furnished with the report of the 2 March 2022 survey prompting TKPI to follow up thereon thru a series of correspondence with this Honorable Office.<sup>23</sup>

29. On 25 October 2022, TKPI's counsel received an Order of Investigation dated 8 September 2022 ("Order of Investigation") from this Honorable Office, directing, among other matters, the PENRO of Palawan to assign a Land Investigation Officer ("LIO") to act on the matter in accordance with DENR Administrative Order No. 2016-31 and to submit a corresponding investigation report thereon.<sup>24</sup>

30. On 7 November 2022, the undersigned entered its appearance as counsel for TKPI before this Honorable Office.

31. On 13 November 2022, despite the issuance of the Order of Investigation, several representatives of Lihim Resorts, ten (10) of which were armed, entered the Cadlao forestland subject of TKPI's FLAg-T and demanded the latter's security guards, under NBMD Security Agency ("NBMD"), to vacate the property because they intended to fence the area. TKPI's security guards attempted to

<sup>&</sup>lt;sup>23</sup> Copies of TKPI's letters to this Honorable Office dated 26 April 2022, 28 June 2022 and 28 July 2022 are attached hereto as Annexes "DD" to "FF", respectively, and made integral parts hereof.

<sup>&</sup>lt;sup>24</sup> Order of Investigation dated 8 September 2022.

prevent their entry but were threatened with bodily harm if they continued to resist.<sup>25</sup>

32. To the surprise of TKPI's security guards who were on duty, the armed men of Lihim Resorts demolished their guard post and installed a barbed wire fence around the property. TKPI's security guards were ordered to vacate the property.<sup>26</sup>

33. This incident prompted this Honorable Office to conduct a meeting wherein it invited TKPI, , Gomez, and the representative of Lihim Resorts, which is operated by Significo Vista Ventures, Inc Likewise present were various officers of DENR MIMAROPA.

34. During that meeting, the parties were informed of the results of the 2 March 2022 survey, which clearly and unequivocally show that the OCTs under the names of Gomez and Tampe overlap with TKPI's FLAg-T. The results of the 2 March 2022 survey revealed that Significo Vista Ventures, Inc.'s properties are located on forestland.

35. In the same meeting, it was affirmed that Gomez and Lihim Resorts violated the NTV. They were instructed once again to remove and relocate their structures to comply with the Water Code of the Philippines and the NIPAS Act. It was also agreed that they will not be allowed to operate or use the structures until such time that they have complied with the Protected Area Management Board ("PAMB") Clearance and Environment Compliance Certificate ("ECC").

36. To date, Gomez and Significo Vista Ventures, Inc., through Lihim Resorts, continue to violate the NTV and have even introduced new constructions on the forty (40)-meter easement, in blatant defiance of the DENR's orders, and even use the same for commercial purposes.<sup>27</sup> This is evident from the 1 February 2023 and 1 March 2023 ocular inspections conducted by this Honorable Office.<sup>28</sup>

26 Ibid.

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<sup>&</sup>lt;sup>25</sup> A copy of the Extract from Police Blotter dated 17 November 2022 is attached hereto as Annex "GG" and made an integral part hereof.

See Annex "DD", letter to this Honorable Office dated 26 April 2022. A copy of TKPI's security personnel's logbook containing entries on several dates between 13 November 2022 to 20 March 2023 is attached hereto as Annex "HH". A copy of Lihim Resorts' promotional material for its event at its Hayag Beach Club posted on social media is attached hereto as Annex "I". A CD containing a video clip taken from Lihim Resorts' social media account is attached hereto as Annex "II-1." A compilation of photographs showing Lihim Resorts' guests' continued use of the properties covered by the forty (40)-meter easement is attached as Annex "II-2" and made an integral part hereof.

A compilation of photographs taken during the 1 February 2023 ocular inspection conducted by this Honorable Office is attached hereto as Annex "JJ," and made an integral part hereof. A compilation of photographs taken during the 1 March 2023 ocular inspection conducted by this Honorable Office is attached hereto as Annex "JJ-1," and made an integral part hereof.

37. On 8 March 2023, TKPI received this Honorable Office's *Order* dated 7 March 2023 directing it to submit a Position Paper within fifteen (15) days from receipt.

#### DISCUSSION

A. TKPI should be allowed to rightfully and peacefully enjoy its FLAg-T, which TKPI has been unlawfully deprived of for several years.

38. Under Section 2.11 of DENR AO No. 2004-28,<sup>29</sup> a FLAg-T is a contract between the DENR and a natural or juridical person, involving forestland, as follows:

"2.11 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 the government's share, any <u>forestland</u> 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."<sup>30</sup>

39. In *Vallarta v. Intermediate Appellate Court*,<sup>31</sup> the Supreme Court categorically held that forestlands are lands of the public domain, thus:

"It is elementary in the law governing natural resources that <u>forest land cannot be owned by private</u> <u>persons</u>. <u>It is not registerable</u>. The adverse possession which can be the basis of a grant of title in confirmation of imperfect title cases cannot commence until after the forest land has been declared alienable and disposable. Possession of forest land, no matter how long cannot convert it into private property."<sup>32</sup>

<sup>29</sup> Rules and Regulations Governing the Use of Forestlands for Tourism Purposes, dated 25 August 2004.

<sup>&</sup>lt;sup>30</sup> Emphasis and underscoring supplied.

<sup>&</sup>lt;sup>31</sup> G.R. No. L-32266, 27 February 1989.

<sup>&</sup>lt;sup>32</sup> *Ibid;* Emphasis and underscoring supplied.

40. Therefore, as the DENR is the primary agency responsible for the conservation, management, development, and proper use of the country's environment and natural resources, especially forestlands, it is also cloaked with the authority to enter into contracts with qualified persons to occupy, develop, utilize and sustainably manage said lands for tourism purposes.

41. The results of the 2 March 2002 Survey only confirm TKPI's assertions over the property covered by its FLAg-T. As forestland, it is well within TKPI's rights to occupy, manage, and develop the same, pursuant to its validly issued FLAg-T.

42. TKPI has been in actual possession and use of the 3.2hectare land subject of its FLAg-T since 1998 when it was first granted its SUP. TKPI has been in the open, continuous, exclusive, and peaceful possession of the said land for a period of almost twenty-five (25) years.

43. As early as 2005, TKPI's FLAg-T has already been in the records of the DENR Region IV-MIMAROPA, Palawan PENRO, and El Nido CENRO. Notably, the sketch/map attached to the FLAg-T reflects the signatures of officers from this Honorable Office at that time. Clearly, this Honorable Office has approved the scope of TKPI's FLAg-T as reflected in the sketch/map attached to the said lease contract. Thus, this Honorable Office must continue to respect and enforce TKPI's FLAg-T, which it delineated pursuant to its own internal rules and regulations. Hence, the veracity and scope of TKPI's FLAg-T is undeniable.

44. TKPI's rights and obligations, as grantee of the FLAg-T, have been recognized by and enforced by the government thru the various correspondences to TKPI as such grantee; and the collection of the government's share for TKPI's use of the area covered by the FLAg-T.<sup>33</sup>

45. To date, the TKPI's FLAg-T remains valid and existing, and is yet to expire in 2030.

46. There is no question over the existence and the validity of TKPI's FLAg-T, as well as the rights which TKPI enjoy as the grantee of the FLAg-T.

<sup>33</sup> See Annexes C to C-11.

#### B. The OCTs issued in the names of Gomez and Tampe, which cover forestlands, are void and should not operate to disturb the rights of TKPI under the FLAg-T.

47. The OCTs issued in the name of Gomez and Tampe should not operate to disturb the rights granted to TKPI under the FLAg-T. There are indicia that would show that the OCTs of Gomez and Tampe are suspiciously obtained, if not altogether void.

48. *First*, the 3.2 hectares of land covered by TKPI's FLAg-T, upon which the OCTs overlap, are classified as forestlands and, as such, not alienable and disposable land of the public domain that are susceptible of private acquisition through a free patent application. Section 55 of the Public Land Act states that any forest or timber land are not suitable for commercial, industrial, or other productive purposes, other than agricultural purposes, to wit:

"Section 55. Any tract of land of the public domain which, being neither timber nor mineral land, shall be classified as suitable for residential purposes or for commercial, industrial, or other productive purposes other than agricultural purposes, and shall be open to disposition or concession, shall be disposed of under the provisions of this chapter, and not otherwise."

49. In the recent case of *Federation of Coron v. DENR Secretary*,<sup>34</sup> the Supreme Court states that forest or timber lands are not subject to private ownership unless they are first reclassified as agricultural lands, to wit:

"Lands of the public domain are classified under three main categories, namely: Mineral, Forest and Disposable or Alienable Lands. Under the Commonwealth Constitution, only agricultural lands were allowed to be alienated. Their disposition was provided for under [C.A.] Act No. 141 (Secs. 6-7), which states that it is only the President, upon the recommendation of the proper department head, who has the authority to classify the lands of the public domain into alienable or disposable, timber and mineral lands. <u>Mineral and Timber or forest</u> <u>lands are not subject to private ownership unless they are</u>

<sup>&</sup>lt;sup>34</sup> G.R. No. 247866, 15 September 2020.

# first reclassified as agricultural lands and so released for alienation. xxx

This is in consonance with the Regalian Doctrine that all lands of the public domain belong to the State, and that the State is the source of any asserted right to ownership in land and charged with the conservation of such patrimony. Under the Regalian Doctrine, all lands not otherwise appearing to be clearly within private ownership are presumed to belong to the State. Hence, <u>a positive act of</u> <u>the government is needed to declassify a forest land into</u> <u>alienable or disposable land for agricultural or other</u> <u>purposes</u>."<sup>35</sup>

50. In this regard, it has been held that the burden of proof in overcoming the presumption of state ownership of the lands of the public domain is on the person challenging the same.<sup>36</sup> However, in this case, neither Gomez nor Significa Vista Ventures, Inc. have presented any evidence proving that the government, through this Honorable Office, has changed the classification of their respective properties into alienable and disposable lands for agricultural purposes.

51. In *Heirs of Venturanza v. Republic of the Philippines*,<sup>37</sup> the Supreme Court categorically ruled that certificates of title covering inalienable lands of the public domain, i.e. timber and forest lands, are void, to wit:

"A certificate of title covering inalienable lands of the public domain is void and can be cancelled in whosever hand said title may be found. Thus, we have ruled that <u>a</u> <u>certificate of title is void when it covers property of the</u> <u>public domain classified as forest or timber and mineral</u> <u>lands</u>. And any title issued on non-disposable lands even if in the hands of alleged innocent purchaser for value, shall be cancelled.

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<sup>&</sup>lt;sup>35</sup> Emphasis and underscoring supplied.

<sup>&</sup>lt;sup>36</sup> Ibid.

<sup>&</sup>lt;sup>37</sup> G.R. No. 1491122, 27 July 2007.

<sup>&</sup>lt;sup>38</sup> Emphasis and underscoring supplied.

52. *Second*, given that the lands in question are forestland, they are unsuitable to be the subject of agricultural free patent applications, much less a grant.

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53. Section 44 of the Public Land Act, as amended by Republic Act No. 6940,<sup>39</sup> which is the law applicable at the time Gomez and Tampe applied for their agricultural free patents in 2015, reads as follows:

"Section 44. Any natural-born citizen of the Philippines who is not the owner of more than twelve (12) hectares and who, for at least thirty (30) years prior to the effectivity of this amendatory Act, has continuously occupied and cultivated, either by himself or through his predecessors-in-interest a tract or tracts of <u>agricultural</u> <u>public lands subject to disposition</u>, who shall have paid the real estate tax thereon while the same has not been occupied by any person shall be entitled, under the provisions of this Chapter, to have a free patent issued to him for such tract or tracts of such land not to exceed twelve (12) hectares."<sup>40</sup>

54. In other words, agricultural free patents are land grants awarded to natural-born Filipino citizens in actual occupation and cultivation of alienable and disposable lands not more than 12 hectares for at least thirty (30) years. Additionally, applicants must have paid the corresponding real property taxes on lands subject of their applications.

55. Clearly then, lands subject of applications for agricultural free patents must be alienable and disposable. To reiterate, lands of the public domain are classified under three main categories, namely: Mineral, Forest and Disposable or Alienable Lands.<sup>41</sup>

56. In this case, at the time Gomez and Tampe submitted their respective applications for agricultural free patents in 2015, the lands subject thereof had already been classified as forestlands. As held in *Federation of Coron v. DENR Secretary*,<sup>42</sup> forest lands are not subject to private ownership unless they are first reclassified as agricultural lands and so released for alienation. As noted above, a positive act of

<sup>&</sup>lt;sup>39</sup> An Act Granting A Period Ending On December 31, 2000 For Filing Applications For Free Patent And Judicial Confirmation Of Imperfect Title To Alienable And Disposable Lands Of The Public Domain Under Chapters VII and VIII Of The Public Land Act (CA 141, As Amended), dated 28 March 1990.

<sup>&</sup>lt;sup>40</sup> Emphasis and underscoring supplied.

<sup>&</sup>lt;sup>41</sup> Federation of Coron v. DENR Secretary, G.R. No. 247866, 15 September 2020.

<sup>&</sup>lt;sup>42</sup> G.R. No. 247866, 15 September 2020.

the government is needed before such reclassification may take place.<sup>43</sup> Therefore, Gomez and Tampe's applications for agricultural free patents must have been denied outright.

57. Moreover, neither Gomez nor Tampe has shown any proof that they have possessed or cultivated their lands for at least thirty (30) years prior to the submission of their applications in 2015. On this note, it must be reiterated that TKPI has been in possession of the land covered by its FLAg-T since 1998 and none of its personnel have ever seen Gomez and Tampe prior to the suspicious issuance of their OCTs.

58. Besides, the Free Patent Applications granted to Gomez and Tampe were granted only on 23 April 2015, and the OCTs were registered with the Registry of Deeds of Palawan on 27 April 2015. The said OCTs were issued erroneously to properties already covered by a FLAg-T awarded to TKPI ten (10) years prior. To reiterate, the lots covered by the purported OCTs of Gomez and Tampe were not classified as agricultural lands prior to its issuance.

59. *Lastly*, TKPI should have been officially notified of the free patent application considering the overlap with its FLAg-T. TKPI should and would have been aware of any free patent application because of the posting requirement thereof.

60. According to the Citizen's Charter No. RO-L-03 on Applications for Free Patent, issued by this Honorable Office,<sup>44</sup> the Land Management Inspector or Deputized Public Land Inspector shall post notices in the barangay, municipal or provincial hall where the property is situated and simultaneously conduct a survey or investigation on the land being applied for.

61. The surveys done for the free patent applications would also not have escaped the attention of TKPI. Conversely, had such surveys actually taken place, Tampe and Gomez would have been apprised that TKPI was presently occupying the area pursuant to a FLAg-T issued by this Honorable Office.

62. It is evident that the OCTs of Gomez and Tampe were wrongfully obtained to cover forest/timberlands which are inalienable lands of the public domain. Following the pronouncement in *Heirs of Venturanza*, the OCTs must be cancelled through a complaint for reversion, considering that these OCTs were unlawfully issued to cover inalienable lands of the public domain coupled with serious

<sup>43</sup> *Ibid*.

<sup>44</sup> 

A copy of Citizen's Charter No. RO-L-03 issued by this Honorable Office is attached hereto as Annex "KK", and made an integral part hereof.

questions of fraud and misrepresentation in their issuance. This Honorable Office must seek the return of the properties covered by these OCTs to the public domain.

63. TKPI should be allowed to occupy rightfully and peacefully what has been denied it for several years. This includes TKPI's right to introduce improvements as provided for in its lease contract with the government. TKPI should be allowed to utilize the remaining years of its FLAg-T and exercise its right to its renewal.

C. In any case, this Honorable Office should strictly enforce the easement, by ensuring the removal of the structures built thereon by Lihim Resort.

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64. As early as 6 August 2021, the parties were already directed to remove structures that were within the 40-meter easement area<sup>45</sup> supposedly pursuant to Presidential Decree 1067, or the Water Code of the Philippines, and Republic Act No. 7568, as amended by Republic Act No. 11038, or the Extended NIPAS Act of 2018.

65. As mentioned, under protest, TKPI complied with despite its firm legal position that the easement area is covered by its FLAg-T.<sup>46</sup> Meanwhile, Spouses Gomez, in stark contrast, continued to aggressively unload construction materials and perform construction activities in blatant disregard, and a continuing violation, of the NTV.<sup>47</sup>

66. Gomez and Lihim Resorts were likewise informed of their violation of the NTV during 8 December 2022 Meeting, among others. As a consequence, they were instructed to remove and relocate their structures to comply with the Water Code of the Philippines and the NIPAS Act. Further, it was agreed that they will not be allowed to operate or use the structures until such time that they have complied with the PAMB Clearance and ECC.

67. Despite such instructions from this Honorable Office, Spouses Gomez and the operators of Lihim Resorts refused to remove

<sup>&</sup>lt;sup>45</sup> See Annex "J", CENRO's letter dated 6 August 2021.

See Annex "K", TKPI's letter to CENRO dated 23 August 2021. See also Annexes "L" and "M", TKPI's letter to this Honorable Office and CENRO dated 16 November 2021 and TKPI's letter to OBO dated 16 November 2021.

<sup>&</sup>lt;sup>47</sup> See Annexes "N" and "N-1", TKPI's letters to the OBO both dated 4 October 2021. See also Annex "O", TKPI's demand letter to Villaroman Law as counsel for Spouses Gomezes dated 16 November 2021.

the structures, and even introduced new ones thereon, in blatant defiance to the DENR's orders.

68. Hence, it is paramount that this Honorable Office ensure their compliance with NTV, as well as the other applicable regulations, and to impose sanctions for their ongoing insubordination.

69. Section 51 of Presidential Decree No. ("PD") 1067 or the Water Code of the Philippines provides 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."

70. Further, Section 24 of RA No. 7586 or the NIPAS Act of 1992, as amended, states that:

"Section 24. Existing Facilities Within the Protected Area.

#### $[x \times x]$

Existing facilities allowed to remain within the protected area shall be charged a reasonable fee by the PAMB based on existing guidelines. <u>Structures found</u> 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."<sup>48</sup>

71. There is no dispute that the structures of Lihim Resort, specifically its Hayag Beach Club, including its stairs, and other

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Emphasis and underscoring supplied.

associated structures, were built on the forty (40)-meter easement without the requisite tenurial instruments.<sup>49</sup>

72. Applying the foregoing, the same shall be demolished. They are likewise liable to pay fees for occupying the same all these years. It is only right that the same laws invoked against TKPI be equally enforced against Gomez and Lihim Resorts.

73. Furthermore, despite the clear directive of the DENR during the 8 December 2022 meeting that they will not be allowed to operate or use the structures until such time that they have complied with the PAMB Clearance and ECC, which Spouses Gomez and the representative of Lihim Resort agreed to, and contrary to their representations in said meeting that only the owners' relatives enjoy the property, they have continued using their clubhouse for commercial use, without the necessary PAMB clearance and ECC, as revealed by the logbook entries on the property as well as publicly available photos and videos taken in the premises of Lihim Resorts.<sup>50</sup> In fact, just a day after the 8 December 2022 meeting, Lihim Resorts conducted an event in their premises, where several guests attended.<sup>51</sup> Surely, their blatant defiance to the DENR's lawful order should warrant this Honorable Office's attention and immediate action.

74. All things considered, TKPI respectfully submits that it should be allowed to rightfully and peacefully enjoy the privileges granted under the FLAg-T.

#### PRAYER

WHEREFORE, Ten Knots Philippines, Inc. respectfully prays that this Honorable Office:

- 1. **DECLARE** that Ten Knots Philippines, Inc. may exercise its privileges granted under its FLAg-T over the property covered by the same;
- 2. INITIATE reversion proceedings against the properties covered by Significo Vista Ventures, Inc.'s, and Baberlyn Gomez's titles; and

See Annex "J", Notice to Vacate. See also Annex "JJ", a compilation of photographs taken during the 1 February 2023 ocular inspection conducted by this Honorable Office. See also Annex "JJ-1", a compilation of photographs taken during the 1 March 2023 ocular inspection conducted by this Honorable Office.

<sup>&</sup>lt;sup>50</sup> See Annex "DD", TKPI's security personnel's logbook entries on several dates between 13 November 2022 to 20 March 2023.

<sup>&</sup>lt;sup>51</sup> See Annex "II", Lihim Resorts' promotional material for its event at its Hayag Beach Club posted on social media.

3. **DIRECT** Significo Vista Ventures, Inc. and Baberlyn Gomez to remove their structures within the forty (40) meter easement.

Ten Knots Philippines, Inc. likewise prays for other relief in law and equity.

Taguig for Puerto Princesa City, 23 March 2023.

#### ANGARA ABELLO CONCEPCION REGALA & CRUZ

Counsel for Ten Knots Philippines, Inc. 22<sup>nd</sup> Floor, ACCRALAW Tower 2<sup>nd</sup> Avenue corner 30<sup>th</sup> Street, Crescent Park West Bonifacio Global City, 1635 Taguig Telephone No. (632) 8830-8000 accra@accralaw.com

By:

**SALVADOR L. PEÑA** PTR No. A-5401360; 01/10/2022; Taguig City IBP No. 174290; 01/03/2022; Rizal Roll No. 35402 MCLE Compliance No. VII-0004786; 11/23/21 <u>slpena@accralaw.com</u>

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CHRYSILLA CARISSA P. BAUTISTA PTR No. A-5401378; 01/10/2022; Taguig City IBP No. 174308; 01/03/2022; Quezon City Roll No. 46309 MCLE Exemption No. VII-Acad003161; 11/26/21 <u>cpbautista@accralaw.com</u>



CHRISTOPHER LOUTE D. OCAMPO PTR No. A-5401422; 01/10/2022; Taguig City IBP No. 174344; 01/03/2022; Makati City Roll No. 62546 MCLE Compliance No. VII-0010324; 02/16/22 cdocampo@accralaw.com KRIS SARAH M. JERUTA PTR No. A-5401445; 01/10/2022; Taguig City IBP No. 174367; 01/03/2022; Makati City Roll No. 75274 MCLE Compliance No. VII-0004861; 11/26/2021 <u>kmjeruta@accralaw.com</u>

MIGUEL RICO E. DE GUZMAN PTR No. 8853364; 01/03/2022; Makati City IBP No. 170421; 12/15/2021; Makati City Roll No. 75653 MCLE Compliance No. NA; (Admitted on July 2020) medeguzman@accralaw.com

MARIBEL NICOLE DG. LØPEZ

PTR No. A-5558642; 06/16/2022; Taguig City IBP No. 217353; 05/26/2022; Makati City Roll No. 81891 MCLE Compliance No. NA; (Admitted on May 2022) mdlopez@accralaw.com

Copy furnished by registered mail:

#### **BABERLYN D. GOMEZ**

Orange Pearl Resort Barangay Corong-Corong El Nido, Palawan

**SIGNIFICO VISTA VENTURES, INC.** 1782 N. Garcia corner Candelaria Streets Makati City R. R. No.: 747 923 262 259 22 Date: 23 MAR 2023

DEPARTMENT OF ENVIRONMENT AND NATURALRESOURCESMIMAROPA Region IVDENR by the Bay, 1515 L&S BuildingRoxas Boulevard, ManilaDate: 23 MAF

mimaroparegion@denr.gov.ph

R. R. No.: 747 923 245 231 22 Date: 2 3 MAR 2023

#### COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE

Attention: Engr. Alan L. Valle DENR Region IV – MIMAROPA National Highway, Poblacion Taytay, Palawan 5312 <u>cenrotaytay@denr.gov.ph</u>

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R. R. No.:	747 923 228/214 22	•
Date:	2 3 MAR 2023	
Date: _	2 3 MAR 2023	

#### EL NIDO-TAYTAY MANAGED RESOURCE PROTECTED AREA

Attention: Mildred A. Suza Protected Area Superintendent Calle Real, Barangay Masagana El Nido, Palawan 5313 denrpao\_elnidopal@yahoo.com entmrpa@gmail.com

R. R. 190.	5	2	Maria	2022	205/19122
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#### REPUBLIC OF THE PHILIPPINES) TAGUIG CITY )S.S.

#### **AFFIDAVIT OF SERVICE**

I, JOY G. LORENZO, as Messenger Clerk of ANGARA ABELLO CONCEPCION REGALA & CRUZ LAW OFFICES with office address at the 22/F ACCRALAW Tower, 2nd Avenue corner 30th St., Crescent Part West, Bonifacio Global City, 1635 Taguig, Metro Manila, after being duly sworn, depose and say:

That on 23 March 2023, I served a copy of the **POSITION PAPER** in the case entitled "IN RE: CANCELLATION OF KATIBAYAN NG ORIHINAL NA TITULO (KOT) BLG. 2015000225 IN THE NAME OF BABERLYN D. GOMEZ, KOT BLG. 2015000222 AND KOT BLG. 2015000223, BOTH IN THE NAME OF NOEL TAMPE, ALL LOCATED AT CADLAO ISLAND, BARANGAY BUENA SUERTE, EL NIDO, PALAWAN, docketed as DENR CASE NO. \_\_\_\_\_\_, in the Department of Environment and Natural Resources, MIMAROPA Region, PROVINCIAL ENVIRONMENT AND NATURAL RESOURCES OFFICE, Brgy. Sta. Monica, Puerto Princesa City, Palawan, pursuant to Sections 5, 6, 7, 11 and 13, Rule 13 of the Rules of Court as follows:

#### **Registered Mail:**

**BABERLYN D. GOMEZ Orange Pearl Resort** Barangay Corong-Corong 5313 El Nido, Palawan RE 747 923 280 /276 22 SIGNIFICO VISTA VENTURES, INC. 1782 N. Garcia corner Candelaria Streets 200 WIAKATI City 22/ 1259 22 262 259 22 1200 Makati City DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES MIMAROPA Region IV DENR by the Bay, 1515 L&S Bldg. Roxas Boulevard, Manila mimaroparegion@denr.gov.ph RE 747 923 245 1/231 22 COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE Attention: Engr. Alan L. Valle DENR Region IV - MIMAROPA National Highway, Poblacion Taytay, Palawan 5312 cenrotaytay@denr.gov.ph NE 747 923 228/214 22 EL NIDO-TAYTAY MANAGED RESOURCE PROTECTED AREA Attention: Mildred A. Suza Protected Area Superintendent Calle Real, Barangay Masagana El Nido, Palawan 5313 denrpao\_elnidopal@yahoo.com entmrpa@gmail.com 1/ NE 747 923 205 /191 22

by depositing a copy thereof on 23 March 2023 at the post office of \_\_\_\_\_\_\_ in a sealed envelope plainly addressed to him, with postage fully prepaid, as evidenced by Registry Receipt No. \_\_\_\_\_\_ attached hereto after the name of the addressee, and with instructions to the postmaster to return the mail to the sender after ten (10) days if undelivered.

SUBSCRIBED AND SWORN to before me this 23<sup>rd</sup> day of March 2023, at Taguig City Philippines, affiant who is personally known to me, exhibiting to me the following:

	Competent Evidence of Identity					
Affiant		Type of ID	ID Number and Expiry Date (if applicable)			
IOY G.	1	SSS ID	No. 33-6030868-5			
JOY G. LORENZO	2	HDMF Transaction Card ID	No. 0003-802081-05			

Doc. No. <u>460</u>; Page No. <u>93</u>; Book No. <u>1</u>; Series of 2023.



ATTY. KYC LEG.CUE Notary Public for Taguig City Until December 31, 2023 PTR No. A-5797247; January 11, 2023 - Taguig City IBP No. 249178; January 06, 2023 - Makati City Appointment / Commission No. 5 (2022-2023) Roll No. 72156 Angara Abello Concepcion Regala & Cruz Law Offices 22/F ACCRALAW Tower 2nd Avenue corner 30th St., Crescent Park West, Bonifacio Global City, 1635 Taguig, Metro Manila MCLE Compliance No. VII-0007887; 6 January 2022

5.9571 (TKPI)

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ANNEX "A"

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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 05, 1998

#### NO. DENR-IV-PENRD-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 atlached 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 ( F 250.00 ) per hectare until otherwise amended and until an appraisal or reappraisal of the land improvements therein shall have been made. Rental hereot shall eventually be based on 32 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-TRANSFERADLE AND NON-NEGOTIABLE. except as provided in Section 61 of the aforesaid Decree and expires on Movember 06, 1999.

BY AUTHORITY OF THE SECRETARY:

DANILD R. QUERIJERO Provincial Environment and Natural At 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

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

**ANNEX "B"** 

### 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



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-MIMÁROPA-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, <u>VICENTE S.</u> <u>PARAGAS, CESO III.</u> 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 <u>MR. ALBERTO A.</u> <u>LIM</u>, President, with Office address at 2<sup>nd</sup> 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.Q. 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:

GAS. CESO III Witness

By: BERT ESSEE Witness

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 ventication 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;
- 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

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By: PARA GAS, CESO III Witness

By: BERT Witness

JX. 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;

- Х. 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: PARAGAS, CESO III Witness

By: ΔFRFRTC I FSS

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#### GROUNDS.EOR 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.
  - 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.
  - 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	, 27 2005, 200
By Authority of the Secretary Of the Department of Environment And Natural Resources	
By:	By:
VICENTE S. PARAGAS, CESO III	ALBERTO A. LIM LESSEE Weigner J. C. J. Witness

### ACKNOWLEDGEMENT

Repúblic of the Philippines) Mail

BEFORE me, A Notary Public for and in <u>Maula</u>, Philippines on the <u>day of</u> 20 \_\_\_\_, personally appeared the following with their respective certificate opposite their names:

NAME	COM. TAX CERT. NO.	DATE/PLACE ISSUED	151.
ALBERTO A. LIM	06024981	01-19-2005/Manila	10 p
VICENTE S. PARAGAS, CESO III	1200321705	02-02-2005 Ilo-ilo City	M

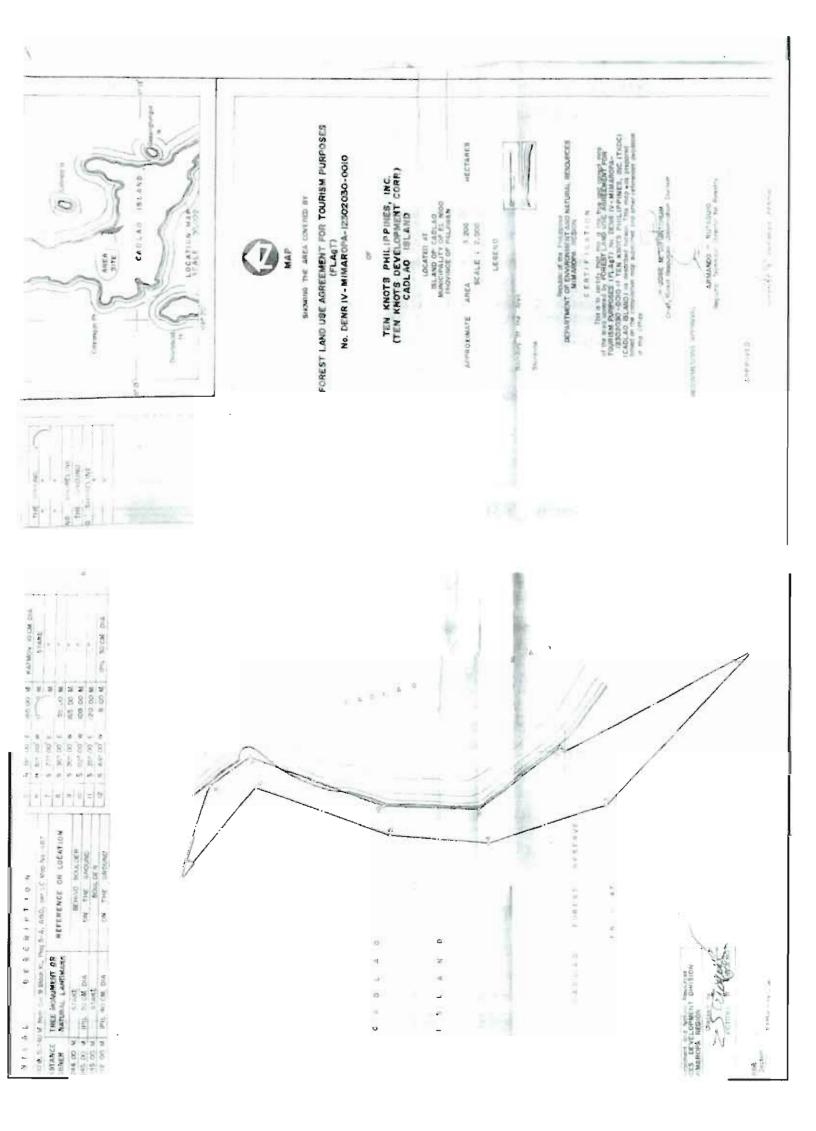
Known to me to be the same persons who executed the foregoing instruments and who acknowledged to me that the same is their free and voluntary act and deed, as well as the free and voluntary act and deed of the entities represented herein.

This instrument, which is the Forest Land Use Agreement for Tourism Purposes (BATHING ESTABLISHMENT) <u>DENR IV MIMAROPA 12302030-0010,</u> consists of FIVE (5) pages including this page when the <u>ACKNOWLEDGEMENT</u> 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.

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ANNEX "C-1"

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ACCC STABLE FORM NO. 51-C REVISED JANUARY, 1992 (ORIGINAL) **Official Receipt** of the Republic of the Philippines 3874821 No U Date ye. 2 20 Agency DENR R-IV MIMAROPA Fund Payor 2 Nature of Account Amount Collection Code 54 411 PL 090 201 TOTAL Amount in Words Drawer Bank Number Cash Date 788G Z Check 600 Money Order Received the amount stated above. 1 CATALINA PRF ÓZA 'G COLLINGIA OFFICER I NOTE: Write the number and date of this receipt on the back of check or money order received.

ANNEX "C-3"

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		he Philippines	
DEPARTM	ENT OF ENVIRONME	NT AND NATURAL RESOURCES	
	Region 4IV-E	3-MIMAROPA	
	1515, L & S Building, R	toxas Boulevard Manila	

Ducumbur 21 (Date) 2011

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DENR-IV-B, Utilization Tun Knots Philippines Cadlao Island, El Nido, Palawan

ORDER OF PAYMENT
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JOSE M. DIFUNTORUM OIC, Regional Technical Director for Forestry

ANNEX "C AC CONT ' LE FORM NO. 51-C Revised January, 1992 (ORIGINAL) **Official Receipt** of the **Republic of the Philippines** Nº 4693321 2 20, 2012 All Date Fund Agency NENR R-TV MIMAROPA Philip Krota Payor inco me. Ten Account Code Nature of Amount Collection +48,000 Lowment. lare lestal FLI <del>,</del>48 TOTAL Fight Amount in Words arte ťĥ nes Ł Trawee Number Date Cash Bank BOD 00/5/13 p/n c Ch 🗹 Check ħ Money Orden Makaty Received the amount stated above. 71089. 64 CEL NOTE: Write the number and date of this receiption the back of check or money order received.

# Republic of the Philippines DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES Region 4IV-B-MIMAROPA 1515 L & S Building, Roxas Boulevard Manila

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ORDER OF PAYMENT

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Republic of the Philippines
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
Region 4JV-B-MIMAROPA
1515 L & S Building, Roxas Boulevard Manila

December 18, 2013 (Date)

DENR-IV-B, Utilization Ten knots Phils. Inc. Cadlas (Sland E) Wdo. Polyung

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ORDER OF PAYMENT

## MEMORANDUM TO THE CASHIER Region IV-B

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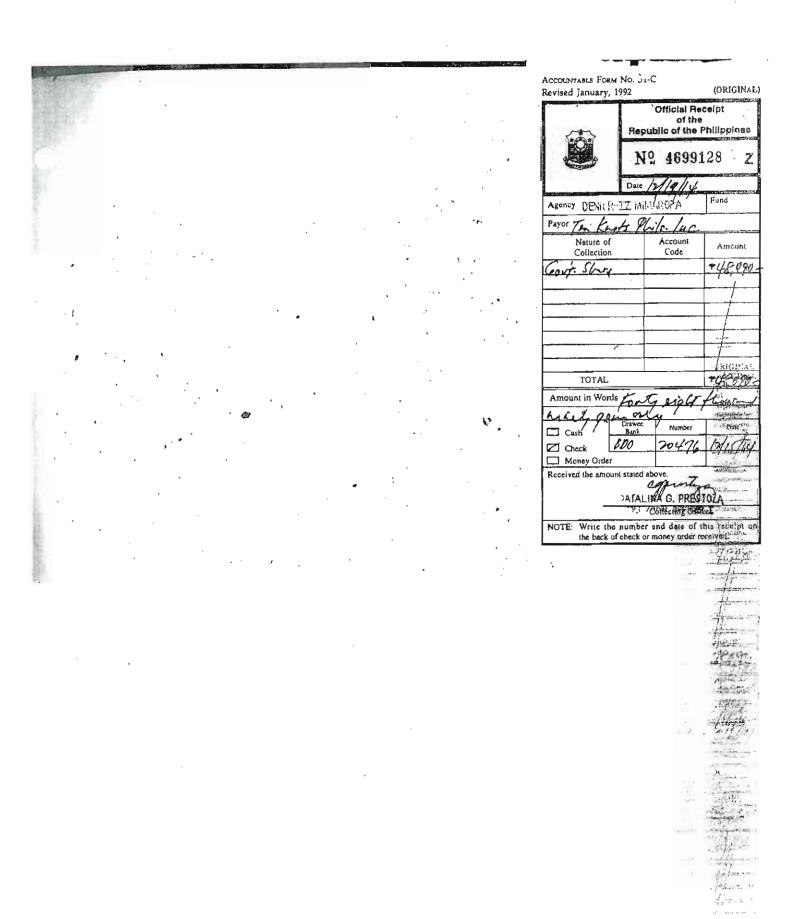
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Office Receipt Issued No. . 1696100 Date

DANILO R. QUERIJERO OIC, Regional Techn al Director for Forest.

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ANNEX "C-6"



tir Si. ÈT. è 15 Republic of the Philippines DEPARTMENT OF ENVIRONMENT AND MATURAL RESOURCES Pagion 4IV-8-MIMAROPA 1515, L & S Building, Roxas Boulevard Manila ţ 12-19-2014 (Date) DENR-IV B, Utilization Jun Enerts Pully. Dre Tin kr Cadtar 2822 Esland El, Milo, Palwen Ø ORDER OF PAYMENT MEMORANDUM TO THE CASHIER Region IV-B Please receive the amount of Forty place only (248, 090. W) Elgh <u>Ner</u> 1 covering the remittance described below: Name of Remitter Address Ten KARA , 7 PALAUSEN Purpose of Payment : NNAKO B. Hon't than 4 C. DAD.D (Y) (P) 090.00 Total 42 (P) · \_ Date issued <u>PM0</u> Place Issued

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ANNEX "C-7

ACCOUNTABLE FORM NO. 51-C (ORIGINAL) Revised January, 1992 **Official Receipt** of the Republic of the Philippines 4889291 Nº. 1 Dec. 17, 2015 Date Fund Agency THE BELLY MIMABUR Payor Jen Knots Philippines, Inc. Account Nature of Amount Collection Code ₽48,090 Hover noment haves 政 TOTAL Þ Amount in Words 21 Ň h ANISO Newty In Drawee Bank Managene Olick Mamber Date Cash 000005052 Check Money Orde Г ٦ Received the amount stated above. TOTI OF MISSE OF LCER I NOTE: Write the number and date of this receipt the hack of check or money order received.

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Republic of the Philippines DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES Region 4IV-B-MIMAROPA 1515, E & S Building, Roxas Boulevard Manila -16-2015 12 (Date) DENR-IV-B, Utilization I-an Erots Philippines linc. Cad lao Island, Elizioto, Palawan ORDER OF PAYMENT ñ., MEMORANDUM TO THE CASHIER Region IV-B Please receive the amount of Forty Fight Mousand Nindy Pesos only (48,070) covering the remittance described below: Ten Enots Philippine Inc. (Bailting Esto Wish ment Name of Remitter ÷., Wand FINIOD, Palawan Address Government sharry for FLKor Purpose of Payment 1 (P) P48,090.00 Government shary (P) 48,090.00 Total (P) Date issued Place Issued <u>PM0</u> BPI managers check Office Receipt, Issued No... Date VICENTE B TUDDAO, JR., Ph. D. Assistant Regional Director for Technical Services

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ANNEX "C-8"

## ANNEX "C-9"

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MARY ANN D. BULACAN Forest Technician I/ SCDO

PORMULARYONG PANGHUKUMAN BLG, 54 (Benage Hunyo, 1994)

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#### REPUBLIKA NG PILIPINAS SN Blg. 1595836 KAGAWARAN NG KATARUNGAN PANGASIWAAN SA PATALAAN NG LUPAIN PATALAAN NG MGA KASULATAN AT ARLARIAN SA LUNGSOD/LALAWIGAN NG PALAWAN

## Katibayan ng Orihinal na Titulo

Http://2015000225

Princelarandiam avon sa Seleren 107 ng Mai sa Patahan ng Atlantan. Atai ag Paneulo Blg (129) alimunod sa patente na panalabas ng Pangalo ng Pilipinae, sa PPOILY noong ika. 25rd ag April noong labindram na taan ar 2015 at nakatala ag ma kaoditan na 

## KAGAWARAN NG KAPALIGIRAN AT LIKAS NA KAYAMANAN REHIVON BLG. KALOOB NA PATENTE BLG. DK 342. K - K 600

## SA LAHAT NG MAKATUTUNGHAY NG KASULATANG ITO, BATI-

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## (PAGEALARAWANG 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 Jenuary 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.

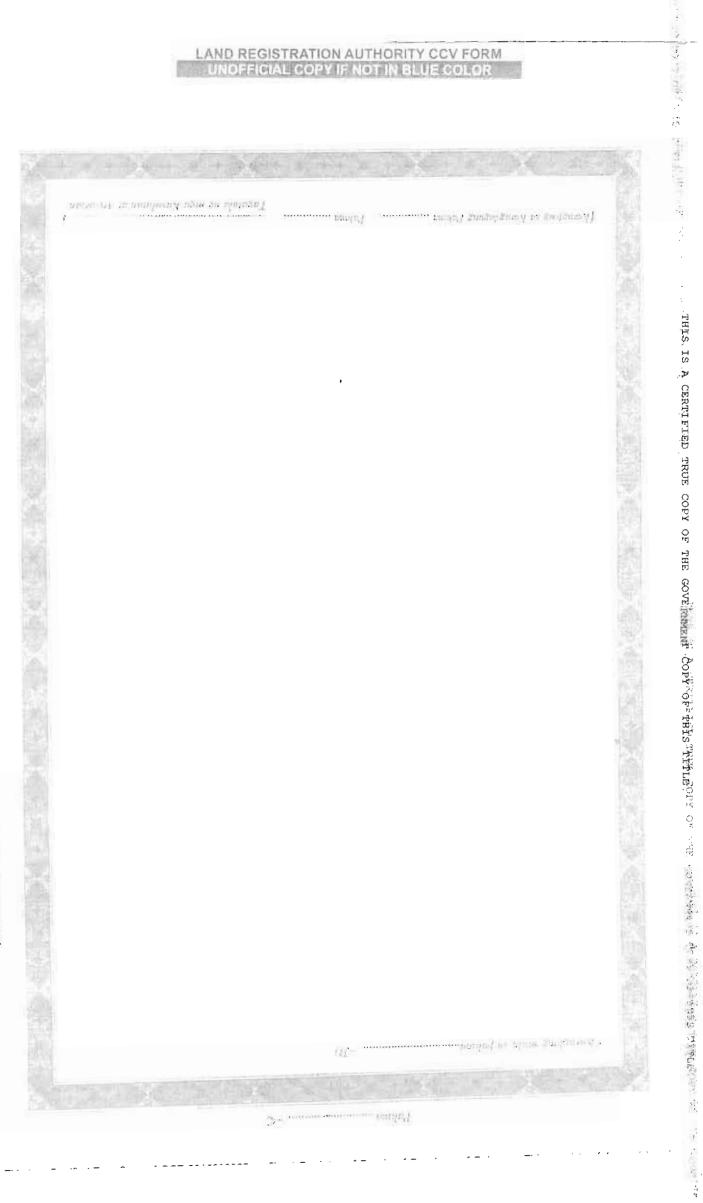
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PORMULARYONG PANGHURUMAN BEG, 54 (Rinago Hunyo, 1994)

SN Blg. 1595905

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

## Katibayan ng Orihinal na Titulo

Blg. 2015000222

Pinagkarandhani ayon sa Seksyon 103 ng Atas sa Patalann ng Atasana (Atas ng Pangalo Bl<sub>2</sub> 1529) alinsunad sa parente na pinalahasi ng Pangala ng Pilipinas, sa <u>FPC2 ty</u> naong ika. 23Pd ng Asp 12 na nakatala sa mga kasalatan ng .... parter and and a many second

## KAGAWARAN NG KAPALIGIRAN AT LIKAS NA KAYAMANAN REHIVON BLG. KALOOB NA PATENTE BLG. DAS 312.15. 8540/

SA LAHAT NG MAKATUTUNGHAY NG KASULATANG ITO, BATI: WRIG T MPR may sapat na gulang kasal kay 1 Malue ganap nang nakatupad sa lahat ng mga kandisyon at kinakadangan ng Datas Republika Big. 782 at 3872, Kahanara VII ng Batas Komonwelt Blg. 141, ayon sa pagkakasasog ay prinagkakaloob sa pumamaginin ng Di-Potenteng ito ang hipaing nasa Bienta Gierto, 21 Fido, Pal meta na may kahanang sidat na 14, 535 metro kuwadrado, na ngayon ay tiyahang may hanzaanan at inilalataraan sa lilod nito, gayon pa man na sasallalim sa mga tadhana ng Selsiyon H8 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 hipaing nauamp ay hindi maaaring magusaiba at hindi susatlalier sa pataw na sagario sa bob og honang (5) man mula su persa ng patente, at xu mga Soksyon 119, 121, 122 at 124 ng Batus Komenneli Big, 141, ayon sa pagkakasusog at ang karapatan ng pamahalaan na pangasinyan at pangalagaan ang mga kalioy na mutagman doon sa loob ng huang (3) taon mulu sa petsa ng pagpapalahas ng pateine, sa pasubah, gayon pa man, aa ang pinuskabohun o kanyang mga tagupagmana ay indoareng pumulol at gumamat ag iaduangsit nu kalory na maaaring kailanganin sa karitang panahilong panyangadangan

BILANG KATUNAYAN NITO, at sa bisa ng kapangparihang kaloob sa akin ng batas, AKO, SI ...... , Pangulo ng Pilipinas, sa pamanaghan naw'y ginawang patente ang mga kasahatang ito an dominial ang gulak ng Remoblika ng Pilipinas. Manghang sa Lugarig Princessa, Ci by ngayong dias. MPR 2-3-2015 ag

FF reactions at 5 May 2002.

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## (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.

Panusa

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

Checked by: ESTER T. BIONA

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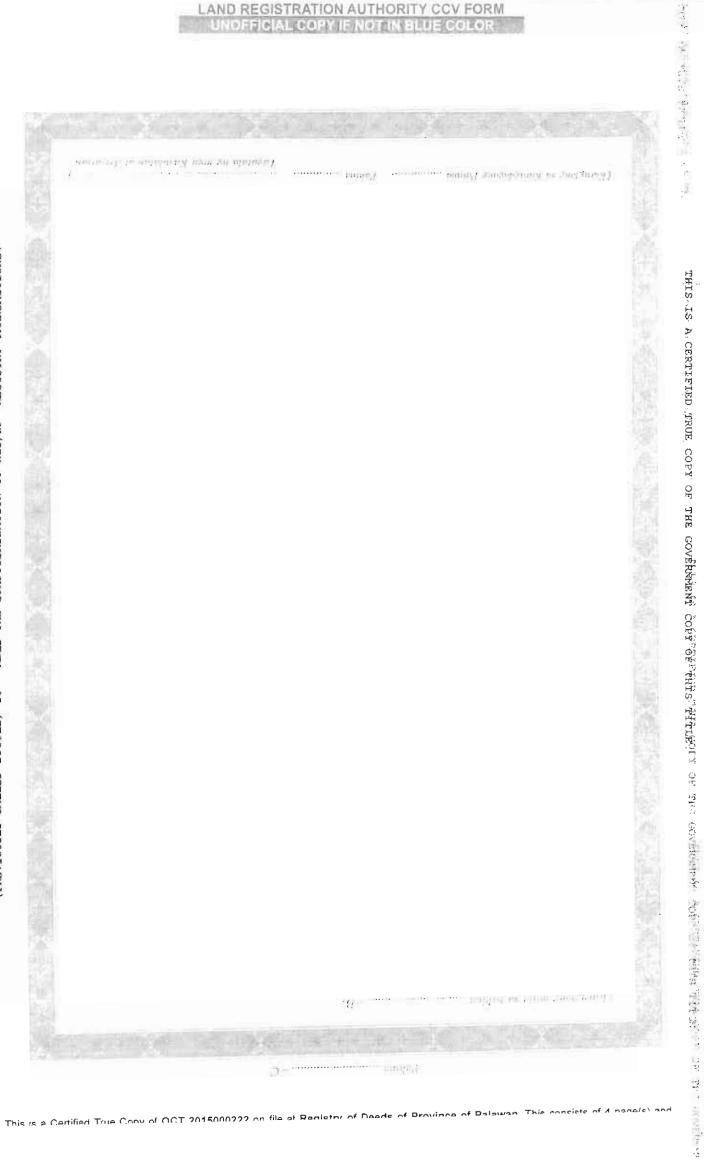
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Nakahala sa "Talaan ng Kasalanan" ng Lulawagan/Lungsod ng Palawan alinsunod sa tadhana ng Seksyon 103 ng Atas ng 

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PORMULARYONG PAUGHUKUMAN BLG, 54 (Binage Hunso, 1994) REPUBLIKA NG PILIPINAS SN Blg. 1595904 KAGAWARAN NG KATARUNGAN PANGASIWAAN SA PATALAAN NG LUPAIN PATALAAN NG MGA KASULATAN AT ARI-ARIAN SA LUNGSOD/LALAWIGAN NG ... FALAWAC Katibayan ng Orihinal na Titulo Blg. 2015000223 Penagkasunduan ayan sa Seksyon 103 ng Atas sa Patalaan ng Ati-arian (Atas ng Pangalo Big 1529), alinsunod sa patente na pinakabas ng Pangalo ng Pilipinas, sa <u>PP0132</u> noong ika-<u>Z2rd</u> ng <u>April</u> taong labinsiyam ag man at <u>2015</u>, at nakatala sa mga kasulatan ng ... gaya ng mga sumusunud: KAGAWARAN NG KAPALIGIRAN AT LIKAS NA KAYAMANAN REHIYON BLG. KALOOB NA PATENTE BLG. DE 30. 15. 35602 SA LABAT NG MAKATUTUNGHAY NG KASULATANG IYO, BATE -----mov sapat na kulang, kasal kay ... 6211. a na nagtataphy ng lalat ng kompekasyon at ganap nang nakanapad sa lahat ng mga kondisyon at kinakailangan ng Batzi Republika Rfg 232 at 3872. sa lilod nito, gayon pa man na sasailalim sa mga tadhana ng Seksyon 118 na nagtatakda bukod sa iba pa, na maldun kung sa kapakanan ng pamahalaan o alinmang mga sangay, mga yanat, o mga institusyon nito, na any hipping natamo ay hindi maaaring mapasalba at hindi sasadalim sa pataw na sagarin sa loob ng limang (5) mon-mula su petra ng patente, at su mga Seksyon 119, 121, 122 at 124 ng Batas Kennonwelt Bhg 141, uyon su pagkakasusag at ang kacapatan ng pamahalaan na pangasiwaan at pangalayaan ang mga kahoy na matagpian doon sa loob ng longng (5) tuon nada sa petsa ng pagpapalabas ng paletae, sa parabali, gayon pa

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## (PAGLALARAWANG TEKNIKAL)

## Lot 11, 5gs-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 Bacult 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.

Family

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

Checked by: ESTER T. BIONA

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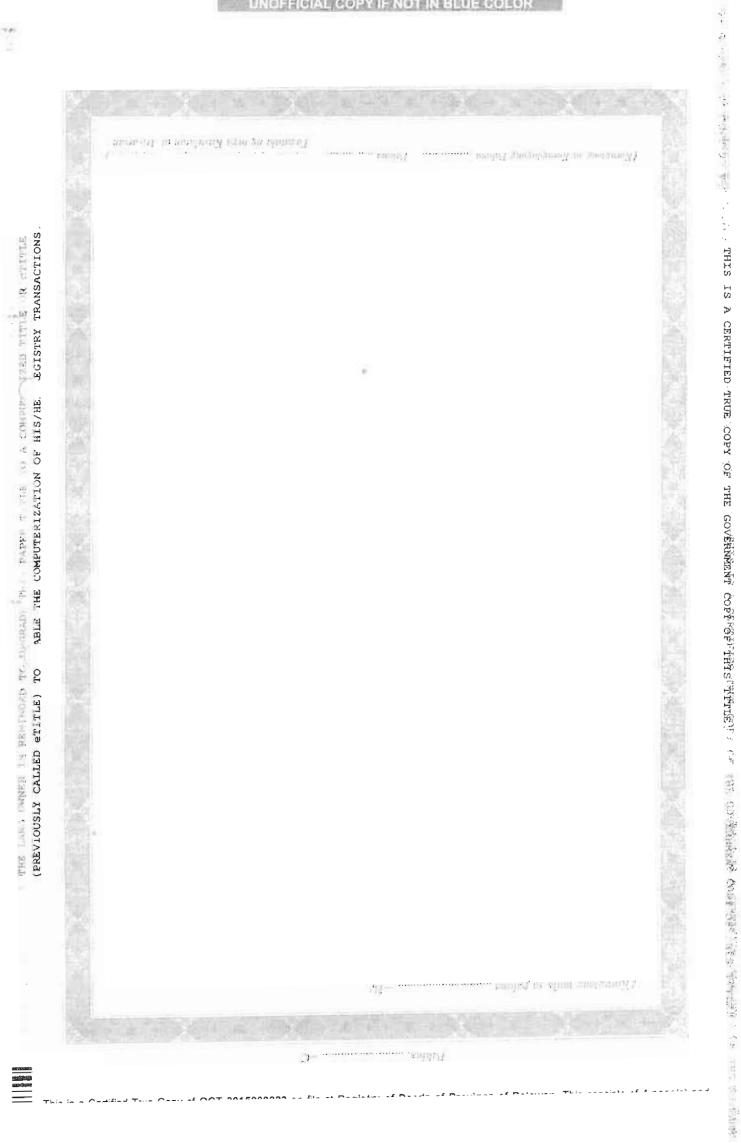
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TALAAN NG MGA HADLANG · · · · · · · · Paghanil na Bilant ETER NO. 2015000793 - SPECIAL FORER OF ATTERNEY executed by NBEL CAPPE, is favor of ISEAEL D. GOMEZ, with power to claik and receive the title of Novil Pampe, is accordance with Doc. No. 25; Page No. 6; Book No. VII; dering of 2015 of Notary Fublic of Fuerto Princess City, Atty. Jethre Falayon, dated Earch 18, 2015. in M LOM Y. MARICATU MISA-TAN RECISTER OF DEEDS 4/30/15 TITLE FASBELA CONST ISRALL VONES •••• THE UP DECOS (Karnglong sa pakina C. Tagatala ng niga Kasulatan at Ari-arian 11-201

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Unit 2706 West Tower - Tektite - Philippine Stock Exchange Center, Exchange Road, Ortigas Center, Pasig City 1605 +639778464371 • +639612311996 • +63282857283 • info@villaromanlaw.com

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ANNEX "G

July 02, 2020

MR. AL LEGASPI Chairman, Ten Knots Development Corporation

MR. ETIENNE B. LA'BROOY General Manager, Ten Knots Development Corporation 3rd Floor Alveo Corporate Center, 728 28th Street, Bonifacio Global City, Taguig City 1634

Dear Mr. Legaspi and/or Mr. La'Brooy,

The undersigned is writing on behalf of Mr. ISRAEL GOMEZ and Ms. BABERLYN GOMEZ of Barangay Buena Suerte in El Nido, Palawan.

According to my clients, Ten Knots Development Corporation (Ten Knots) has erected a billboard in their property in Barangay Buena Suerte, Cadlao Island, El Nido, Palawan under Property Identification Number 006-13-007-03-013. There are also other constructions being undertaken thereat without the prior permission of my clients. Mr and Ms. Gomez likewise discovered that several security guards of Ten Knots are patrolling the area where their property is situated. This has caused panic, fear and anxiety not only to my clients but also the residents of the area.

In view hereof, we are formally demanding Ten Knots to: (1) vacate the premises of the property above-described; (2) recall the security guards posted thereat and (3) to dismantle and take away any and all structures introduced therein within 10 days from receipt hereof.

Otherwise, Mr. and Ms. Gomez will be forced to take legal action to address his concern. Consider this as the final demand of my clients.

Thank you.

ATTY. GERALD TRISTAN D. VILLAROMAN For the firm

RRALBA ATTY. M



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

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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 Tourisin Purposes (FLAgTs), as listed below:

FLAgT No.	LOCATION	NATURE OF APPLICATION	AREA (ba)
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, Ef 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
DENR 4B-12312029- 0003	Apulit Island, Maytegued, Taytay, Palawan	Hotel Site	name of Santa Isabelle Corporation; transferred to Bacuit Bay
DENR 4B-12312029- 0004	Apulit Island, Maytegued, Taytay, Palawan	Camp Site	Development Corporation;



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, ALLE AN

Community Environment and Natural Resources Officer PAR. N. M. WINN

State-

Copy furnished:

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

PENRO-PALAWAN Sta. Monica, Puerto Princesa City

PAMO-ENTMRPA El Nido, Palawau





ANGARA ABELLO CONCEPCION REGALA & CRUZ LAW OFFICES

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VILLAROMAN LAW Unit 2706 West Tower, Tektite Philippine Stock Exchange Center, Exchange Road, Ortigas Center

#### Attention: Atty. Gerald Tristan D. Villaroman Atty. Marty Franz Torralba

Demand Letter dated 2 July 2020 Re:

Gentlemen:

Pasig City

We write on behalf of our client, Ten Knots Philippines, Inc. ("TKPI"), and in response to your 2 July 2020 letter ("Demand Letter").

With due respect, TKPI cannot heed the demands of your clients, Mr. Israel Gomez and Ms. Baberly Gomez.

TKPI has been, and remains to be, in open, peaceful, continuous, and exclusive possession of the 3.206 hectares of forest land subject of its FLAGT since 27 December 2005. As early as 1998, TKPI has been in open, peaceful, and continuous possession of said area through a Special Use Permit.

Pursuant to the FLAGT which is valid until 31 December 2030, TKPI has the right to occupy and to utilize the same for the purpose for which the FLAGT was granted.<sup>1</sup> In fact, the Department of Environment and Natural Resources ("DENR") continues to recognize TKPI'S FLAGT. TKPI has no obligation to vacate the area while its FLAGT remains valid and subsisting. Thus, our client rejects your clients' demand.

Instead, TKPI demands that your clients stop and refrain from committing acts prejudicial to and in violation of TKPI's peaceful and continuous possession of the 3.206 hectares of forest land subject of its FLAGT.

We trust that we have provided our client's position on the matter.

See DENR AO No. 2004-59, Secs. 2.13, 15.4.

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8 September 2021

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## ANGARA ABELLO CONCEPCION REGALA & CRUZ

By:

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



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 0 9 2021 2468

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 "Fistates 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.

 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.

Page 1 of 2

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:

DER È MANCIO SEMS / In Charge, Office of the CENRO

Gø.

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 thePunong Barangay, Buena Suerte, El Nido, Palawan Protected Area Management Office - ENTMRPA File



23 August 2021

For. Alexander E. Mancio SEMS/In Charge Office of the CENRO

Dear Sir:

This is to acknowledge receipt of your letter dated 6 August 2021 that was received by our office on 10 August 2021.

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Palawan

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As per our previous conversations with your good office, our company has had a FLAgT since 2005 covering the area that is delineated by our fence. As per DENR AO 2004-24 and DENR AO 2004-28, foreshore lands that are included in miscellaneous lease contracts with DENR should be respected. In addition, we await the actual ground survey that will be undertaken as per the 26 July 2021 letter of your good office based on the Memorandum of the Regional Executive Director.

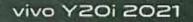
In the meantime, we guarantee that no further improvements will be introduced into our FLAg-T covered area in Sabang, Cadlao.

Very truly yours,

Attorney-in-fact

Copy furnished:

For. Mildred Suza Protected Area Superintendent El Nido-Taytay Managed Resource Protected Area Management Office El Nido, Palawan



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	MARIA ALINIA AL TEVES HACOLEEVI ASIA MARIE G ANELRES GERALDEZ ARIANNE DOMINICUE I. FERRER DOMINICUE DIRITE CORM	response to your letter date			( 11( 1))	FAX: [6133] 331-91	
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16 November 2021

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ANGARA ABELLO CONCEPCION REGALA & CRUZ AW OFFICES

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JAES GERALDEZ

**MUNICIPAL** OFFICE OF THE ENGINEER/BUILDING OFFICIAL El Nido, Palawan

Attention:	Engr. Ronnie M. Alcantara
	Municipal Engineer/Building Official

Compliance with Notice of Violation dated 20 September 2021

Dear Engr. Alcantara:

Re:

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On behalf of our client, Ten Knots Philippines, Inc. ("TKPI"), we inform you of TKPI's compliance with the Notice of Violation ("NOV") dated 20 September 2020, which TKPI received on even date, and the Notice of Illegal Construction dated 30 September 2021, which TKPI received on even date.

In compliance with the NOV and the Notice of Illegal Construction, TKPI has removed all structures within the 40-meter easement although the same forms part of TKPI's Forest Land Use Agreement for Tourism Purposes No. DENR IV-MIMAROPA-12302030-0010 ("FLAGT").1

The removal of the structures is without prejudice to TKPI's right to occupy the land covered by its FLAGT, which includes the 40-meter easement. Rest assured that TKPI intends to comply with all laws and regulations and to secure the necessary clearances and permits as may be required by law.

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

Very truly yours,

ANGARA ABELLO CONCEPCION REGALA & CRUZ

By:

SALVADØR L. PEÑA

CHRYSILLA CARASSA P. BAUTISTA

Issued by the Department of Environment and Natural Resources on 27 December 2005.





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OFFICE OF THE ENGINEER/BUILDING El Nido, Palawan MUNICIPAL OFFICIAL

Attention:

Re:

Engr. Ronnie M. Alcantara Municipal Engineer/Building Official

Notice of Violation dated 20 September 2021 and Notice of Illegal Construction dated 30 September 2021

Dear Engr. Alcantara:

On behalf of our client, **Ten Knots Philippines**, **Inc.** ("TKPI"), we respond to your *Notice of Violation* ("NOV") and Notice of Illegal Instruction ("Second Notice") which TKPI received on 20 September 2021 and 30 September 2021, respectively.

Based on what appears on the NOV, it is TKPI's understanding that it is being cited for allegedly constructing without a building permit and occupying the structure without having been issued an occupancy permit and that the structure involved is the guard post situated within the 40-meter easement, which forms part of the area covered by TKPI's Forest Land Use Agreement for Tourism Purposes No. DENR IV-MIMAROPA-12302030-0010 ("FLAGT").<sup>1</sup>

TKPI respectfully submits that the subject guard post is a "minor construction" as defined and exempted from the building permit requirement under Rule III, Section 301, item 3 of the Revised Implementing Rules and Regulations of PD 1096, otherwise known as the National Building Code of the Philippines. The guard post falls under the category of "sheds, outhouses, greenhouses, children's playhouses, aviaries, poultry houses and the like, not exceeding 6.00 sq. meters in total area, provided they are completely detached from any other building and are intended only for the private use of the owner".<sup>2</sup>

As to the Second Notice, TKPI is being cited for allegedly undertaking illegal construction activities in the area covered by its FLAGT. Please be advised that the construction activities that may have been observed during that period was limited to TKPI's removal of the guard post and its relocation to another area that is beyond the 40-meter easement but well within TKPI's FLAGT area. The removal of the guard post is under protest and without prejudice to TKPI's right to occupy the 3.2 hectares of land covered by its FLAGT, which includes the 40-meter easement.

Issued by the Department of Environment and Natural Resources on 27 December 2005. See Rule III, Section 301, item 3 of the Revised Implementing Rules and Regulations of PD 1096. Rest assured that TKPI will continue to comply with all laws and regulations.

Respectfully yours,

# ANGARA ABELLO CONCEPCION REGALA & CRUZ

By:

SALVADOR L. PEÑA CHRYSILLA CARISSA P. BAUTISTA CHRISTOPHER LOUIE D. OCAMPO ARLA G. BUSTAMANTE JESSI A

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

ENGR. ALAN L. VALLE Officer-in-Charge COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE DENR Region IV-MIMAROPA National Highway, Poblacion Taytay, Palawan 5312



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OFFICE OF THE ENGINEER/BUILDING El Nido, Palawan

**MUNICIPAL** OFFICIAL

Attention:

# Engr. Ronnie M. Alcantara Municipal Engineer/Building Official

Re:

Construction works by Spouses Israel and Baberlyn Gomez

Dear Engr. Alcantara:

We write on behalf of our client, Ten Knots Philippines, Inc. ("TKPI"), in relation to the ongoing construction works by representatives and workers of Spouses Israel Gomez and Baberlyn Gomez.

To recall, on 2 September 2021, TKPI wrote your good office to report the aggressive unloading of construction materials and the construction activities by the workers of Spouses Gomez in the area covered by TKPI's Forest Land Use Agreement ("FLAGT").1

On 20 September 2021, your Office issued a Notice of Violation ("NOV") to both TKPI and Spouses Gomez for purportedly violating Section 301 of the National Building Code of the Philippines. On 30 September 2021, your Office issued a Notice of Illegal Construction ("Second Notice") for violation of the same law.

Under protest and without prejudice to its rights under the FLAGT, TKPI started to remove the guard post immediately upon receipt of the NOV, despite its firm legal position that it is exempted from the building permit requirement under Rule III, Section 301, item 3 of the Revised Implementing Rules and Regulations of PD 1096 or the National Building Code of the Philippines. To date, TKPI has completely transferred its guard post to another area that is beyond the 40-meter easement but well within TKPI's FLAGT area.

In stark contrast, Spouses Gomez continue to aggressively unload construction materials and perform construction activities in blatant disregard, and a continuing violation, of your Office's NOV and Second Notice.

In light of these developments, TKPI respectfully reiterates its prior request for information on the existing moratorium on the issuance of building permits in El Nido. Indeed, if the moratorium is still in effect, it is clear that Spouses Gomez' construction

FLAGT No. DENR IV-MIMAROPA-12302030-0010 issued on 27 December 2005.

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activities are being undertaken without the requisite permits from your office. In such case, TKPI respectfully requests your good office to stop the illegal construction and demolish the illegal structures.

Respectfully,

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# ANGARA ABELLO CONCEPCION REGALA & CRUZ

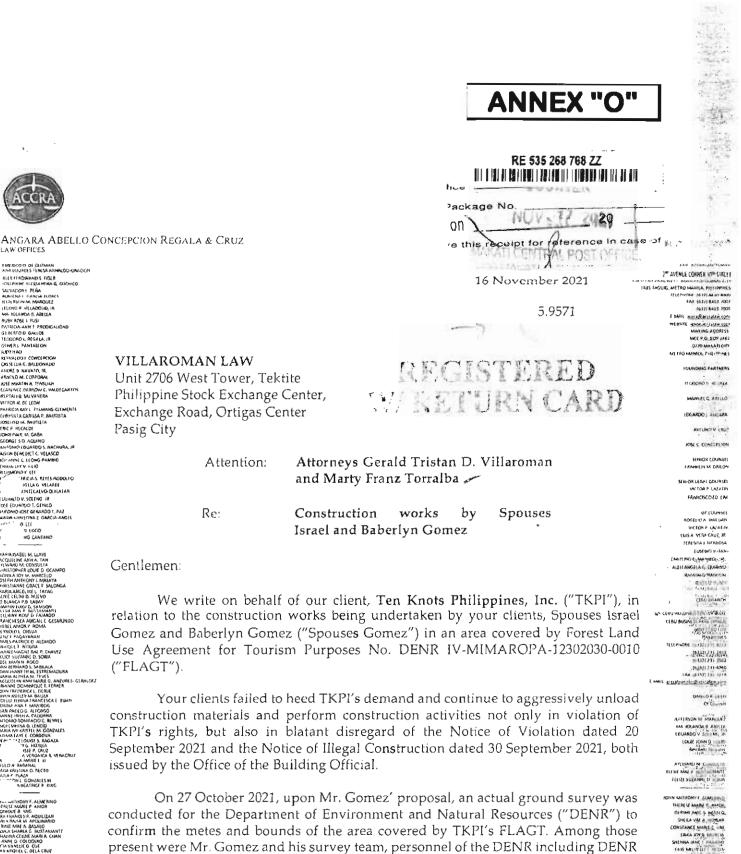
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CHRYSILLA-CARISSA.P. BAUTISTA 14 CHRISTOPHER LOUIE D. OCAMPO

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investigator Jones Manuel Y. Lafuente, and TKPI's representatives and its survey team. Several members of the Barangay council were also present during the joint survey.

The results of the actual ground survey confirmed that areas claimed by Spouses Gomez and where they are undertaking construction works fall within the area covered by TKPI's FLAGT.1

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With the actual ground survey confirming TKPI's right to exclusively occupy and peacefully possess the area covered by its FLAGT, TKPI demands that your clients

A copy of the map submitted by Engr. Veneracion to the CENRO is attached hereto as Annex "A" and made an integral part hereof.

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cease all construction works in the area and refrain from further committing acts prejudicial to and in violation of TKPI's rights under its FLAGT.

We trust that you will give this matter your preferential attention.

Respectfully,

# ANGARA ABELLO CONCEPCION REGALA & CRUZ

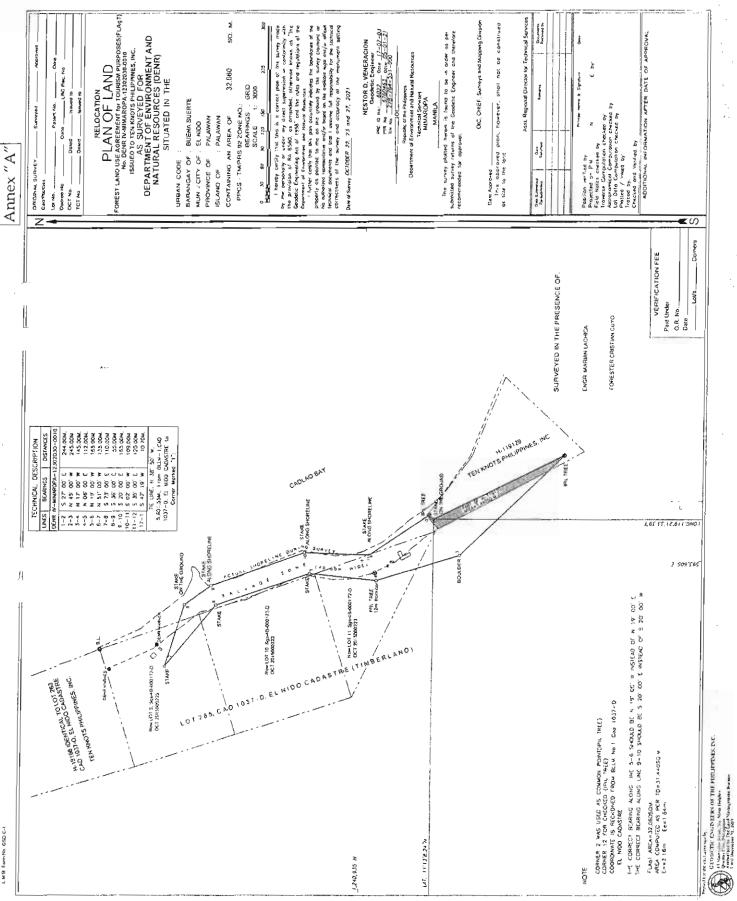
By:

SALVADOR L. PEÑA

CARISSA P. BAUTISTA CHRYSILLÅ

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THE OFFICE OF **OFFICIAL** ENGINEER/BUILDING El Nido, Palawan

Attention:

Engr. Ronnie M. Alcantara Municipal Engineer/Building Official

**MUNICIPAL** 

Re:

#### Construction works in timberland covered by Forest Land Use Agreement for Tourism Purposes DENR **IV-MIMAROPA-**No. 12302030-0010

Dear Engr. Alcantara:

We write on behalf of our client, Ten Knots Philippines, Inc. ("TKPI"), in relation to impending construction works at the 3.206 hectares of forest land located at Cadlao Island, Brgy. Buena Suerte, El Nido.

TKPI, as grantee of Forest Land Use Agreement for Tourism Purposes DENR IV-MIMAROPA-12302030-0010 ("FLAGT") issued by the No. Department of Environment and Natural Resources on 27 December 2005, has been in open, continuous, exclusive, and peaceful possession of the areas covered by its FLAGT.

However, the same area is being claimed by spouses Israel Gomez and Baberlyn Gomez as their purported private property. Recently, representatives and workers of the spouses Gomez have entered the said area to start construction works. In fact, they have been aggressively unloading construction materials preparatory to these construction works.

To TKPI's knowledge, there is an existing moratorium on the issuance of building permits in El Nido. As such, it is highly likely that the spouses Gomez' construction activities are being undertaken without the requisite building permits.

SENIOR L'EGAL COUNSEI VICTOR P MAZATIN FRANCISCO I D LIN ROGETIDA VINUAN VICTOR P. LAZATIN UIS A VERA CRUZ, IR TERESTINA HERBOS REGIS V-PUNC CEAU BRANCH HOLDINKS GENTER RLOG U BUSINESSPARK (AVALA) 07 GORGEBU CITY NAME AL PHILIPPINES (PHONE (63141 231-4223

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FOUNDING PARTNERS

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In this regard, TKPI respectfully requests your good office to investigate this matter and order the construction stopped, if necessary.<sup>1</sup>

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

Very truly yours,

「東京社社」

# ANGARA ABELLO CONCEPCION REGALA & CRUZ

By:

SALVADOR L. PEÑA

CHRYSILLA CARISSA P. BAUTISTA CHRISTOPHER LOUIE D. OCAMPO ARLA G. BUSTAMANTE JESSICA

See National Building Code, Secs. 207, 213, 301.



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).

- 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.
- 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.

3rd Floor Alveo Corporate Center, 728 28th Street, Bonifacio Global City, 1634 Taguig City, Philippines Trunk Line: +63 (2) 902 5900



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 Valdeztamon 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,

AVIER D. HERNANDEZ Attorney-in-fact

3<sup>rd</sup> Floor Alveo Corporate Center, 728 28<sup>th</sup> Street, Bonifacio Global City, 1634 Taguig City, Philippines Trunk Line, +63 (2) 902 5900



2 September 2021

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Angara Abello Concepcion Regala & Cruz

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

Re:

# Forest Land Use Agreement for **Tourism Purposes No. DENR IV-**MIMAROPA-12302030-0010

Dear Hon. Gacot-Lim:

We write on behalf of our client, Ten Knots Philippines, Inc. ("TKPI"), in relation to Forest Land Use Agreement for Tourism Purposes No. DENR IV-MIMAROPA-12302030-0010 ("FLAGT").

To recall, on 21 August 2021, TKPl wrote your good office regarding its FLAGT covering 3.206 hectares of forest land located at Cadlao Island, Brgy. Buena Suerte, El Nido. As mentioned in said letter, TKPI recently discovered that Noel Tampe and Baberlyn Gomez secured original certificates of title ("OCTs") which cover areas that overlap with TKPI's FLAGT. TKPI is N MARIE G ANZURES GERALDEZ NIQUE T FERRER K.E. DERIJE questioning the issuance of these titles and is in the process of investigating how they obtained titles to parcels of land previously identified as forest land by the Department of Environment and Natural Resources ("DENR"), and which in fact they never occupied.

> In this regard, we wish to inform you of TKPI's correspondences with the Community Environment and Natural Resources Office ("CENRO"):

- 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.<sup>1</sup>
- 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.<sup>2</sup> In the NTV, the

A copy of the letter dated 26 July 2021 is attached hereto as Annex "A" and made an integral part hereof.

A copy of the 6 August 2021 Third and Final Notice of Violation and Order to Vacate is attached as

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FOUNDING PARTNER FEODORO D. REGALA

MANUELG ABELLO

EDGARDO J ANGAKA

AVELING V. CRUZ

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SENIOR LEGAL COUNSD PRANCISCO ED LIM

OF EOUNSEL ROGELIU A VINCUAN VIETOR P LAZATIM QUIS A VERA CRUZ, JR. , TERESIJAY , C. R. R. SEDIC, V. IN , ITERUO G. MANIL , IR, RUIRINO AMASON TERESTAR HERBOSA ALEU AN IVAMONIO SAMSON REGIS Y PUNC CIB: BRANCH

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CENRO ordered TKPI to remove its guard house and perimeter fence which is within the 40-meter easement area.<sup>3</sup> 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.<sup>4</sup>

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, TKPl 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

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).

<sup>&</sup>lt;sup>4</sup> A copy of the 23 August 2021 letter is attached as Annex "C" and made an integral part hereof.

CHRYSILLA CARISSA P. BAUTISTA CHRISTOPHER LOUIE D. OCAMPO JESSICA SHARLA G. BUSTAMANTE



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: centotaytay@denr.gov.ph

July 26, 2021

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Remarks

Previously under the

name of Santa Isabelle

Corporation; transferred

to Bacuit Bay

Development

Corporation;

10 8

MS. MARIGLO LARIRIT Executive Director Ten Knots Philippines Incorporated Masagana, El Nido, Palawan

Madam,

FLAgT No.

DENR 4B-12312029-

0002

DENR 4B-12312029-

0003

DENR 4B-12312029-

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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

LOCATION

Apulit Island,

Apulit Island,

Apulit Island,

Palawan

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Palawan

Maytegued, Taylay,

Maytegued, Taylay,

Maylegued, Taylay.

NATURE OF

APPLICATION

Bathing Establishment

Hotel Site

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, LLE

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 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

Annex "B"

1.12 10.11

# 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 *A* a 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.

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 casement for their continued operations. Wharves shall be kept accessible to the public.

Page 1 of 2

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:

?

ER È MANCIO SEMS / In Charge, Office of the CENRO Ø 13

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 thePunong Barangay, Buena Suerte, El Nido, Palawan Protected Area Management Office - ENTMRPA File

Page 2 of 2

Annex "C"

23 August 2021

For. Alexander E. Mancio SEMS/In Charge Office of the CENRO

Dear Sir:

This is to acknowledge receipt of your letter dated 6 August 2021 that was received by our office on 10 August 2021.

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Date

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As per our previous conversations with your good office, our company has had a FLAgT since 2005 covering the area that is delineated by our fence. As per DENR AO 2004-24 and DENR AO 2004-28, foreshore lands that are included in miscellaneous lease contracts with DENR should be respected. In addition, we await the actual ground survey that will be undertaken as per the 26 July 2021 letter of your good office based on the Memorandum of the Regional Executive Director.

In the meantime, we guarantee that no further improvements will be introduced into our FLAg-T covered area in Sabang, Cadlao.

Very truly yours,

MS. Attomey-in-fact

Copy furnished:

For, Mildred Suza Protected Area Superintendent El Nido-Taytay Managed Resource Protected Area Management Office El Nido, Palawan

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16 November 2021

ANNEX "S"

### OFFICE OF THE KATARUNGANG BARANGAY El Nido, Palawan

Attention:

Hon. Ricky C. Ballena Punong Barangay

Complaint for trespassing and illegal Re: construction

Dear Hon. Ballena:

We write on behalf of our client, Ten Knots Philippines, Inc. ("TKPI"), to follow up on the resolution of our complaint against Gerardo Magbanua and all those who have committed acts constituting trespass and illegal construction in the area covered by TKPI's Forest and Land Use Agreement for Tourism Purposes ("FLAGT").

On 27 October 2021, upon proposal by Mr. Israel Gomez, an actual ground survey was conducted for the Department of Environment and Natural Resources ("DENR") to confirm the metes and bounds of the area covered by TKPI's FLAGT. Among those present were Mr. Gomez and his survey team, personnel of the DENR including DENR investigator Jones Manuel Y. Lafuente, and TKPI's representatives and its survey team. Several members of the Barangay council were also present during the joint survey.

The results of the actual ground survey show that the construction works that Spouses Gomez are causing to be undertaken are within the area covered by TKPI's FLAGT. With this confirmation, TKPI respectfully implores your good office to urgently act on TKPI's complaint.

We hope that this merits your preferential attention.

Respectfully,

#### ANGARA ABELLO CONCEPCION REGALA & CRUZ

By:

SALVADOR L. PEÑA

CHRYSILLA CARUSSA P. BAUTISTA

AVILAND V CRUZ IDSE & HONGEROON SENIOR COUNSEL FRANKLIN M. DRILON

> SENIOR LEGAL COUNSEL VICTOR P. 1AZATIN SRANCISCO ED. UM

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CHRISTOPHER EQUIE D. OCAMPO JESSICA HARLA G. BUSTAMANTE

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#### OFFICE OF THE MUNICIPAL MAYOR

06 September 2021

#### THE PRESIDENT

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

Dear Sir/Madam,

This pertains to the construction and maintenance of structures within the legal easement in Cadlao Island, Brgy. Buena Suerte, El Nido, Palawan which are in violation of:

- a) Article 51 of the Presidential Decree No. 1067, otherwise known as the Water Code of the Philippines
- b) Section 20 (paragraph 4) of Republic Act No. 11038, or the ENIPAS Act of 2018

The Local Government Unit through this representation further iterates that we have received copies of the Notice of Violation and Order to Vacate dated February 5, 2021 (Annex A); May 6, 2021 (Annex B); and August 6, 2021 (Annex C) all issued by CENRO, Department of Environment and Natural Resources.

On August 25, 2021, I have ordered our Municipal Environment and Natural Resources Officer to conduct ocular inspection and to verify the allegations, after receiving the letter of the in-charge, office of the CENRO, Alexander F. Mancio, SEMS / Chief, RPS. (Annex D)

On August 27, report from the MENR Office observed the presence of a structure fence in the marked easement area of the DENR. (Annex E)

In this context and pursuant to DENR, the endorsement of the matter of demolition, the undersigned hereby orders for an immediate self-removal of the aforementioned structure.

Anticipating your compliance the soonest possible time. Thank you.

Very truly yours, EDNA GAC Municipal Mayor

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Republic of the Philippines Province of Palawan Municipality of El Nido

#### OFFICE OF THE MUNICIPAL MAYOR

06 September 2021

ANNEX "U"

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 obeyance 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 your EDNA GACO 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

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EGL/rbm/mpr/rbu

# Ten Knots

HCORPORATI

#### 21 August 2021

## Hon. Mayor Edna Gacot-Lim

Municipal Mayor of El Nido Palawan, Philippines

Dear Mayor Lim:

Greetingsl

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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 Dajac and Ten Knots Development Corporation was executed on 27 August 1997.
- 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.



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 Valdeztamon 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



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MARLET & ARELLO

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ANGARA ABELLO CONCEPCION REGALA & CRUZ

2 September 2021

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

Re:

# Forest Land Use Agreement for Tourism Purposes No. DENR IV-MIMAROPA-12302030-0010

Dear Hon. Gacot-Lim:

We write on behalf of our client, **Ten Knots Philippines**, **Inc.** ("TKPI"), in relation to Forest Land Use Agreement for Tourism Purposes No. DENR IV-MIMAROPA-12302030-0010 ("FLAGT").

To recall, on 21 August 2021, TKPl wrote your good office regarding its FLAGT covering 3.206 hectares of forest land located at Cadlao Island, Brgy. Buena Suerte, El Nido. As mentioned in said letter, TKPl recently discovered that Noel Tampe and Baberlyn Gomez secured original certificates of title ("OCTs") which cover areas that overlap with TKPI's FLAGT. TKPI is questioning the issuance of these titles and is in the process of investigating how they obtained titles to parcels of land previously identified as forest land by the Department of Environment and Natural Resources ("DENR"), and which in fact they never occupied.

In this regard, we wish to inform you of TKPI's correspondences with the Community Environment and Natural Resources Office ("CENRO"):

- 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.<sup>1</sup>
- 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.<sup>2</sup> In the NTV, the

A copy of the letter dated 26 July 2021 is attached hereto as Annex "A" and made an integral part hereof.

A copy of the 6 August 2021 Third and Final Notice of Violation and Order to Vacate is attached as

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CENRO ordered TKPI to remove its guard house and perimeter fence which is within the 40-meter easement area.<sup>3</sup> 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.<sup>4</sup>

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:

SALVADORL. PEÑA

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).

Annex "B" and made an integral part hereof.

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

CHRYSILLA CARISSA P. BAUTISTA CHRISTOPHER LOUIE D. OCAMPO ARLA G. BUSTAMANTE JESSICA S

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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. centrotaytay/a dent.gov.ph

and a second second

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)	
DFNR IV-MIMAROPA- F1302030-0005	Miniləc İsland Bebeladan, El Nide, Palawan	Hathing Establishment	4.87	
DENR IV-MIMAROPA- 11302030-0008	Lagen Island, Aberawan. El Nido - Palawan	Bathing Establishment	5.0000	
DENR IN-MIMAROPA- 11302030-0009 Palawan		Bailung Establishment	5.0000	
DF NR IV-MIMAROPA- 11302030-0010	Cadlao Island, Bueno Suerre, El Nido, Polawan	Bathing Establishment	3.206	
FLAgT No.	LOCATION	NATURE OF APPLICATION	Remarks	
DENR 48-12312029- 0002	Apulit Island, Mayregued, Taviay, Palawan	Bathing Establishment	Previously under the name of Santa Isabelle Corporation: transferred to Bacint Bay Development Corporation.	
DENR 4B-12312029- 0003	Apulit Island. Maytegued, Taytay. Palawan	Hotel Site		
DENR 4B-12312029- 0004	Apula 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: centrotaytay@dent.gov.ph

In view hereof, respectfully requesting the assistance of your Geodetic Engineer (GF) 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, ALLE  $\mathbf{A}$ 

Community Environment and Natural Resources Officer

Copy furnished:

RED-MIMAROPA F&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 NUMAROPA Region COMMUNETY ENVIRONMENT AND NATURAL RESOURCES OFFICE By the National Highway, Poblacion, Taytay, Palavan 5312 Comact number: 09265059335 (Globe) : 09121713889 (Smart) Email: centoaytay@dent.gov.ph

Annex "B"

### August 6, 2021

# THIRD AND FINAL NOTICE OF VIOLATION AND ORDER TO VACATE

gay Buena Suerte

TO	:	Mr. Israel Gomez		
		Mrs. Baberly Gome		
		Cadlao Island, Baran		
		El-Nido, Palawan		

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

n the :463

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, FI Nido, Palawan. Please be reminded that constructing and maintaining the above structures colate the following laws:

 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) in ters in agricultural areas and forty (40) meters in forest areas, along their margins are subject to the casement of public use in the interest of recreation, navigation, floatage, disfung and salvage. No person shall be allowed to stay in this zone longer than what is necessary for fecreation, navigation, floatage, fishing or salvage or to build structures of any kind.

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

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

11

Page 1 of 2

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-

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(DER È) MANCIO. SEMS - In Charge, Office of the CENRO

Q

Copy furnished.

Regional Executive Director, DENR-MIMMOPA Provincial Environment and Natural Resources Officer – Palawan Office of the Mayor, Municipality of 14 Nido, Palawan Office of thePunong Barangay, Buena Suerte, El Nido, Palawan Protected Area Management Office – ENTMRPA File

Pag. 2 of 2

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Annex "C"

15 August 2021

for Menerchen L. Marrow the RAU 1 1 11 is - Is als

The spin of the adversaried generation of your letter dates is beginn 2023 that was recover by our offers on Wellowed 2013

the start of the province concernitions with your pool office, our company has had a PLAGE were 20ke covering the effective is demonstrating our lence. As per DENR 40 2004 24 and neuring of the 18, if we have bands that are included in might aneous lease contracts with center show in he reconcised to addition, we await the actual ground survey that will be undestaken at the 16 mily 1021 lister of your good office based on the Memorandum of the Reviewant Concernan Concerner

the the measurements we guarantee that no further improvements will be introduced into san PEAR 7 conneal anea in Satismy, Cadhay

Very truly yours.

Marigin I. Larint

Attorney-m-fact

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# ANNEX "V"

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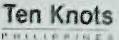
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August 17, 2021

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Engr Alan L Valle

(Mos-In-Charge Community Environment and Natural Resources Office (CENRO) DENR-CENRO Office, Taylay El Nido National Highway Taylay, Palawan

Dune for

Bood day!

This is in collidion to the emotial impection for ApUN bland to compliance to the Forest Long Use Agreement for Tourism (FLAgT) agreement.

We would like to propose for a new schedule given that Erigi. Nextor Veteracion, our goudelle engineer is currently in Nexua Ectin for Cavid vacionation. We are proposing some time 21 week of Sectember (September 13 to Sectember 17, 2021). Hendly let us house if your laten is also available on the period.

Pertaining in your letter datest July 25, 2021 about the Memorandum from Perport Executive Director to conduct actual ground survey of several PLAgTe, we would like to propose for the same schedule for Apult inspection to maximize our resources and time.

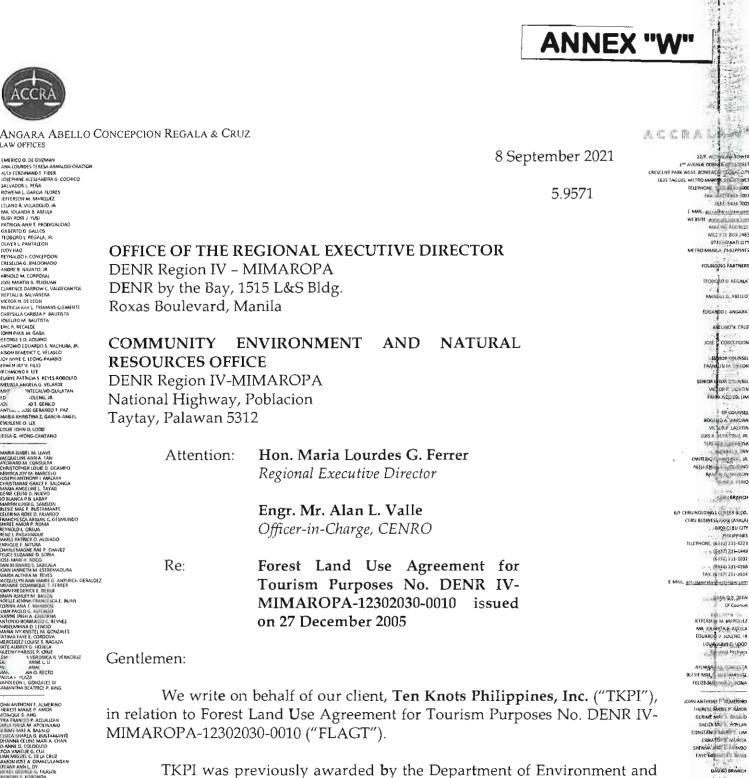
Thank you and regards.

Vary budy yours

Marigid I Laurin

Atturney-In-Faci Ten Kools Philippines, Inc.

Cc: For Mildeet A. Soza Protected Area Superintendent (PASu) El Mido Tayley Managed Resource Pictucinet Area (ENTMREA)



Natural Resources ("DENR") a Forest Land Use Agreement for Tourism Purposes No. DENR IV-MIMAROPA-12302030-0010 ("FLAGT") covering 3.206 hectares of forest land located at Cadlao Island, Brgy. Buena Suerte, El Nido.<sup>1</sup> 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.<sup>2</sup>

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GENERALINIONNERVO

A copy of the Special Use Permit dated 6 November 1998 is attached as Annex "B" and made

A copy of FLAGT No. DENR IV-MIMAROPA-12302030-0010 issued on 27 December 2005 is attached as Annex "A" and made an integral part hereof.

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.

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 CARÍ A.P. BAUTISTA CHRISTOPHER LOUIE D. OCAMPO G. BUSTAMANTE JESSIC

# Annex "A"



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Republic of the Philippines DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES Region IV-8 - 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



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-MIMÁROPA-12302030-0010 NUMBER

# <u>TEN KNOTS PHILIPPINES INC.</u> (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, <u>VICENTE S.</u> <u>PARAGAS, CESO III,</u> 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 <u>MR. ALBERTO A.</u> <u>LIM</u>, President, with Office address at 2<sup>nd</sup> 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.Q. 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:

GAS. CESO III VICEN Witness

By: BERT LESSEE Witness

- 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;
- 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

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By: VICE PARAGAS, CESO III Witness

Bγ RERTO LES\$ Witness

- JX. 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. Noñ-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

í.

By: PARAGAS, CESO III VICENT Witness

By: AF BERTO Wiffiess

## GROUNDS.EOR 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.
  - 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.
  - 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;
  - 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 Environr And Natural Resources	nent		
By:		ву:	1.
VICENTE S. PARAGAS, CES	<u>0 III</u>	ALBERTO A LESSE	E
Witness		Witness	1. 4.1-

# ACKNOWLEDGEMENT

Republic of the Philippines) S.S.

BEFORE me, A Notary Public for and in <u>Maula</u>, Philippines on the <u>day of</u>, 20, personally appeared the following with their respective certificate opposite their names:

NAME	COM. TAX CERT. NO.	DATE/PLACE ISSUED	15
ALBERTO A. LIM	06024981	01-19-2005/Manila	10 pm
VICENTE S. PARAGAS, CESO II	I 1200321705	02-02-2005 Ilo-ila Citv	M

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.

ATTY. DENNIS L. WAGAS 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 \_\_\_\_\_\_

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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"

# SPECIAL USE PERMIT (BATHING ESTABLISHMENT)

November 05, 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  $B^{\prime\prime}$  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 «D», 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 PATHING ESTABLISHMENT.

This permit is NON-TRANSFERABLE AND NON-NESOTIABLE, except  $\dot{D}^{\rm A}$  as provided in Section 61 of the aforesaid Decree and expires of November 06, 1999.

BY AUTHORITY OF THE SECRETARY

Provincial Environment and Natural Resources Officer

Copy Formished: Secretary, DENR, Diliman, Q.C. RED, DENR, RIV, Roxas Blvd. Manile Director of FMB, Diliman, Q.C. CENRO, Taytay File/angie



NIO R. VILLADOLID. JR. IOLANDA B. ARLLA IV ROSE J. YUSI RICLA-ANN T. PRODIGALIDAD SERTO D. GALLOS DORO L. REGALA, JR. VER L. PANTALEON

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8 September 2021

22/F, ACCRALAW X 2<sup>10</sup> AVENUE (CORSTR'30<sup>11</sup> S CRESCENT PARK WEST, BONIFAC<sup>11</sup> GLOBA 1635 TAGURG, METRO MANUE, PHILIP TELEPHONE . (632) 88 MD-8000 FAX (632) 8403-7001 \_(632) 8403 /007 MCC P O BOX 2467 0770 MAKATEUR

METRO MANILA, PHILIPPINES

FOUNDING PARTNERS

TEODORO D. REGALA

MANULLIG ABELLO EDGARDO J ANGARA

AVELIND V. CRUN

SENIOR COUNSUL FRANKUR M DRILON

NOR LEGAL COUNSEL VICTOR P. 642A/IN FRANCISCO ED LUM

WGELA,G. QUI HAMON & SAMSON

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LAND MANAGEMENT BUREAU 880 F.R. Estuar Building Quezon Ave., Brgy. Paligsahan, Quezon City

> Attention: Atty. Emelyne V. Talabis Acting Director

Re:

# **Request to Investigate Issuance of** Original Certificates of Title over Forest Land

Dear Atty. Talabis:

We write on behalf of our client, Ten Knots Philippines, Inc. ("TKPI"), in relation to the issuance of Original Certificates of Title ("OCTs") over forest lands located in Cadlao Island, Brgy. Buena Suerte, El Nido, Palawan.

TKPI was awarded by the Department of Environment and Natural Resources ("DENR") a Forest Land Use Agreement for Tourism Purposes No. E-MALL, actuals as 201/2010/10 W LOW DENR IV-MIMAROPA-12302030-0010 ("FLAGT") covering 3.206 hectares of forest land located at Cadlao Island, Brgy. Buena Suerte, El Nido.<sup>1</sup> The FLAGT was issued on 27 December 2005 and is valid until 30 December 2030.

In 2015, two (2) OCTs were allegedly issued to one Noel Tampe ("Tampe"), specifically Katibayan ng Orihinal na Titulo Blg. 2015000222 and Katibayan ng Orihinal na Titulo Blg. 2015000223, while one (1) OCT was allegedly issued to one Baberlyn Gomez ("Gomez"), Katibayan ng Orihinal na Titulo Blg. 2015000225.<sup>2</sup> These OCTs were purportedly issued pursuant to agricultural Free Patent Applications. The technical descriptions of the awarded parcels of land show that they are identical to lots already delineated through a cadastral survey, Cad. 1037-D. A portion of the land covered by these OCTs overlap with the 3.206 hectares of forest land covered by TKPI's FLAGT.

A copy of FLAGT No. DENR IV-MIMAROPA-12302030-0010 issued on 27 December 2005 is attached as Annex "A" and made an integral part hereof. Copies of Katibayan ng Orihinal na Titulo Blg. 2015000225, 2015000222 and 2015000223 are attached as Annexes "B" to "D" and made integral parts hereof.

, AQUINO DUARDO S NACHUBA, JR. DICT C, VELASCO LEONG-PAMBID Z FULIO X LEE SA 5. REVES-RODOLFO IICIA S. NELSO IGELA G. VELARDE INTECALVO-QUILATAN OLENG, IR D.T. GENILO SE GERARDO T PA2 MICTINA Z. GARCIA-ANGEL JE GERARDO HRISTINA Z. GARC E O, LEE HN D, LOOD WONG-CANTANO ABEL M. LLAVE AL P. CHAVE A LETRIMADURA RIE G ANZURES ICESCA E BUAN AL FONDO AL CADORNA CADORNA REYNES A D LENCIO USTEL NI CONZALES E CONDONA CUINE LINIGAZA

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With due respect, there are indicia that the OCTs were obtained fraudulently. Considering the following:

- Based on the documents that are currently in TKPI's possession, the 3.2 hectares of land covered by the OCTs are classified as forest/timber lands and, as such, not alienable and disposable land of the public domain that are susceptible of private acquisition through a free patent application. It is now well-settled that before the government could alienate or dispose of lands of the public domain: (a) the President of the Philippines (i) must first officially classify these lands as alienable or disposable and then (ii) declare them open to disposition or concession; and (b) there must be no law reserving these lands for public or quasipublic uses.<sup>3</sup>
- Also, the land in question is foreshore land and appears unsuitable to be the subject of an agricultural free patent application, much less a grant.
- Ten Knots has been in actual possession and use of the 3.2 hectares of land since 1998 when it was first granted its Special Use Permit ("SUP").<sup>4</sup> TKPI has been in the open, continuous, exclusive, and peaceful possession of said land and has been utilizing the same in accordance with its SUP, and now, its FLAGT. Thus, Tampe and Gomez could not have been in the open, continuous, exclusive, and peaceful possession of the said land, much less for a period of thirty (30) years.
- TKPI's FLAG-T has been in the records of the DENR Region IV-MIMAROPA, Palawan PENRO, and El Nido CENRO since 2005. At the very least, Ten Knots should have been officially notified of the free patent application considering the overlap with its FLAG-T.
- TKPI should and would have been aware of any free patent application because of the posting requirement thereof. The surveys done for the free patent application would also not have escaped the attention of TKPI. Conversely, had such surveys really taken place, Tampe and Gomez would have been apprised that TKPI was presently occupying the area pursuant to a FLAGT issued by the DENR.

TKPI understands that the Director of Lands may conduct investigations of alleged fraud in securing patents and the corresponding titles thereto.<sup>5</sup> Thus, the Director can investigate how such title had been acquired to

<sup>&</sup>lt;sup>3</sup> Chavez v. Public Estates Authority, G.R. No. 133250, 9 July 2002.

A copy of the Special Use Permit dated 6 November 1998 is attached as Annex "E" and made an integral part hereof.

<sup>&</sup>lt;sup>5</sup> Republic v. Spouses De Guzman, G.R. No. 105630, 23 February 2000; See Ybañez v. Intermediate

determine whether fraud was indeed committed in securing such title, in order that the appropriate action for reversion may be filed by the Government.<sup>6</sup> Section 91 of the Public Land Act provides:

"SECTION 91. x x x It shall be the duty of the Director of Lands, from time to time and whenever he may deem it advisable, to make the necessary investigations for the purpose of ascertaining whether the material facts set out in the application are true, or whether they continue to exist and are maintained and preserved in good faith, and for the purposes of such investigation, the Director of Lands is hereby empowered to issue subpoenas and subpoenas duces tecum and, if necessary, to obtain compulsory process from the courts. In every investigation made in accordance with this section, the existence of bad faith, fraud, concealment, or fraudulent and illegal modification of essential facts shall be presumed if the grantee or possessor of the land shall refuse or fail to obey a subpoena or subpoena duces tecum lawfully issued by the Director of Lands or his authorized delegates or agents, or shall refuse or fail to give direct and specific answers to pertinent questions, and on the basis of such presumption, an order of cancellation may issue without further proceedings."

Given the suspicious circumstances surrounding the grant of the agricultural Free Patent Applications of Gomez and Tampe, TKPI respectfully requests your good office to exercise its authority to investigate the matter pursuant to Section 91 of the Public Land Act.

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

Very truly yours,

#### ANGARA ABELLO CONCEPCION REGALA & CRUZ

By:

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SALVADOR L. PEÑA
CHRYSILLA CARISSA P. BAUTISTA
CHRISILLA CARISSA F. BAUTISTA
- Clining
CHRISTOPHER LOUIE D. OCAMPO

Appellate Court, G.R. No. 68291, 6 March 1991.

Republic v. Spouses De Guzman, G.R. No. 105630, 23 February 2000.

JESSICA SHARLA G. BUSTAMANTE

# Annex "A"



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Republic of the Philippines DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES Region IV-8 - 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



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-MIMÁROPA-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, <u>VICENTE S.</u> <u>PARAGAS, CESO III,</u> 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 <u>MR. ALBERTO A.</u> <u>LIM</u>, President, with Office address at 2<sup>nd</sup> 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.Q. 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:

VICEN AS, CESO III Witness

By: BERT 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;
- 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

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By: GAS, CESO III Witness

Βv Witness

- To surrender to the RED or his duly authorized X 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;
- In case of death of individual FLAgT holder, the heir may Х. 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

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By: PABAGAS, CESO III FSSWitness

By: ALBERTO

Wifness

## GROUNDS FOR 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.
- 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.
  - 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.
  - 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.

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By Authority of the Secretary Of the Department of Environment And Natural Resources	1
By:	By:
VICENTE S. PARAGAS, CESO III	ALBERTO A. LIM LESSEE Wommin J. C.
Witness	Withess Y

# ACKNOWLEDGEMENT

Republic of the Philippines) F Multic S.S.

BEFORE me, A Notary Public for and in <u>Manula</u>, Philippines on the <u>day of</u>, 20 personally appeared the following with their respective certificate opposite their names:

NAMECOM. TAX CERT. NO.DATE/PLACE ISSUEDALBERTO A. LIM0602498101-19-2005/ManilaVICENTE S. PARAGAS, CESO III120032170502-02-2005<br/>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 (BAT,HING ESTABLISHMENT) <u>DENR IV MIMAROPA 12302030-0010</u>, copsists of FIVE (5) pages including this page when the <u>ACKNOWLEDGEMENT</u> 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.

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 \_\_\_\_\_\_

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Annex "B"

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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 <u>PALAHAR</u>

# Eatibayan ng Orihinal na Titulo mg. 2915000225

Punyukasandhain ayaa sa Seksyon 103 ng Atas sa Patahsan ng Atisatian (Atas ng Punyulo Bly, 1529), aliasanod sa patente na pinalabas ng Panyulo ng Pilipinas, sa PPG(ty nomg tka-2524) ng App 11 taong labinsiyan na taon at 2015, at nakatala sa mga kasalatan ng 1994 ng mga sumasanod.

#### KAGAWARAN NG KAPALIGIRAN AT LIKAS NA KAYAMANAN REHIYON BLG. KALOOB NA PATENTE BLG. 2932 K & & 600

## SA LAHAT NG MARATUTUNGHAY NG KASULATANG ITO, BATE

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BILANG KATUNAYAN NITO, at sa bisa ng kapangyarihang kaloub sa akin ng batas, 4KO, 8L. Panyolo ng Piliponas, sa pamanagarar ako y gunawang patente ang niyo kasalatang ito at ikomatal ang tatuk ng Republika ng Palpina. Nikoshan sa Phorelo Prennana, 0149 ngarang ika. MPR 2-3-2015 ng

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Corong-Corong, al 1540, Pal. Tiakan ny Mas-915

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#### (PAGEALARAWANG TEKNIKALI

## 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:

5. 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-48-000172-D; on the west, along line 2-3 by Lot 8, Sgs-48-000172-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, +Sos-48-000172-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.

checked by: ESTER T. BIONA

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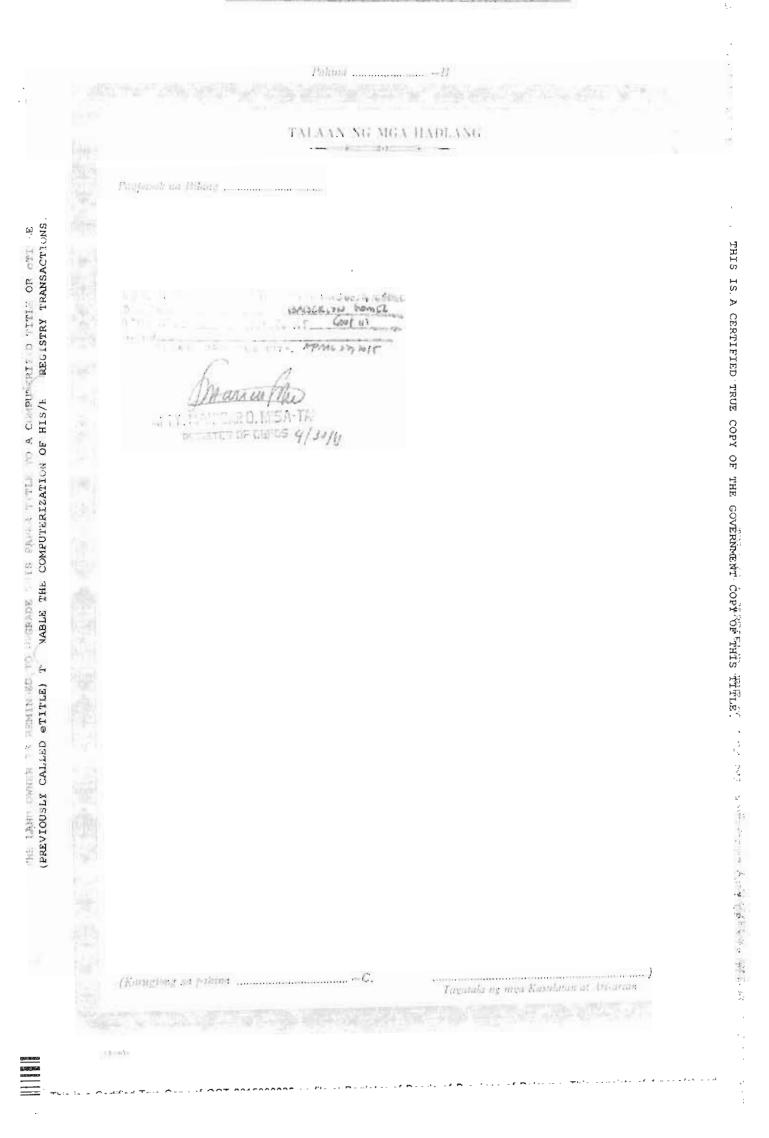
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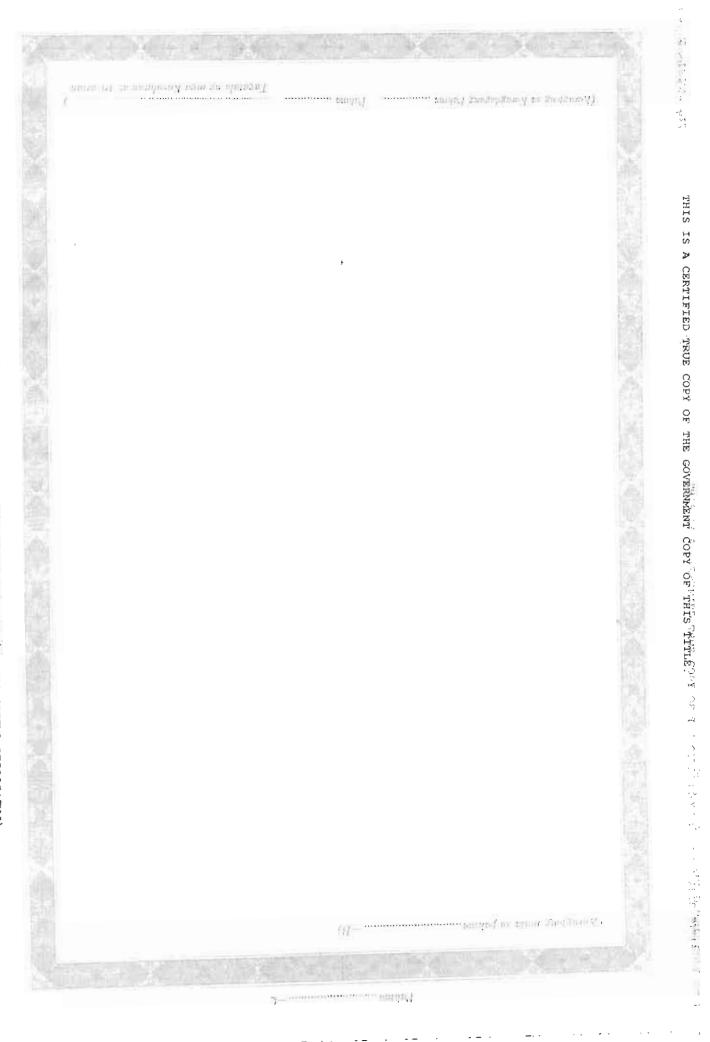
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LAND REGISTRATION AUTHORITY CCV FORM UNOFFICIAL COPY IF NOT IN BLUE COLOR PORMULARYONG PANGHURUMAN BLG, 54 13 Aktat ...... (Rasso Bunyo, 1994) REPUBLIKA NG PILIPINAS SN Blg. 1595905 KAGAWARAN NG KATARUNGAN PANGASIWAAN SA PATALAAN NG LUPAIN PATALAAN NG MGA KASULATAN AT ARI-ARIAN SA Katibayan ng Orihinal na Titulo Person consideration agon su Sekseen 103 ng Atas su Pandean og Atroatian (Atas ng Pangulo Rig. 15 m), alinsmed sa serente na pinalabas ng Pangulo ng Pilipinas, su PPC2 ty norme ika. 2373 ng Azri 1 norme laninsiyam na taun at 3045...., at nakataki so usoa kasukatan ng KAGAWARAN NG KAPALIGIRAN AT LIKAS NA KAYAMANAN REHIVON BLG. KALOOB NA PATENTE BLG. (145312.10. 8540) SA FAHAT NG MAKA FUTUNGHAY NG KASULATANG ITO, BATE may sapar as gulang, kasal kay TATER Tanata Thomas ganap nang nakatupad 5a lahat ng mga kondisyon at kinakailangan ng Batas Republika Blg, 782 at 3872, Binag hang hashinghan in amar ng mga senaripin in sanaripin ng pangkakasusar ng pangkakalash sa pangamagatan ng Kabaman FH ng Batas Komonwelt Blg 141, ayon sa pagkakasusar ng pangkakalash sa pangamagatan ng Di-Patenteng jia ang hipaing nasa Baenia Bior to, EL F1do, Pal mita na miy kabataang solat na Sala 550 notro kusadrada, ng ngayon ay tiyakang may hangganan at indalarawan sa filani mto, zayon pa mun na savailalim sa mga tadhana ng Seleyon HN na naganalela bulool sa doa pa, na mulihan kang sa kapakanan ng panahahan o aliminang mga sangsay, mga sunat, o mga inistrasson nao, sa any lopany datano ny kindi maastiny mapasaba at landi sasadalim sa pataw na vagatin sa taab ny finang 15 mon mula su petsa ng patente, at sa mga Seksyon (19, 121, 122 at 124 og Rants Komennedt filg, 141, waan sa padi ahasusay as ang karapatan ng panashalaan na pangasesaan at pangalagaan ang mea hakov na mutaseman doon sa looh ng husang (3) taon mula su persa ng pegpapalahas ng patemo, sa pasahal, napsa pa man, na ang pasagkaloohan o kanyang aiga tagapagalada ut masaring paninad at gumania ng natang jat na kakey na maaselag bullanganin su kanilang pansariling panuangailangan BU ANG KATUNAYAN NITO, at su bisu ng kapangsarihang kuloob sa akin ng batas, 4KO, st ..... Pangulo ng Pidpunas, sa panamagdan nito's clous ang patente ang mga bawdatang ito at panantal ang paral, ng Republika ng Pilipinas. Adagdaan sa 2002kg Princom, 21ky ngayong itas. MPR 2-3-2015 ag sa idea ng Ating Pringenean, labiesi yaor na esini at SA BISA NG KAPANGTA OHAN NG PANGETRONG PILETNAS AS CO Nakaula sa "Taligh hg Easthitte" og Lalasi-gan Lynglod ng PALESED almented sa mahana ng Sekeron 101 ng awa ng Pangado Bla. 1529. answer that 2724 ng Sarah Labinstran na raan at Marian Mes ALL STREET STREET Yani u PEGERANNE STANDARD Tanada ng muly fanjalagan at Arbaroan of nation or Monari.

(PAGLALARAWANG TERNIKAL)

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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. 37º 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-48-000172-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, Sqs-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.

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

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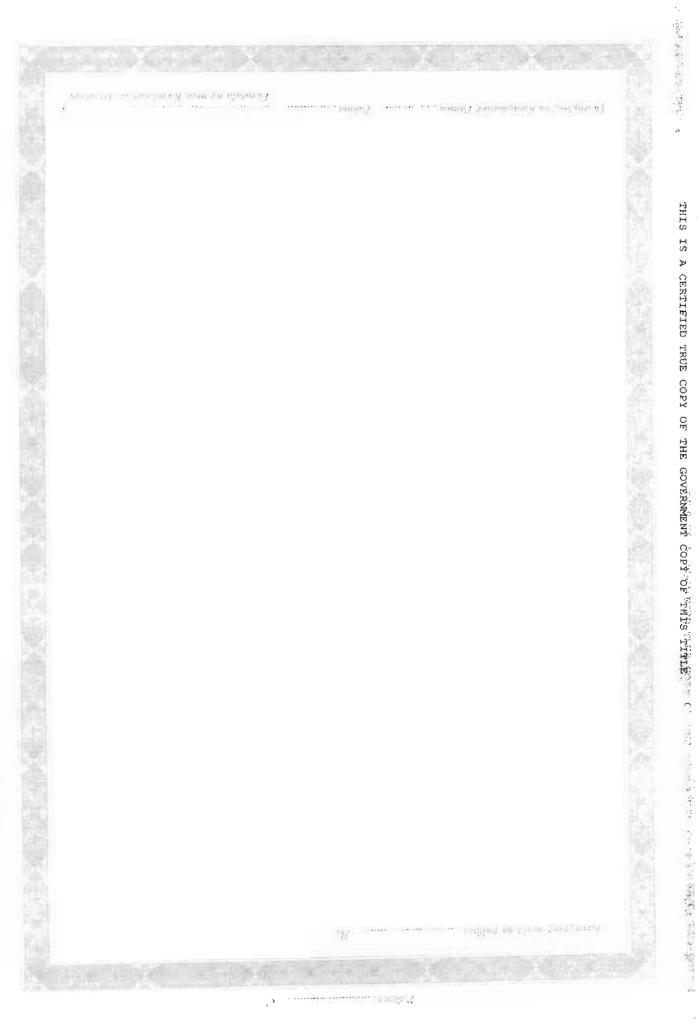
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Annex "D"

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# (PAGLALARAWANG TERNIKAL)

#### 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

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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.

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

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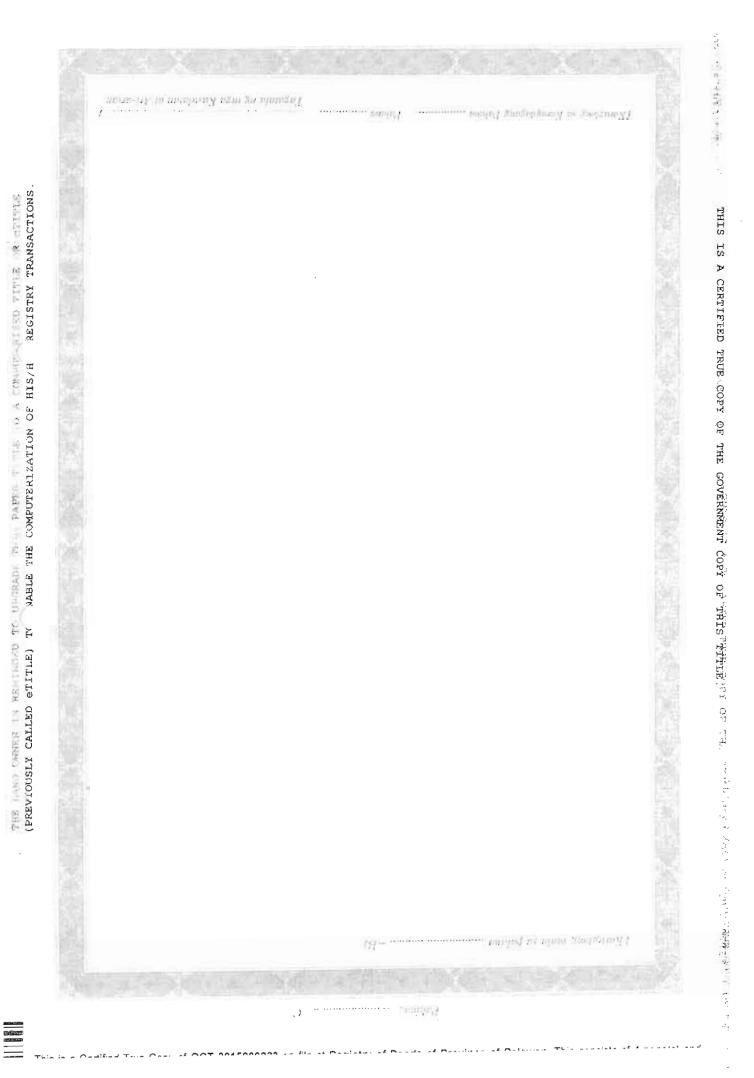
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REPUBLIC OF THE PHILIPPINES DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES REGION IV PROVINCIAL ENVIRONMENT AND NATURAL RESOURCES OFFICE

**STA. MONICA, PUERTO PRINCESA CITY** 

Annex "E"

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# SPECIAL USE PERMIT ( BATHING ESTABLISHMENT )

November 05, 1996

#### 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 <u>Special Use Permit for Bathing Establishment</u> is hereby granted to <u>TEN KNOTS DEVELOPMENT CORPORATION</u> 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 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 DANIED R. QUERIJERD Provincial Environment and Natural Resources Officer

Copy Furnished:

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

ANNEX "X-1"

J27, ACENALAW 1097 J\*\* AVENUE CORRER 10\*\* SIGLE CRESCENT PARK WEST, BORH ACROGRAFICT

1635 TAGUES, MI TRO MANILA, PHILE

, М. Г.В. МАЛИД, РИПТОНИСС НЕЕРИОНЕ (533) 4630-8800 Г.К.С.(533) 4630-00 (1633) 4630-00 С. (1633) 4630-00 С. (1633) 4630-00 С. (1633) 4630-00 С. (1633) 4630-00 МАЛИМС АРОЛИЗС МССРО ИСХ 2403 0770-МАЛАТІ СТУ-МЕСИКА, РОЛИЗСКА 0770-МАЛАТІ СТУ-

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#### ANGARA ABELLO CONCEPCION REGALA & CRUZ LAW OFFICES

8 September 2021

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948885582 SENT THRU DHU LAND REGISTRATION AUTHORITY East Avenue cor. NIA Road DATE: 0 9 SEP 2021 Quezon City OFFICE OF THE REGISTER OF DEEDS  $-\chi$ Land Registration Authority Building Sta. Monica, Puerto Princesa City Palawan Hon. Renato D. Bermejo Attention: LRA Administrator

> Atty. Maricar O. Misa-Tan Register of Deeds for Palawan

Re:

Request for Documents in Relation to Katibayan ng Orihinal na Titulo Blg. 2015000225, 2015000222, and 2015000223 issued by the Office of the Register of **Deeds of Palawan** 

Gentlemen:

We write on behalf of our client, Ten Knots Philippines, Inc. ("TKPI"), in relation to original certificates of title ("OCTs") issued to one Baberlyn D. Gomez and Noel Tampe.

TKPI was previously awarded by the Department of Environment and Natural Resources ("DENR") a Forest Land Use Agreement for Tourism Purposes No. DENR IV-MIMAROPA-12302030-0010 ("FLAGT") covering 3.206 hectares of forest land located at Cadlao Island, Brgy. Buena Suerte, El Nido.<sup>1</sup> The FLAGT was issued on 27 December 2005, valid until 30 December 2030. As early as 1998, TKPI has been in open and continuous possession of the areas covered by the FLAGT through a Special Use Permit.<sup>2</sup>

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A copy of FLAGT No. DENR IV-MIMAROPA-12302030-0010 issued on 27 December 2005 is attached as Annex "A" and made an integral part hereof.

A copy of the Special Use Permit dated 6 November 1998 is attached as Annex "B" and made an integral part hereof.

TKPI had discovered that the Registry of Deeds of Palawan issued Katibayan ng Orihinal na Titulo Blg. 2015000225 to one Baberlyn D. Gomez, while Katibayan ng Orihinal na Título Blg. 2015000222 and Katibayan ng Orihinal na Titulo Blg. 2015000223 were issued to Noel Tampe. These OCTs, which overlap with TKPI's FLAGT, were issued on 27 April 2015 purportedly pursuant to Free Patent Applications. The technical descriptions of the parcels of land covered by the OCTs show that they are identical to lots already delineated through a cadastral survey, particularly Cad 1037-D.3

For this Honorable Office's information, 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 Community Environment and Natural Resources Office.

To aid TKPI in preparing for the technical conference with the DENR, and pursuant to the Land Registration Authority's ("LRA") Freedom of Information Policy,<sup>4</sup> TKPI respectfully requests for certified true copies of all filings and documents submitted to the LRA and the Office of the Register of Deeds of Palawan in relation to the issuance of Katibayan ng Orihinal na Titulo Blg. 2015000225, Katibayan ng Orihinal na Titulo Blg. 2015000222, and Katibayan ng Orihinal na Titulo Blg. 2015000223. TKPI will shoulder the necessary fees to facilitate the issuance of these documents.

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

Copies of Katibayan ng Orihinal na Titulo Blg. 2015000225, 2015000222 and 2015000223 are З attached as Annexes "C" to "E" and made integral parts hereof. See

https://www.lra.gov.ph/images/Transparency\_Page/XII.Freedom\_of\_Information/FREEDOM\_OF\_IN FO\_MANUAL.pdf, last accessed on 31 August 2021.

CHRISTOPHER LOUIE D. OCAMPO JESSIFA HARLA G. BUSTAMANTE

Annex "A"



Republic of the Philippines DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES Region: IV-8 — MIMAROPA L & S Building, 1815 Roxas Boulevard Ermita, Mahila

# FOREST LAND USE AGREEMENT for TOURISM PURPOSES (FLAgT)

## BATHING ESTABLISHMENT

No. DENR IV-MIMAROPA-12302030-0010

hereby awarded to

## TEN KNOTS PHILIPPINES ING. (TEN KNOTS DEVELOPMENT CORPORATION) (Lassee)

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



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-MIMÁROPA-12302030-0010 NUMBER

#### <u>TEN KNOTS PHILIPPINES INC.</u> (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, <u>VICENTE S.</u> <u>PARAGAS, CESO III,</u> 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 <u>MR. ALBERTO A.</u> <u>LIM</u>, President, with Office address at 2<sup>nd</sup> 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.Q. 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 (BATHLING 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: VICE AS. CESO III PARA C Witness

By: BER1 LESS Witness

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;
- 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

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Bv: PARA GAS, CESO III Witness

BERTO

- JX. 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. Noń-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 <u>P96,180.00</u> 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

Ξ

By: VICENT PABAGAS, CESO III E\$SOR Witness

By: RERTO

#### GROUNDS.EOR SUSPENSION AND CANCELLATION OF FLAGT:

- 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.
  - For allowing unauthorized person/s to use the area or any portion thereof for purposes other than what is specified in the management agreement;
  - If the privilege was obtained through fraud, misrepresentation or omission of material facts existing at the time of filing of the application.
- 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;
- 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	
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By Authority of the Secretary Of the Department of Environment And Natural Resources

VICENTE S.	PARAGAS, CESO III
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	Witness

By:

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### ACKNOWLEDGEMENT

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Republic of the Philippines)	٢	, i <sup>z</sup> , i	
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BEFORE me, A Notary Pub the day of appeared the following with their re			
NAME	COM. TAX CERT. NO.	DATE/PLACE ISSUED	15
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VICENTE S. PARAGAS, CESO III	1200321705	02-02-2005 Ilo-ilq City	m

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) <u>DENR IV MIMAROPA 12302030-0010</u>, copsists of FIVE (5) pages including this page when the <u>ACKNOWLEDGEMENT</u> 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.

)c 5M TTY. DENNIS L. WAGAS

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Annex "B"

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

SPECIAL USE PERMIT (BATHING ESTABLISHMENT)

NO. DATER 12, 1998

#### NO. DENR-IV-PENRD-10699-0006

is accordance with Section 57 of Presidential Decree No. 465 officerwise knows as the Revised Forestry Code of the Foliopicer and DENR Administrative Order No. 98-24 dated June 2. 1998, a <u>Special Use Permit for Bathing Establishment</u> is mereby granted to <u>TEN KNOTS DEVELOPMENT CORPORATION</u> to crear Sectores of public forest land situated at Cadlas Island. In p. Forma Sectores of Nico, Province of Palawan as described to the attached sector more which form perform this permit.

This permit is subject to the existing domain taxes. Foresty, Administrative Orders and regulations and an those which as thereofter be promilgated including the terms and constants embodied in Access 404, the Environmental Compliance Certificate (Fig which form part of this permit.

The anneal contal of the area shall be payable in allowing at two bundled fifty Penns 4 & Statist 1 per techary shill be aver amonded and outil an apprecial on traductions. I be list paper commute therein shall have tests mark. Statist becaut out coentrally by based on 32 of the value of the boot and 52 of the value of among commute.

The dravilege granted under this permit as the moment for area by the shore hamed permittee for BDTHONG EDTABLICBNEE.

This permit is NDG-TRANSFEROICE AND Different Addition and a second as provided in Section 61 of the atomicson Decree and a second a Variable of 1999.

DANILO R. QUERIJERO

Copy Exercised:

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

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#### Lot 9, \$95-48-000172-D Identical to Lot 12184, Can 1037-D

Legioning at a point marked 11' of Lot 9, Sgs-48-000172-D, identical to Lot 12184, Cad 1037-D, being N. 37° 15'W., 6,043.18 meters from 8LLM 1. Cad 1037-D, Municipality of El Nido, Province of Palawan, thence:

5. 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 served bundred 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-48-000172-D; on the west, along line 2-3 by Lot 8, Sgs-46-000172-D; on the north, along line 3-4 by Lot 263, Cad 1037-D; and on the east, along line 4-1 by Lot 17,  $\pm$  Sqs-48-000172-D.

Sharings are grid

This lot was surveyed by Geodetic Engineer Emmanuel N. Ordie 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 04S312-1458.

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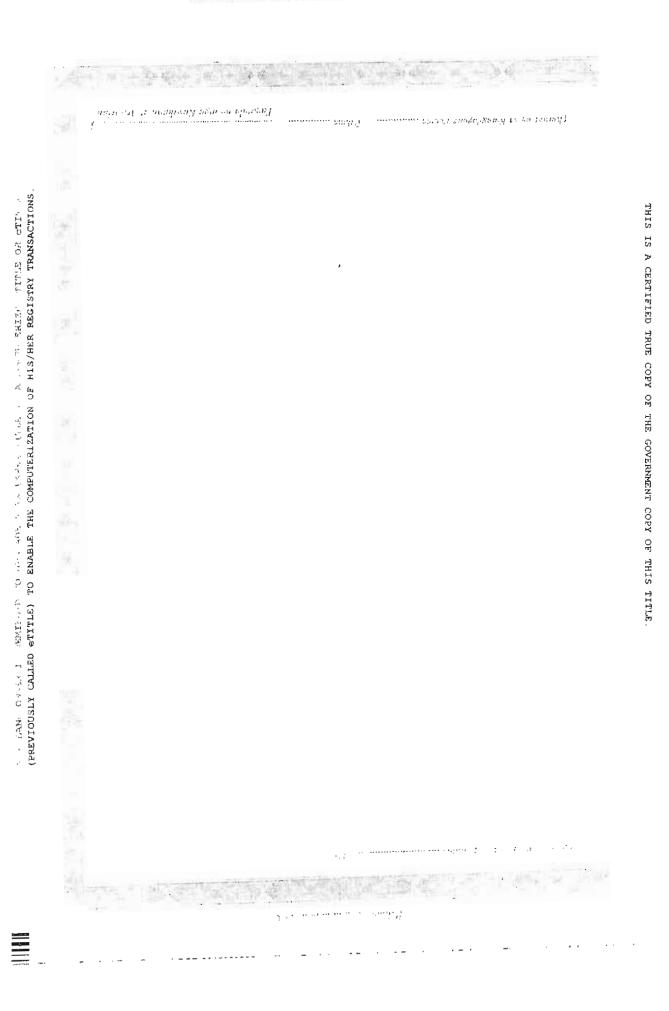
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### (PAGLALARAWANG TEKNIKAL)

#### Lot 10, Sgs-48-000172-D identical to Lot 12185, Cad 1037-D

Beginning at a point marked "1" of Lot 10, Sgs-48-000172-D, Identical to Lot 12165, Cad 1037-D, being N. 37° 15'W., 6,043.18 meters from 8LLM J. Cad 1037-D, Municipality of El Nido, Province of Palawan, thence:

S. 19º 44' E., 204.35 m. to point 2; S. 73° 08' W., 220.78 m. to point 3; N. 73° 08' E., 216.11 m. to point 1; N. 18 26' W., 204.17 m. to point 4; point of benening; 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 rentimeters.

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-48-000172-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, Sd5-48-000172-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 promolgated thoreunder. The survey was approved on February 2, 2015.

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

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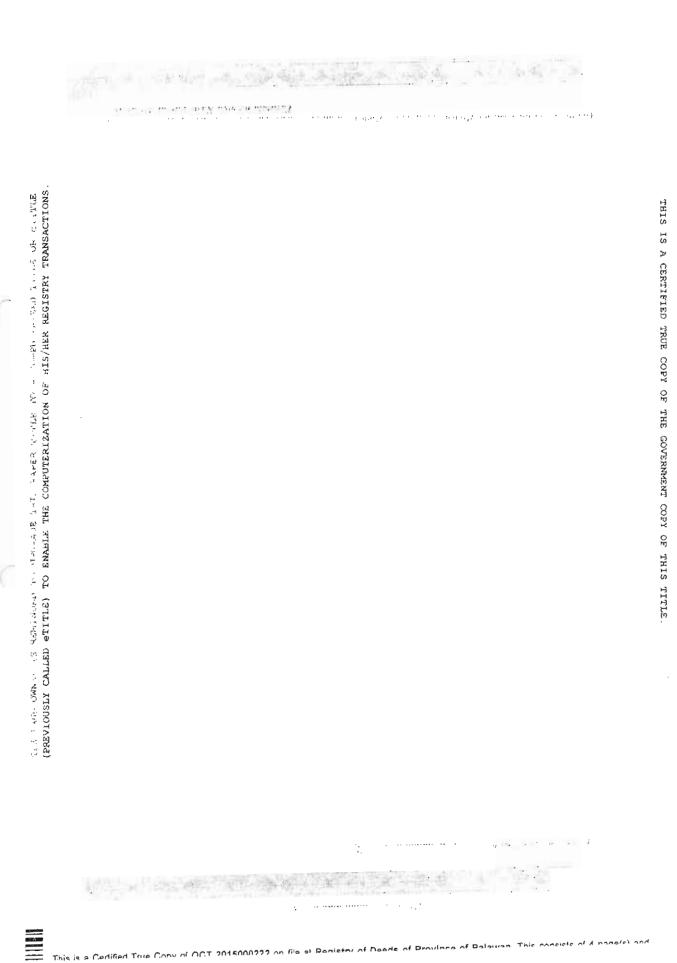
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### LAND REGISTRATION AUTHORITY CCV FORM

#### (PAGLALARAWANG TERNIKAL)

#### Lot 11. Sos-48-000172-0 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; 5. 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 nucleos.

Ad conners 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 295, Cad 1037-D; on the northwest, along line 2-3 by Lot 10, Sgs-48-000172-D; and en the cast, along line 3-1 by Bacut Bay (Salvage zone).

#### aparings are god.

This lot was surveyed by Geodetic Engineer Emmanual N. Ortile on January 5-7, 2015 in accordance with law and existing rules and regulations promulcated theraunder. The survey was approved on February 2, 2015.

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

Checked by: ESTER T. BIONA

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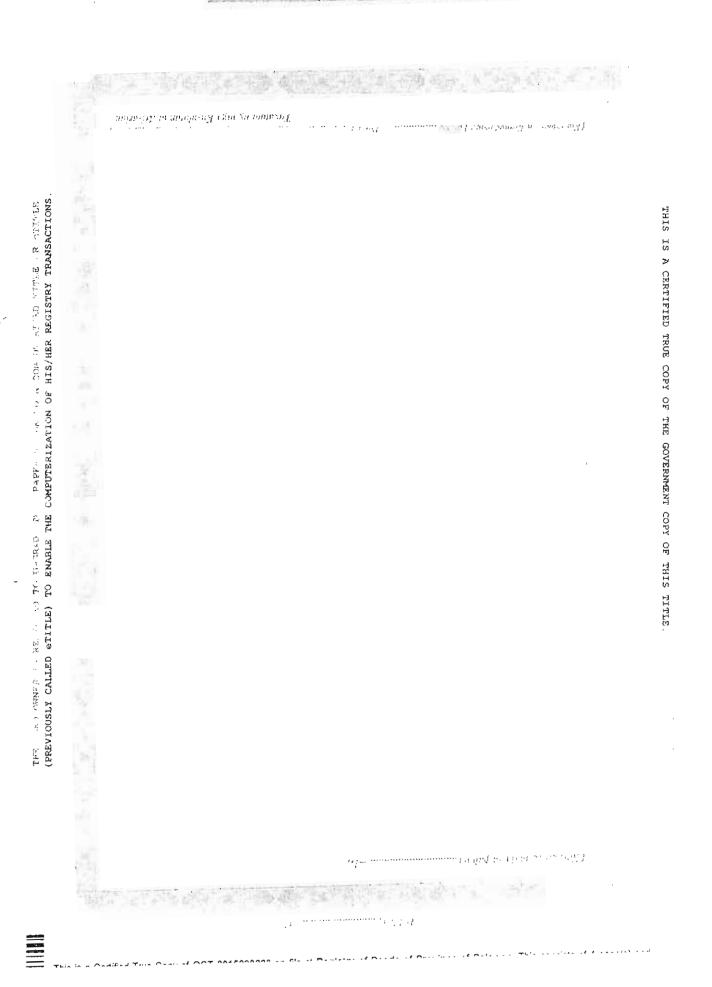
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#### ANGARA ABELLO CONCEPCION REGALA & CRUZ LAW OFFICES

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16 November 2021

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2<sup>14</sup> AVENUE CORNER 30<sup>11</sup> STREET SCENT PARK WEST, BONIFACIÓ GLOBAL CITY 1635 TAGUIG, METRO MANUA, PHILIPPINES TELEPHONE (622) 8830-8000 0 MANILA, PHILIPPINES KONE (632) 8830-8000 FAX: (632) 8403-7007 (632) 8400 000 E-MAIL acciamentaliaw.com WEBSITE WWW.accid MAILING ADDRESS MCC P O BOX 2462 METRO MANILA, PH

22/F, ACCRALAW TOWER

FOUNDING PARTNERS

TTODORO D REGALA

MANUEI G ABELLO EDGARDD I ANGARA

AVELINO V CRUZ

IDSE C. CONCEPCION

SENIOR COUNSEL

SENIOR LEGAL COUNSEL

VICTOR P LAZATIN FRANCISCO ED LIM

OF COUNSEL ROGELIO A VINLUAN VICTOR P LAZATIN LUIS A VERACHUZ JR TERESITA J HERBOSA EUSEBIO V TAN EUSTOIL : MITERIO C MANIBOG JR. ALELI ANGELA G QUIRINO RAMON G SAMSON REGIS V PUNO

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LAND MANAGEMENT BUREAU 880 F.R. Estuar Building Quezon Ave., Brgy. Paligsahan Quezon City

> Attention: Attorney Emelyne V. Talabis Acting Director

Re:

#### Request to Investigate Issuance of Original Certificates of Title over Forest Land

Dear Attorney Talabis:

We write on behalf of our client, Ten Knots Philippines, Inc. ("TKPI"), in relation to the issuance of Original Certificates of Title ("OCTs") over forest lands located in Cadlao Island, Brgy. Buena Suerte, El Nido, Palawan.

To recall, on 8 September 2021, TKPI wrote to request your good office to exercise its authority to investigate the suspicious circumstances surrounding the issuance of OCTs allegedly pursuant to agricultural Free Patent Applications. The OCTs issued to one Baberlyn Gomez ("Mrs. Gomez") and Noel Tampe cover land previously delineated through a cadastral survey, Cad. 1037-D. A portion of the land covered by these OCTs overlap with the 3.206 hectares of forest land covered by TKPI's Forest Land Use Agreement for Tourism Purposes ("FLAGT").

In its letter, TKPI also discussed the circumstances that show that these OCTs were obtained fraudulently. TKPI takes this opportunity to inform your good office of developments subsequent to its 8 September 2021 letter.

On 27 October 2021, an actual ground survey was conducted for the Department of Environment and Natural Resources ("DENR") to confirm the metes and bounds of the area covered by TKPI's FLAGT. Among those present were Israel Gomez ("Mr. Gomez") and his survey team, personnel of the DENR including DENR investigator Jones Manuel Y. Lafuente, and TKPI representatives and its survey team. Several members of the Barangay council were also present during the joint survey.

The results of the actual ground survey confirmed that areas claimed by Spouses Gomez, and where they are causing construction works to be undertaken, fall within the area covered by TKPI's FLAGT.1 This clearly shows that the OCTs cover

A copy of the map submitted by Engr. Veneracion to the CENRO is attached hereto as Annex

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timberland, which are not alienable and disposable land of the public domain susceptible of private acquisition through a free patent application.

As pointed out in our letter dated on 8 September 2021, TKPI should and would have been aware of any free patent application because of the legal requirement for posting notices of such an application. Indeed, the surveys supposedly conducted for the free patent application would also not have escaped TKPI's attention. Conversely, had such surveys really taken place, Mr. Tampe and Mrs. Gomez would have certainly discovered that TKPI was already occupying the area pursuant to the DENR's duly issued FLAGT.

TKPI respectfully submits that there are sufficient reasons for your good office to exercise its authority, and perform its positive duty, to investigate the matter pursuant to Section 91 of the Public Land Act:

"SECTION 91. x x x It shall be the duty of the Director of Lands, from time to time and whenever he may deem it advisable, to make the necessary investigations for the purpose of ascertaining whether the material facts set out in the application are true, or whether they continue to exist and are maintained and preserved in good faith, and for the purposes of such investigation, the Director of Lands is hereby empowered to issue subpoenas and subpoenas duces tecum and, if necessary, to obtain compulsory process from the courts. In every investigation made in accordance with this section, the existence of bad faith, fraud, concealment, or fraudulent and illegal modification of essential facts shall be presumed if the grantee or possessor of the land shall refuse or fail to obey a subpoena or subpoena duces tecum lawfully issued by the Director of Lands or his authorized delegates or agents, or shall refuse or fail to give direct and specific answers to pertinent questions, and on the basis of such presumption, an order of cancellation may issue without further proceedings."

We trust that you will act in due course to TKPI's request.

#### Very truly yours,

#### ANGARA ABELLO CONCEPCION REGALA & CRUZ

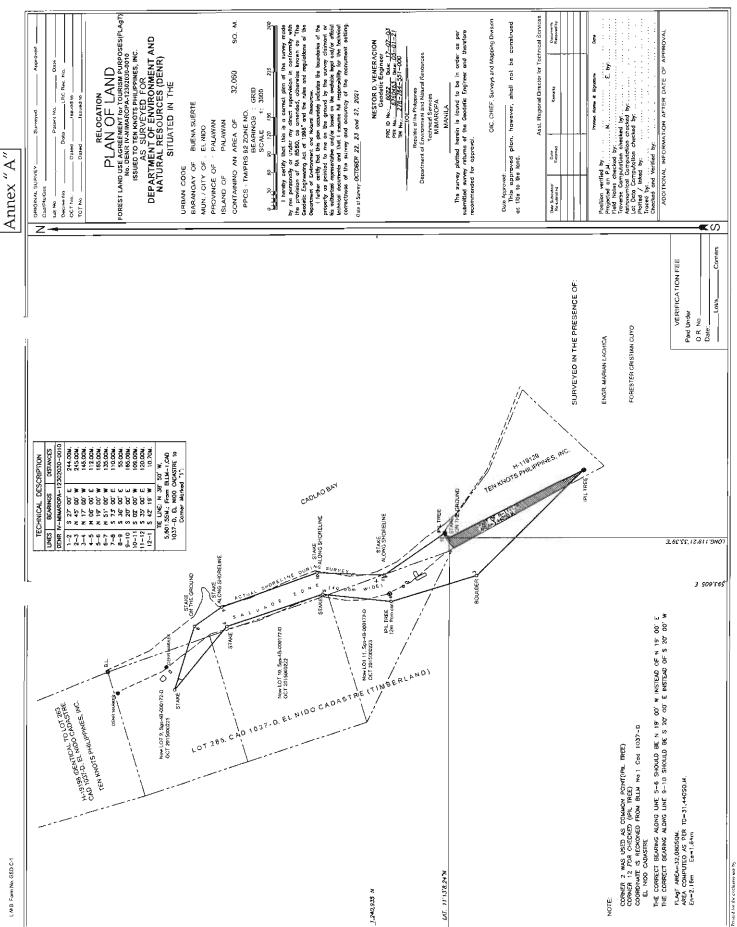
By:

### SALVADOR L. PEÑA

#### CHRYSILLA CARISSA P. BAUTISTA

<sup>&</sup>quot;A" and made an integral part hereof.

CHRISTOPHER LOUIE D. OCAMPO JESSICASHARLA G. BUSTAMANTE

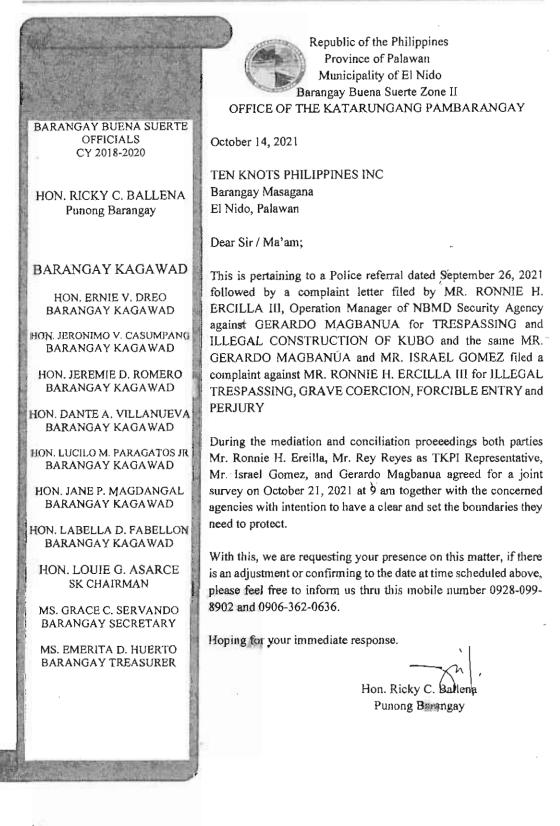


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#### ANGARA ABELLO CONCEPCION REGALA & CRUZ LAW OFFICES

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ICE A. GONZALES

OFFICE OF THE KATARUNGANG PAMBARANGAY El Nido, Palawan Hon. Ricky C. Ballena Attention: Punong Barangay Letter dated 14 October 2021 Re:

Dear Hon. Ballena:

We write on behalf of our client, Ten Knots Philippines, Inc. ("TKPI"), in response to your letter dated 14 October 2021.

TKPI welcomes, and will participate in, the conduct of a joint survey to confirm the metes and bounds of its Forest and Land Use Agreement for Tourism Purposes ("FLAGT") as a way forward to resolving the dispute.

To facilitate the joint survey, please coordinate with the Community Environment and Natural Resources Office, particularly, Engr. Alan L. Valle, who has informed us that his office will soon be scheduling an actual ground survey of the area interaction and actual ground survey of the area covered by TKPI's FLAGT.

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 Ann CHRISTOPHER BOUIE D. OCAMPO ARLA G. BUSTAMANTE JESSIC A S

EOGARDO > ANGARA AVEUNO V CRUZ OSE C FONCEPCION SENIOR COUNSEL SENIOR (EGAL COUNSEL VICTOR P. LATATIN FRANCISCO ED. LIM OF COUNSE NOTES P LADER UIS A. VERA CRUZ, JA TEREALAN I HERBOSI LEDC 100 OG JR W/SO REGIST, PUNC (LIIV (6332) 231-1449 (6332) 231-1032 (5322) 231-1032 (5322) 231-4266 TAX (5332) 231-3634 DANK Q.A. DEEN Of Counsel JEFFERSON M MARQUEZ MA AQLANON & ABELLA EDUJARDO V SOLENG, JR LOUIE, IQUIN, D LOOD ANNE ARE ALLA PELIZE SUZANNELE SORM CONN ANTHONY Y A PHILING THEŘEST VÁŘAĽT ANDA GERTI SŘEDA VÁŘ A HOVLAR CONSTANTĚ MARTE CLIM PRIKA XY B'MURCH

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12/F. ACCRALAW TO

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FOUNDING PARTNERS TEODORD D REGALA

MANUELG ARELLO

METRO MANUA PHILIP

ACCRASAW

EZF, 26 CHALAW : LONGA 2<sup>nd</sup> AVENUE CONVER JO<sup>n</sup> STREFT CRESCENT PARK WESS, BONIFACIO GLOZAL CITY 1635 TAGUIG, MITPAD MANILA, PHILIPPINE TELEPHIDNE<sup>®</sup> (632) 8830-8000 FAX: (632) 8402-7007

WEBSITE

1/ PE TOWER PRYCE PUSINESS PAR TELEPHONE, JOHN MAN 82) 224 3

FAX-1827 224-098 Accentation ..... MONTE MINONCREILATA G WON'S CANTANO

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FOR : LAKANNI L. HIDALGO, MAEM, CE, CGSP, CLSO, CSP, CMPP, OSH, PCGA Group Security Manager, TKPI & TKDC

CC : COL ABDULRAHMAN ERCILLA PA (RET), CSP, CMPP Security Director for Operations, NBMDSA

> : MARIGLO I. LARIRIT Director for Environment and Sustainability

SUBJECT : AFTER ASSUMPTION OF DUTY ACTIVITY REPORT NO. 299 ALL POST MONITORING

DATE : October 27, 2021

Following are the events transpired on the area visited for the day.

### Chronology of events:

0630H - Formation of TKPI RL incoming guard dayshift

0700H -- All TKPI RL guards proceed to their designated post

0819H- checked out MIR 8 on board 3 personnel of DENR and 4 personnel TKPI surveyor and TKPI representative EO Reyes proceed to Cadlao for continuous surveying for finalized the flag –T with escorted by DC- Sabino Jeo D. and ADC- Bacaltos Frank D, with operator DC- Penaranda Moises S.

0845H- CADLAO KAWAYANAN POST UPDATE, arrived MIR-8 operator DC- Penaranda Moises on board with EO Reyes, DC-Sabino, ADC- Bacaltos, surveyor team, Darwin Rose, Jonel Dangan, Carlos Dangan, Jayson Martinez, Roel Sabanal, AND Sherwin Rubio together with DENR representative Mr. Jone Manuel Y. Lafuente. Reported by Sg. Magbanua R. P and Sg. Madarcos R.G

0902H- SNAKE ISLAND POST UPDATE, area of responsibility, so far safe and secured at this time. Reported by Sg. Serrano A.C

0904H- INIGTAN TENSION POST UPDATE, conducted roving inspection to TKPI area of responsibility, so far no unusual movement at this time, continues monitoring. Reported by Sg. Labrador P.C

0906H- CADLAO SABANG POST UPDATE, continues monitoring the perimeter of responsibility areas, arrived Delta MIR-8 on board team of Engr. Verenascion TKPI surveyor, E.O Rey Reyes, DC-Sabino J.D, and ADC- Bacaltos F.D. reported by Sg. Alao J.R

0906H- INIGTAN FARM POST UPDATE, continues monitoring around the responsibility areas, so far normal situation at this time. Reported by Sg. Panes J.S

0915H- BANGKALEN POST UPDATE, conducted roving inspection along SPIN boundary and beach area, still normal situation found. Reported by Sg. Cabral R.M

0919H- ABERAWAN POST UPDATE, continues observing beach area and responsibility areas, found normal situation at this time. Reported by Sg. Tria R.R.

0928H- DAGAL-DAGAL UPPER POST UPDATE, on or about 0841h conducted roving inspection between TKPI boundaries, Bero and Delacruz boundary, and brgy. road, portion of landslide, mangrove area, still normal situation at this time. Reported by Sg. Ruelo J.B

0936H- DAGAL-DAGAL SUMMIT POST UPDATE, continues monitoring the perimeter of responsibility areas, found still normal situation at this time. Reported by Sg. Duco S.M

1027H- CADLAO KAWAYANAN POST UPDATE, arrived ENRFB-01 Delta on board operated by Sp. Penaranda, GSM Lakanni Hidalgo and Sp. Mahinay.

1048H- CADLAO KAWAYANAN POST UPDATE, on or about 0937h arrived Orange pearl speed boat on board with Mr. Israel Gomez, surveyor team Dinnes Ebalang, Edgar Olpina, Alfred Parangan, Brgy. kagawad Jeramie Romero and Rolando Dajao (IPMR). Reported by Sg. Magbanua R.P and Sg. Madarcos R.G.

1053H- CADLAO KAWAYANAN POST UPDATE, on or about 1000h arrived on board Mr. Alben Dellosa of FSI- of Sierra to advice about the start of film shooting at Sabang area.

1102H- CADLAO KAWAYAN POST UPDATE, on or about 1010h arrived Seaya Too Geezstring delta on board delta on board Brgy. Chairman Ricky Ballena, PMS Mark Anthony Colili and PSSG Soberano.

1109H- CADLAO KAWAYANAN POST UPDATE, on or about 1018h started meeting of both parties, with barangay officials headed by Brgy. Chairman Ricky Ballena, DENR representative.

1114H- DAGAL-DAGAL UPPER POST UPDATE, on or about 1012h TKPI land guards, lito Dairo, Ervin Cabig, Dexter Samonte, and Arnel Advencula started to work here in the Dagal-Dagal upper area, where the landslide occurred to allow large vehicle to pass. Reported by Sg RUELO J.B

1200H- INIGTAN FARM POST UPDATE, area of responsibility still normal situation negative found any unusual happened at this time. Reported by Sg. Panes J.S

1200H- INIGTAN TENSION POST UPDATE, continues monitoring the perimeter of area of responsibility, negative problem at this time. Reported by Sg. Labrador P.C

1201H- SNAKE ISLAND POST UPDATE, continues monitoring around the responsibility areas, still negative problem at this time. Reported by Sg. Serrano A.C.

1205H- DAGAL-DAGAL SUMMIT POST UPDATE, conducted roving boundary inspection between TKPI and Delacruz, and Gomez boundary, negative unusual movement at this time. Reported by Sg. Duco S.M

1207H- CADLAO SABANG POST UPDATE, continues observing the perimeter of responsibility areas, peaceful and negative problem around my post. Reported by Sg. Alao J.R

1209H- BANGKALEN POST UPDATE, continues monitoring area of responsibility, still normal situation around. Reported by Sg. Cabral R.M

1212H- ABERAWAN POST UPDATE, continues monitoring my area of responsibility, still safe and secured at this time. Reported by Sg. Tria R.R.

1318H- CADLAO KAWAYANAN POST UPDATE, departed ENRFB-01 operated by Sp. Mahinay on board with Land guard Richard Abrequino to pick-up Ms. Mariam Lachica of DENR.

1355H- CADLAO KAWAYANAN POST UPDATE, arrived ENRFB-01 operated by Sp. Mahinay on board with Ms. Marian Lachica of DENR.

1401H- CADLAO KAWAYANAN POST UPDATE, meeting of both parties, Barangay Officials and Ms. Mariam Lachica of DENR.

1457H- INIGTAN TENSION POST UPDATE, still safe and secured around the perimeter of responsibility areas at this time.

1501H- DAGAL-DAGAL SUMMIT POST UPDATE, continues monitoring around the area of responsibility, still normal status at this time.

1503H- SNAKE ISLAND POST UPDATE, remain normal situation and peaceful my area of responsibility at this time. Continues monitoring

1509H- CADLAO SABANG POST UPDATE, peaceful and normal status around the perimeter area, no security problem at this time.

1510H- BANGKALEN POST UPDATE, conducted roving inspection area of responsibility, negative problem found, continues monitoring

1523H- INIGTAN FARM POST UPDATE, continues monitoring around the area of responsibility, peaceful situation found at this time.

1617H- CADLAO KAWAYANAN POST UPDATE, Another meeting of both parties, after the final location of flag-t.

1641H- CADLAO KAWAYANAN POST UPDATE, depart orange pearl-1 on board PNP personnel, survey team and Mr. Israel Gomez.

1642H- CADLAO KAWAYANAN POST UPDATE, depart orange pearl boat on board Barangay officials of Brgy. Buena Suerte.

1652H- CADLAO KAWAYANAN POST UPDATE, depart MIR-8 operated by Sp. Penaranda on board E.O Rey Reyes and TKPI survey team.

1711H- CADLAO KAWAYANAN POST UPDATE, depart ENRFB-01 operated by Sp. Mahinay onboard GSM Lakanni Hidalgo, DC- Sabino Jeo, ADC- Bacaltos Frank went to town.

Prepared by:

ENRIQUE L. BASISTO DC TKPI-RL

Pleased see attached photo below:



PHOTO NO. 1 FORMATION OF TKPI-RL DAY SHIFT INCOMING GUARDS



PHOTO NO. 2 MIR-8, w/ TKPI surveyor team, EO Rey Reyes, proceed to Cadlao Kawayanan area



PHOTO NO. 3 MIR-8 DC-SABINO J.D, ADC- BACALTOS F.D proceed to Cadlao Kawayanan area



PHOTO NO. 4 ARRIVED MIR-8 W/ TKPI SURVEYOR TEAM, EO REYES, 2 SECURITY OFFICERS

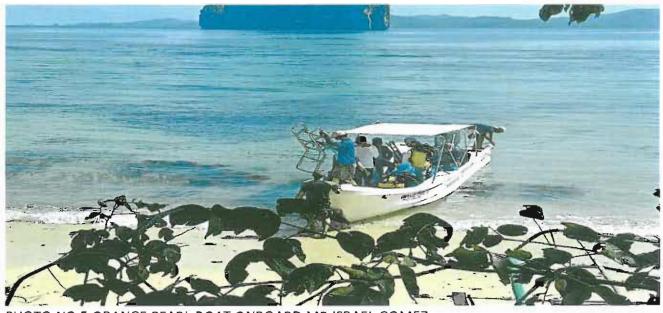


PHOTO NO.5 ORANGE PEARL BOAT ONBOARD MR.ISRAEL GOMEZ



PHOTO NO.6 SECOND ARRIVAL ORANGE PEARL BOAT ONBOARD BRGY.BUENA SUERTE OFFICIALS







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PHOTO NO.9 INSPECTIONING OF FLAG - T AREA



PHOTO NO.10 SNAKE ISLAND MANGROVE AREA



PHOTO NO.11 CADLAO SABANG AREA

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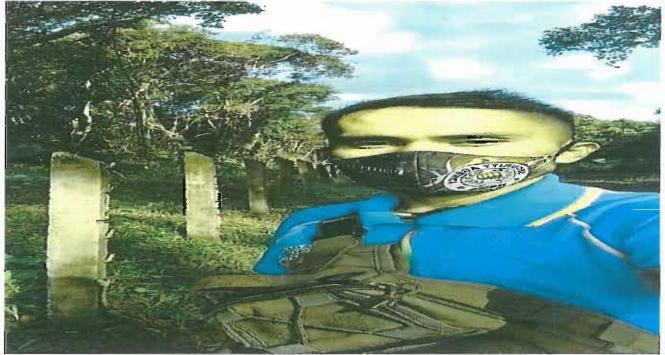


PHOTO NO.12 MAGALONA BOUNDARY FENCE

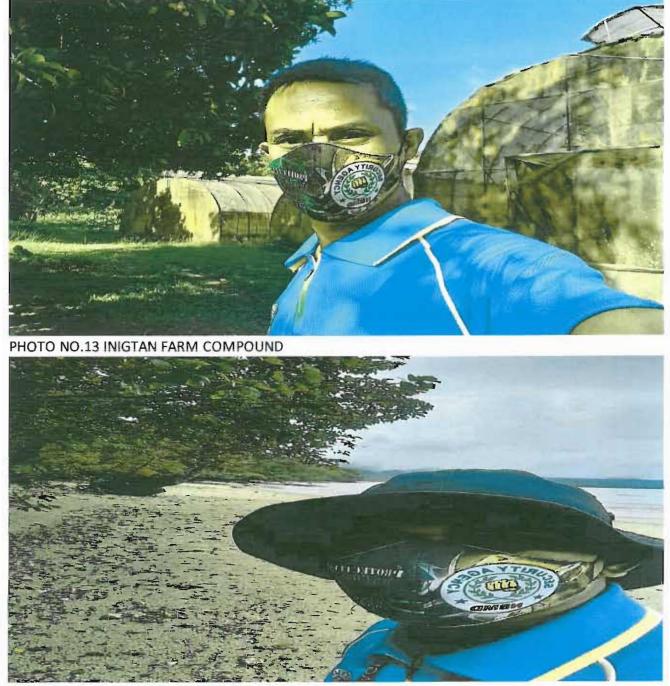


PHOTO NO. 14 BANGKALEN BEACH AREA



PHOTO NO.16 DAGALDAGAL UPPER MANGROVE AREA

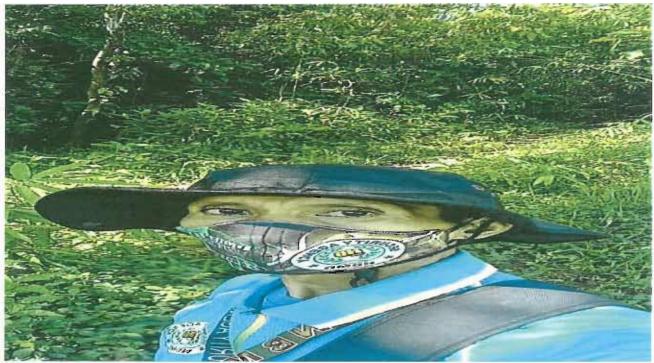


PHOTO NO.17 DAGALDAGAL SUMMIT TKPI AREA



PHOTO NO.18 MIR 8 CHECKOUT ONBOARD EO REY REYES AND SURVEYOR TEAM



PHOTO NO.19 ORANGE PEARL BOAT CHECKOUT ONBOARD PNP AND MR. GOMEZ SURVEYOR TEAM



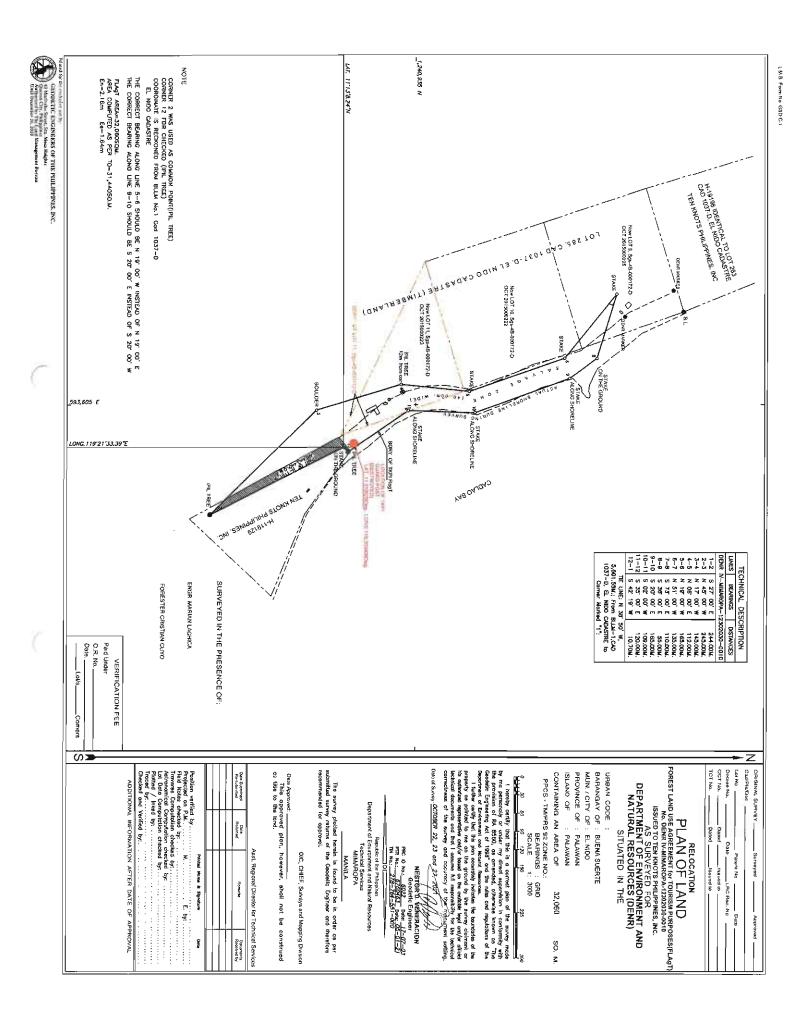
PHOTO NO.20 ORANGE PEARL 2 CHECKOUT ONBOARD BARANGAY OFFICIALS



PHOTO NO.21 ENRFB - 01 BOAT CHECKOUT ONBOARD GSM LAKANNI L. HIDALGO

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#### ANGARA ABELLO CONCEPCION REGALA & CRUZ AW OFFICES

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26 April 2022 5.9571 **DENR Region IV - MIMAROPA** DENR by the Bay, 1515 L&S Bldg.

> Hon. Lormelyn E. Claudio Attention: Regional Executive Director

> > Re: 2 March 2022 Joint Survey for Forest Land Use Agreement for Tourism Purposes No. DENR IV-MIMAROPA-12302030-0010

Gentlemen:

Roxas Boulevard, Manila

mimaroparegion@denr.gov.ph

On behalf of our client, Ten Knots Philippines, Inc. ("TKPI"), we write in connection with the joint survey conducted in relation to Forest Land Use Agreement for Tourism Purposes No. DENR IV-MIMAROPA-12302030-0010 ("FLAGT").

To resolve the overlap between TKPI's FLAGT and the original certificates of title ("OCT") issued to Noel Tampe and Baberlyn Gomez,<sup>1</sup> a team composed of personnel from the Department of Environment and Natural Resources ("DENR") Regional Office, the Community Environment and Natural Resources Office ("CENRO"), the DENR's geodetic engineer, and the Protected Area Officer of El Nido conducted a survey on 2 March 2022. TKPI representatives and Israel Gomez were present when the survey was conducted. The team found the survey points referenced in the ground survey that Engineer Nestor D. Veneracion conducted on 27 October 2021 for the DENR.

The 2 March 2022 ground survey focused on the survey points of TKPI's FLAGT but left out the areas that overlap with Noel Tampe's and Baberlyn Gomez' OCTs, which your good office confirmed to be timberland during the 13 January 2022 technical conference attended by key personnel from the DENR Regional Office and the CENRO. To recall, among the issues identified during

Orihinal na Titulo Blg. 2015000225 issued to Baberlyn D. Gomez, Orihinal na Titulo Blg. 2015000222 and 2015000223 issued to Noel Tampe



ANNEX "DD"

22/F, ACCRALAW JOWER 24° AVENUE CORREA 30° 378 CB 26° AVENUE CORREA 30° 378 CB CRESCENT PARK WIST, BONIFACIO GLOBAL CHY 1635 TAGUIG, METRO MANILA, PHILIPPINES TELEPHONE: 16321,8830,8000 FAX 161718403 16331 8403-200 MAIL acc E-MAIL ASSE WEBSITE WARDER OF A MAILING ADC. 55 MCC P C. 52 0770 MAKAD CITY METRO MANILA PHILIPPINES

FOUNDING PARTNERS

TEODORO DI REGALA

EDGARDO L ANGARA

AVELINO V CRUZ

JOSE C. CONCEPCION

SENIOR COUNSEL

SÉNIOR LEGAL COUNSEL VICTUR P LAZARIN FRANCISCO ED GIM

of counse ROGELIÓ A, VINCUAN VICTOR P. LAZATIN LUIS A, VERA GRUZ, JR. TERES A A HEBROS A SAME AND A SAME AND A SAME AND A SAME AND A SAME AND A SAME AND A SAME AND A SAME AND A SAME AND A SAME AND A SAME AND A SAME AND A SAME AND A SAME AND A SAME AND A SAME AND A SAME AND A SAME AND A SAME AND A SAME AND A SAME AND A SAME AND A SAME AND A SAME AND A SAME AND A SAME AND A SAME AND A SAME AND A SAME AND A SAME AND A SAME AND A SAME AND A SAME AND A SAME AND A SAME AND A SAME AND A SAME AND A SAME AND A SAME AND A SAME AND A SAME AND A SAME AND A SAME AND A SAME AND A SAME AND A SAME AND A SAME AND A SAME AND A SAME AND A SAME AND A SAME AND A SAME AND A SAME AND A SAME AND A SAME AND A SAME AND A SAME AND A SAME AND A SAME AND A SAME AND A SAME AND A SAME AND A SAME AND A SAME AND A SAME AND A SAME AND A SAME AND A SAME AND A SAME AND A SAME AND A SAME AND A SAME AND A SAME AND A SAME AND A SAME AND A SAME AND A SAME AND A SAME AND A SAME AND A SAME AND A SAME AND A SAME AND A SAME AND A SAME AND A SAME AND A SAME AND A SAME AND A SAME AND A SAME AND A SAME AND A SAME AND A SAME AND A SAME AND A SAME AND A SAME AND A SAME AND A SAME AND A SAME AND A SAME AND A SAME AND A SAME AND A SAME AND A SAME AND A SAME AND A SAME AND A SAME AND A SAME AND A SAME AND A SAME AND A SAME AND A SAME AND A SAME AND A SAME AND A SAME AND A SAME AND A SAME AND A SAME AND A SAME AND A SAME AND A SAME AND A SAME AND A SAME AND A SAME AND A SAME AND A SAME AND A SAME AND A SAME AND A SAME AND A SAME AND A SAME AND A SAME AND A SAME AND A SAME AND A SAME AND A SAME AND A SAME AND A SAME AND A SAME AND A SAME AND A SAME AND A SAME AND A SAME AND A SAME AND A SAME AND A SAME AND A SAME AND A SAME AND A SAME AND A SAME AND A SAME AND A SAME AND A SAME AND A SAME AND A SAME AND A SAME AND A SAME AND A SAME AND A SAME AND A SAME AND A SAME AND A SAME AND A SAME AND A SAME AND A SAME AND A SAME AND A SAME AND A SAME AND A SAME AND A SAME AND A SAME AND A SAME AND A SAME AND A SAME AND A SAME AND A SAME AND A SAME AND A SAME AND A SAME AND A SAME AND A SAME AND A SAME AND A SAME AND A SAME AND A SAME AND A SAME AND A SAME AND KE Y PUNO

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IDHN ANTHONY 2<sup>4</sup> จ.โคร์ชี่กบ THERESE ได้รับชี่กับ <sup>14</sup> ทัศร์ปี GERIME กังส์ <sup>1</sup> ก. ซีร์ปีจับ SHIDLA VRP: ก. ได้รับเลือ CONSTANCE ให้กลาย <sup>14</sup> กังศ INKAJOVS MURCIA YE MIGHELE & MIGH

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that meeting was the erroneous titling of areas that are timberland and are covered by TKPI's FLAGT. To address the issue, your good office explained that a final survey will be conducted and the titles covering timberland will be cancelled. Your good office committed that a reversion case will be filed to reclaim the timberland mistakenly covered by the OCTs.

Also during the 13 January 2022 meeting, the ongoing illegal construction of Israel Gomez in the disputed area was discussed. Your good office confirmed that the issuance of a Notice of Violation is proper because the construction activities are being undertaken without the necessary building permits. For the information of your good office, Israel Gomez continues to build permanent structures even on the foreshore areas. Attached are photos of Gomez' structures, for your consideration and usual prompt action on the matter.

In line with the foregoing developments, we kindly follow up on: (1) the results of the 2 March 2022 ground survey and all other ground verifications on the scope of TKPI's FLAGT, including the 27 October 2021 actual ground survey where it was confirmed that areas claimed by Spouses Israel and Baberyln Gomez, wherein they are performing construction works, fall within the area covered by TKPI's FLAGT; (2) the issuance of the Notice of Violation against the developers in the disputed area; and (3) any developments regarding the reversion case for the timberland erroneously titled.

Thank you for your kind consideration and prompt attention to 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

MIGUEL RICO E. DE GUZMAN

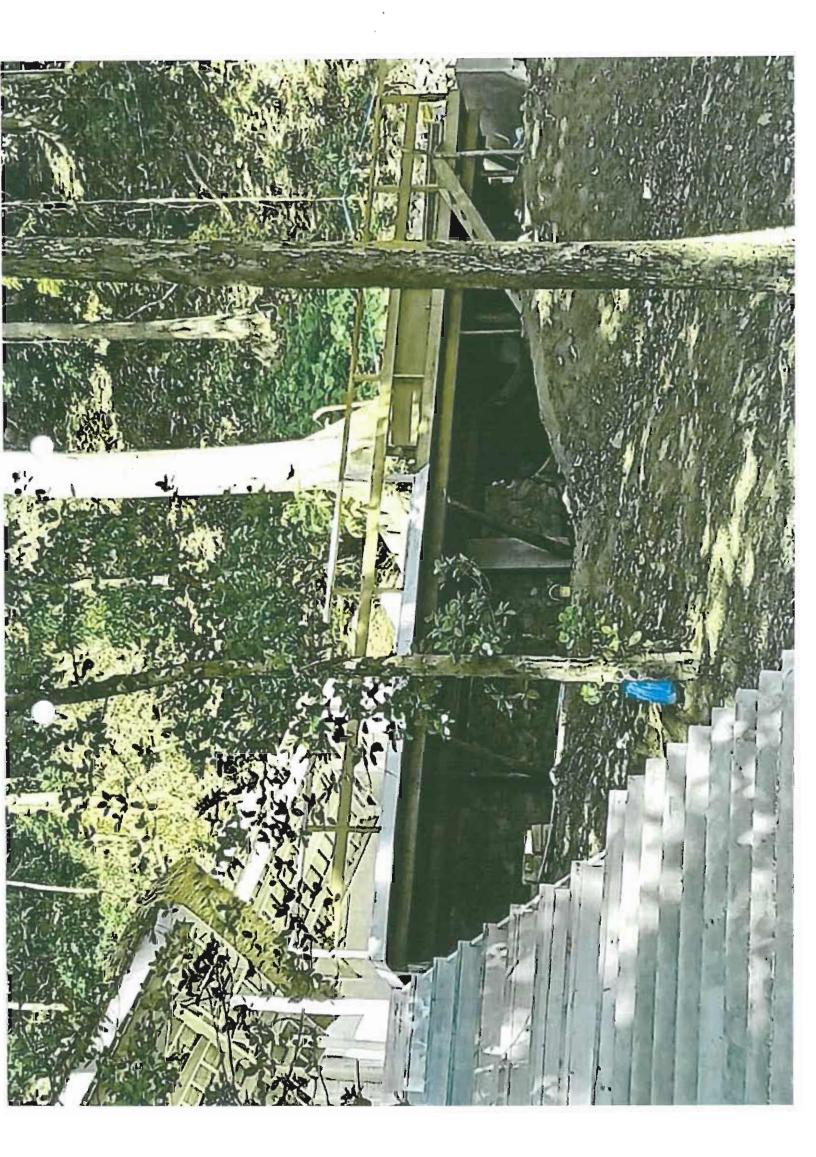
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PROVINCIAL ENVIRONMENT AND NATURAL RESOURCES OFFICE Attn: Mr. Felizardo B. Cayatoc PENRO Brgy. Sta. Monica, Puerto Princesa City, Palawan penropalawan@denr.gov.ph

COMMUNITY ENVIRONMENT NATURAL RESOURCES OFFICE Attn: Engr. Alan L. Valle CENRO DENR Region IV - MIMAROPA National Highway, Poblacion Taytay, Palawan 5312 cenrotaytay@denr.gov.ph

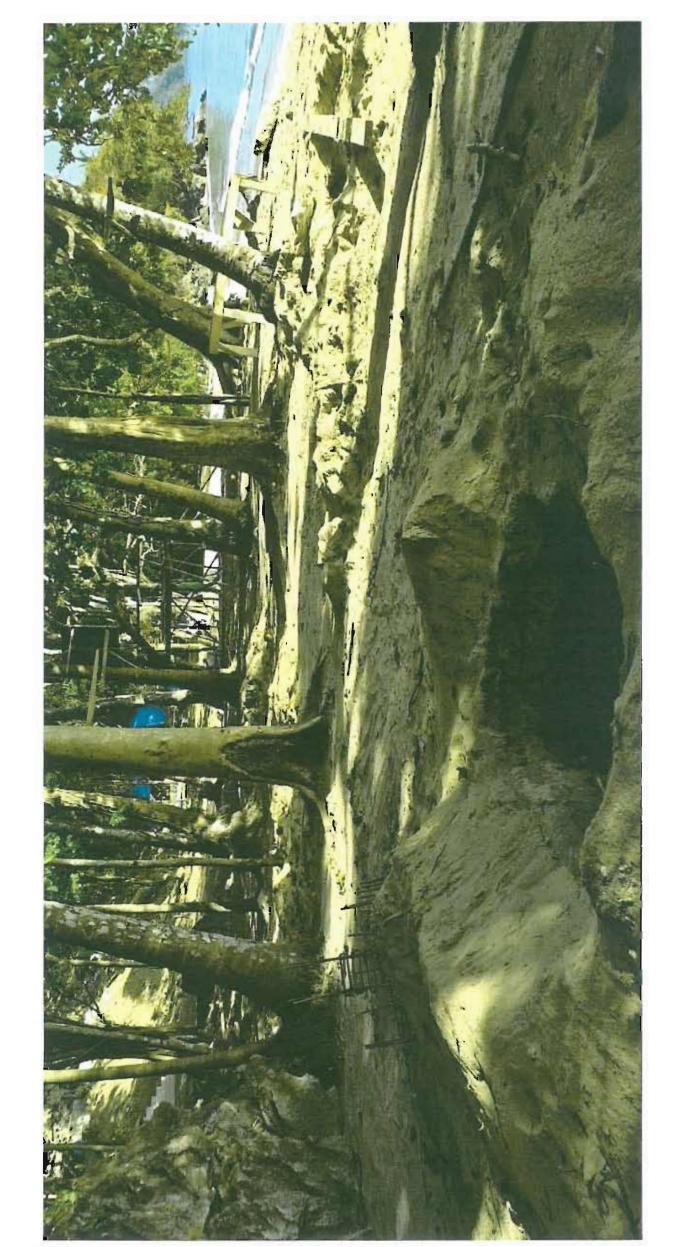
EL NIDO-TAYTAY MANAGED RESOURCE PROTECTED AREA Attn: Ms. Mildred A. Suza Protected Area Superintendent Calle Real, Brgy. Masagana, El Nido, Palawan 5313 denrpao\_elnidopal@yahoo.com entmrpa@gmail.com



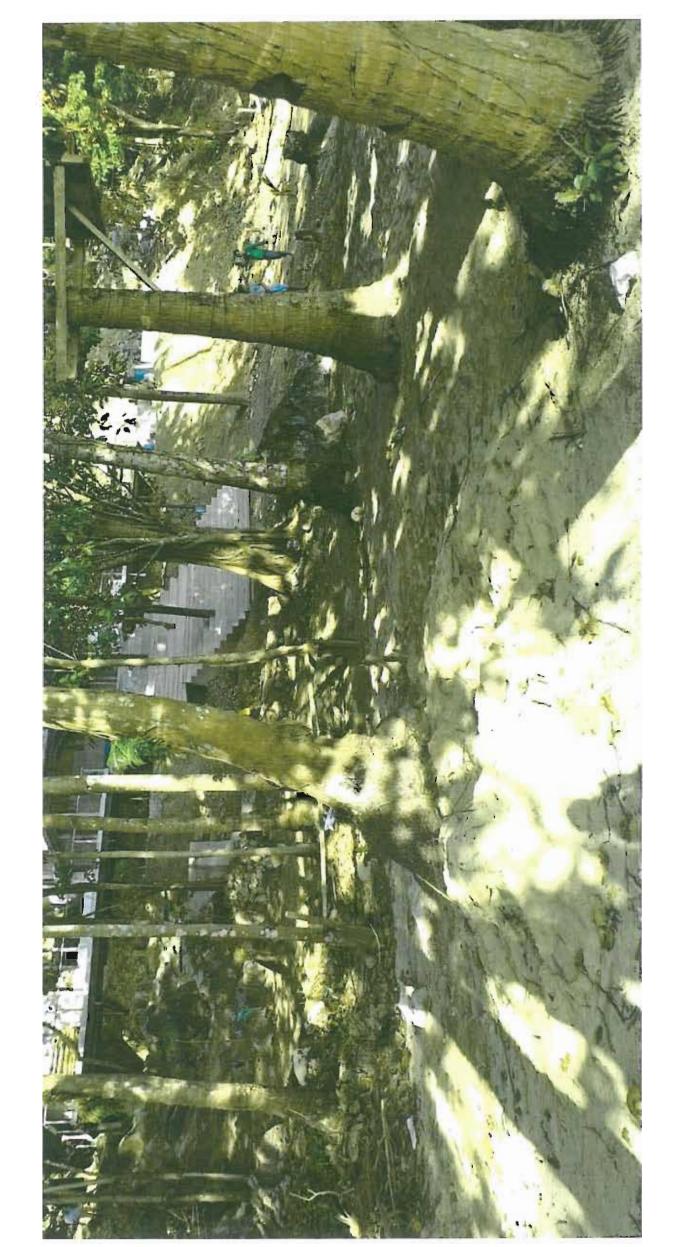


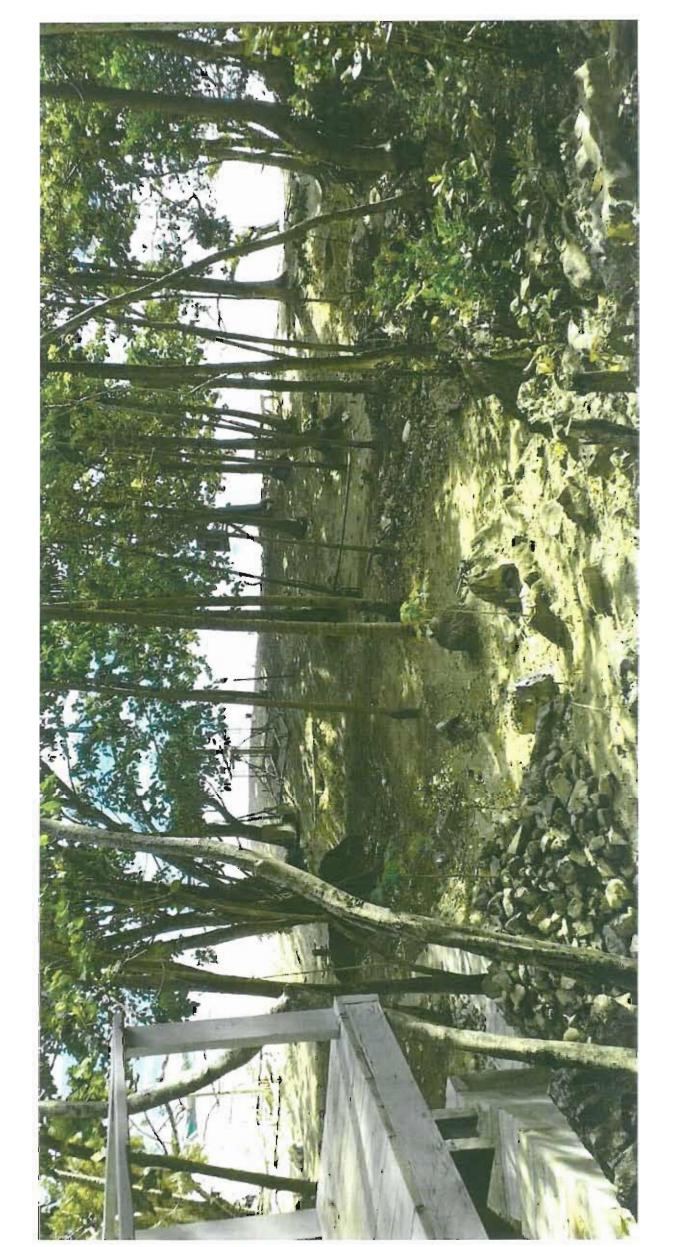


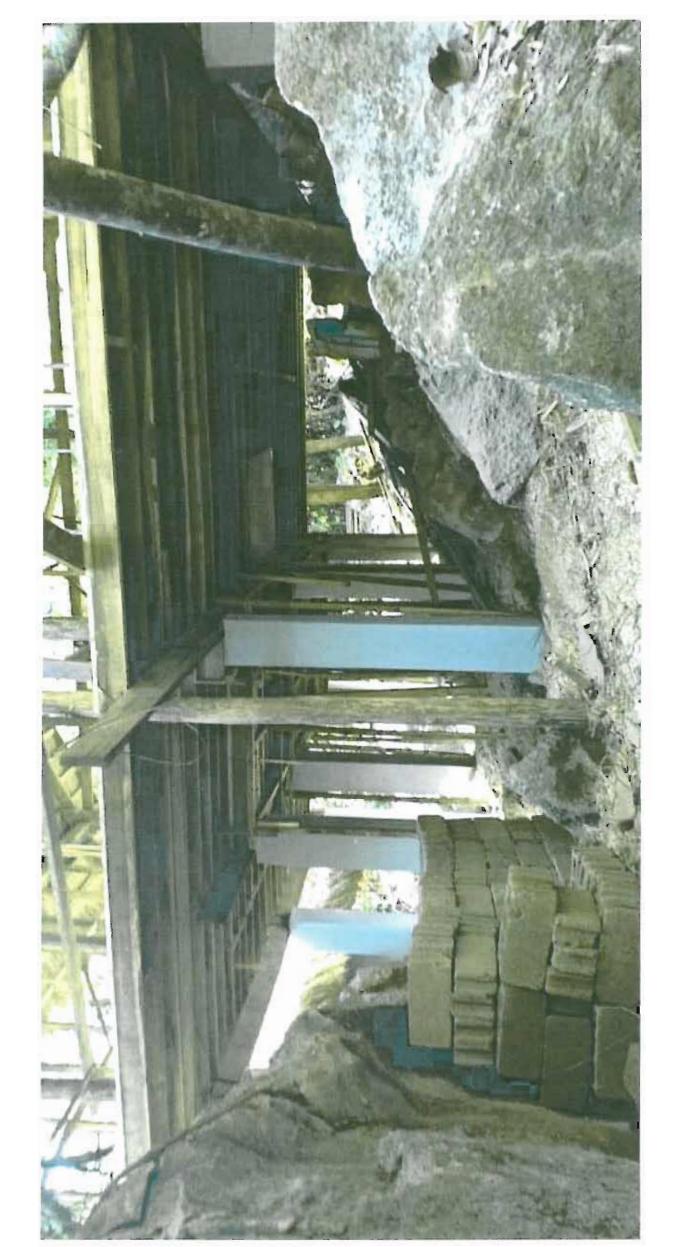
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D L RÉGALA, JR. PANTALION

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CIA KAY L. TYSMANS-CLEMENTE SILLA CARISSA P. BAUTISTA TICI M. STOCK

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#### ANGARA ABELLO CONCEPCION REGALA & CRUZ AW OFFICES

ACCRAERWS 28 June 2022

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DENR Region IV - MIMAROPA DENR by the Bay, 1515 L&S Bldg. Roxas Boulevard, Manila mimaroparegion@denr.gov.ph

#### Hon. Lormelyn E. Claudio Attention: Regional Executive Director

Re: Follow-up on results of 2 March 2022 Joint Survey for Forest Land Use Agreement for Tourism Purposes No. DENR IV-MIMAROPA-12302030-0010

Dear Regional Executive Director Claudio,

On behalf of our client, Ten Knots Philippines, Inc. ("TKPI"), we write in connection with the joint survey conducted in relation to Forest Land Use Agreement for Tourism Purposes No. DENR IV-MIMAROPA-12302030-0010 ("FLAGT").

To recall, to resolve the overlap between TKPI's FLAGT and the original certificates of title ("OCT") issued to Noel Tampe and Baberlyn Gomez, a team composed of personnel from the Department of Environment and Natural Resources ("DENR") Regional Office, the Community Environment and Natural Resources Office ("CENRO"), the DENR's geodetic engineer, and the Protected Area Officer of El Nido conducted a survey on 2 March 2022.

This survey focused on the survey points of TKPI's FLAGT but left out the areas that overlap with Noel Tampe's and Baberlyn Gomez' OCTs, which your good office confirmed to be timberland during the 13 January 2022 technical conference. During this meeting, one of the issues identified was the erroneous titling of areas that are timberland and found within TKPI's FLAGT. To address the issue, your good office explained that a final survey will be conducted and the titles covering timberland will be cancelled. Your good office committed that a reversion case will be filed to reclaim the timberland mistakenly covered by the OCTs. Your good office likewise confirmed that the issuance of a Notice of Violation is proper against illegal constructions over the disputed area.



22/F, ACCRALAW 104/EF 2<sup>14</sup> AVENUE CORNER 30<sup>145</sup> STREET SCENT PARN WEST BONIFACTORS OBAL CITY 1635 TAGUKG, METRO MANILA, PHIUPPINES

TELEPHONE: (532) 8810-00

FAX 1632) 8403- 1017 (1132) 8403- 1019 MAIL acciadate catale

MCC P O BOX 2462

FOUNDING PARTNERS ICODORO D REGALA

MANUELG ABSILO

EDGARDID I, ANGARA'

AVELING V. CRUZ

SENIOR COUNSEL FRANKLIN M DRILON

JOSE C CONCEPCION

NIOR LEGAL COUNSI VICTOR 9: LAZAR FRANKISCO ED U

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METRO MANILA, MILLIPPINES

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ALLA LAMPA

On 26 April 2022, TKPI wrote your good office to kindly follow up on: (1) the results of the 2 March 2022 ground survey and all other ground verifications on the scope of TKPI's FLAGT, including the 27 October 2021 actual ground survey where it was confirmed that areas claimed by Spouses Israel and Baberyln Gomez, wherein they are performing construction works, fall within the area covered by TKPI's FLAGT; (2) the issuance of the Notice of Violation against the developers in the disputed area; and (3) any developments regarding the reversion case for the timberland erroneously titled.

In the same letter, TKPI also informed your good office of the continuous construction of permanent structures even on the foreshore areas by Israel Gomez. To date, such construction for commercial purposes persists, expanding to a considerable size.

Since then, TKPI has twice contacted Protected Area Superintendent Forester Mildred Suza to inform her of the continued encroachment of the operators of Lihim Resort on the easement that falls within TKPI's FLAGT, as well as the continuous clearing of underbrush within the disputed area. On 14 June 2022, TKPI wrote to her, attaching photos of TKPI's tarpaulins that were ruined, and informing her that this is not the first time that this happened. To date, the concern remains unresolved.

In view of the foregoing developments, we respectfully reiterate our request for the issuance of the Notice of Violation against these developers. We also follow-up on the results of the 2 March 2022 ground survey and all other ground verifications on the scope of TKPI's FLAGT, and developments on the reversion of the timberland that was erroneously titled.

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

Very truly yours,

## ANGARA ABELLO CONCEPCION REGALA & CRUZ

By:

SALVADOR L. PEÑA

CHRYSILLA CARISSA P. BAUTISTA

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CHRISTOPHER LOUIE D. OCAMPO JULIENNE THERESE V. SALVACION MIGUEL RÍCŐ E. DE GUZMAN

PEZ MARIBEL NICOLE DG. L

Copy furnished :

PROVINCIAL ENVIRONMENT AND NATURAL RESOURCES OFFICE Attn: Mr. Felizardo B. Cayatoc PENRO Brgy. Sta. Monica, Puerto Princesa City, Palawan penropalawan@denr.gov.ph

COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE Attn: Engr. Alan L. Valle CENRO DENR Region IV – MIMAROPA National Highway, Poblacion Taytay, Palawan 5312 cenrotaytay@denr.gov.ph

EL NIDO-TAYTAY MANAGED RESOURCE PROTECTED AREA Attn: Ms. Mildred A. Suza Protected Area Superintendent Calle Real, Brgy. Masagana, El Nido, Palawan 5313 <u>denrpao\_elnidopal@yahoo.com</u> entmrpa@gmail.com



5.9571



#### ANGARA ABELLO CONCEPCION REGALA & CRUZ LAW OFFICES

ACCRALEN 28 July 2022 22/F, ACT INLAW TOWER 2<sup>44</sup> AVENUE (CONNER 30<sup>14</sup> STREET CRESCENT PARK WEST, JONETAUT IN OBAL (HTY 1635 TAGUIG, MUTRO MANILA, PHILIPPINES

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**DENR REGION IV - MIMAROPA** DENR by the Bay, 1515 L&S Bldg. Roxas Boulevard, Manila mimaroparegion@denr.gov.ph

## PROVINCIAL ENVIRONMENT AND NATURAL RESOURCES OFFICE Brgy. Sta. Monica, Puerto Princesa City, Palawan penropalawan@denr.gov.ph

# COMMUNITY ENVIRONMENT AND

NATURAL RESOURCES OFFICE National Highway, Poblacion Taytay, Palawan 5312 cenrotaytay@denr.gov.ph

### EL NIDO-TAYTAY MANAGED **RESOURCES PROTECTED AREA**

Calle Real, Brgy. Masagana, El Nido, Palawan 5313 denrpao elnidopal@yahoo.com entmrpa@gmail.com

#### Attention: Hon. Lormelyn E. Claudio Regional Executive Director

Mr. Felizardo B. Cayatoc PENRO

Engr. Alan L. Valle CENRO

Ms. Mildred A. Suza Protected Area Superintendent

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

Gentlemen/Mesdames:

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

# (03218403-7007 (632)8403-7009 E-MAIL <u>accra@arctalaw.com</u> WEBSILE <u>www.accra</u> MAILING AODRESS MCC P O BOX 2462

TELEPHONE 1612) 88.40-6000

FAX [63218403-7002

07701 KATI CI II METRO MANILA, PHUPPINES FOUNDING PARTNERS

> TEODORU P REGALA" MANUELS ABELLO

> EDGARDO J ANGARA AVEUND V CRUZ

JOSE C CONCEPCION

SENIOR COUNSEL FRANKLIN M. DRILON

ENIOR LEGAL COUNSEE VICTOR P. LAZADIN FRANCISCO [D 11M

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

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

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

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

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

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

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

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

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

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

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

By:

# Respectfully,

### ANGARA ABELLO CONCEPCION REGALA & CRUZ

SALVADOR L. PEÑA CHRYSILLA CARISSA P. BAUTISTA CHRISTOPHER LOUIE D. OCAMPO

MIGUEL RICO E. DE GUZMAN

MARIBEL NICOLE D. LOPEZ





Republic of the Philippines NATIONAL POLICE COMMISSION PHILIPPINE NATIONAL POLICE, POLICE REGIONAL OFFICE MIMAROPA PALAWAN POLICE PROVINCIAL OFFICE EL NIDO MUNICIPAL POLICE STATION Hama St. Bgy. Masagana, El Nido, Palawan



November 17, 2022

# EXTRACT FROM POLICE BLOTTER

THIS IS TO CERTIFY that the person below appears in this office and reported the following facts:

Nature of Incident	Trespassing
Blotter entry no.	2022-11-3640
TDPO	6:25 pm, November 16, 2022
Victim/ Reporting	Jordan Lara Calderon, 41 years old, married, Resident of Lio
person	Tourism Estate, Lio, Villa Libertad, El Nido, Palawan, Security
	Manager, Ten Knots Philippines Incorporated
Suspect	The Unit security agency led by RAJAN MOHAMAD of Lihim
	Resort, El Nido, Palawan
Prior to the incident las	t November 13, 2022 Ms. Jen Zafra, General Manager of Lihim Resort
and Mr. Rajam Moham	ad proceeded at Cadlao area and threatened NBMD guards that they
will forcibly fence the a	area of Ten Knots Corp. At about 6:25 PM of November 16, 2022 on
the above place of inc	ident. NBMD security agency of Ten Knots Corporation was on duty
in their AOR, the same	time, ten-armed security guard of the Unit Security Agency from
	e or less ten civilians forcibly entered to their AOR and destroy their
	out a fence and disperse all NBMD security guard outside their aor. As
	al belonging of NBMD security guard still inside the newly established
	ator identified as Virjilio Janoba and Rajan Mohammad.
	HINGFOLLOWS**********************************

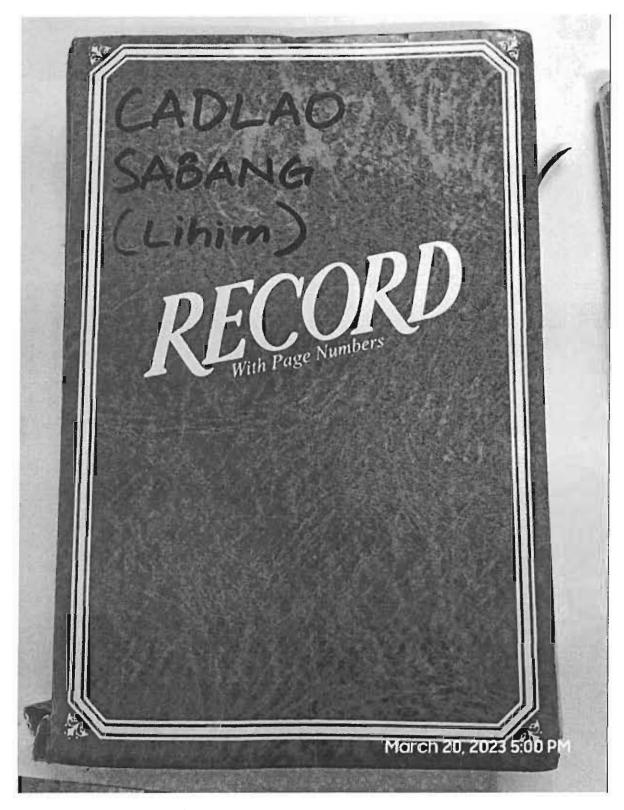
Issued this November 17, 2022 upon request of Jordan Lara Calderon for whatever legal purpose/s it may serve him/her best.

Prepared by:

PSSC Aurelio L Kimura Quality Lane Service PNCO

Noted by PMAJ BERMAR R/HERRERA Officer In Charge





RECORD OF ARRIVAL/ DEPARTURE OF GUESTS AND DENR PERSONNEL AT LIHIM SABANG, CADLAO ISLAND EXTRACTED FROM NBMD SECURITY LOGBOOK November 2022 – March 20, 2023

NOVEMBER 13, 2022

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# JANUARY 10, 2023

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#### FEBRUARY 12, 2023

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#### FEBRUARY 12, 2023

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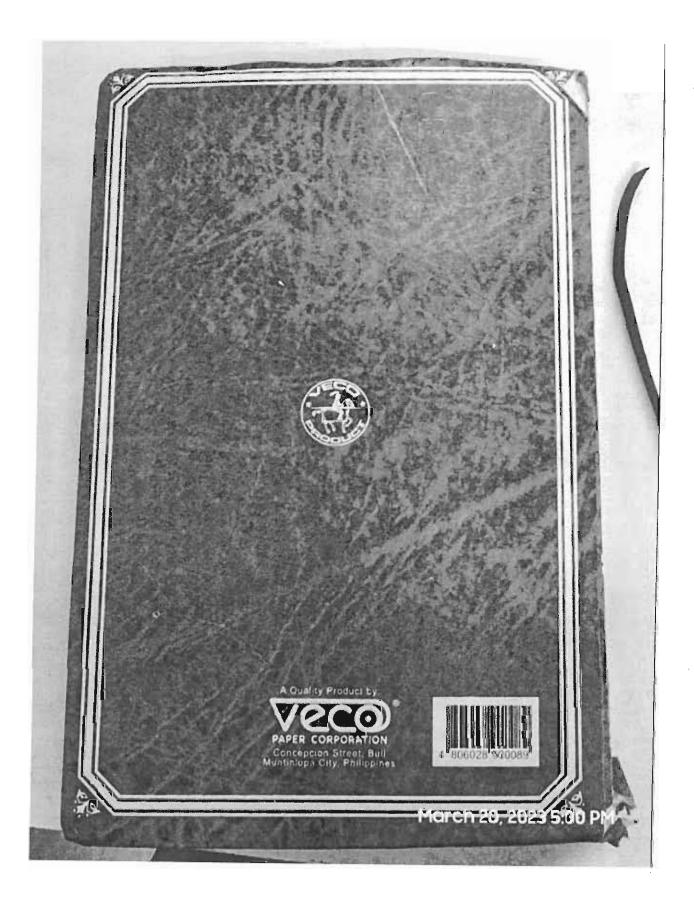
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#### MARCH 20, 2023



March 20, 2023 Boat: Geez Louise Time in: 1425H Time out: 1550H Pax: 4 Lihim Guests .123

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ANNEX "II"

### #thediscodaydream



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 $\Box$ 

5 likes

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dianeviraydario Cant wait! See you El Nido 💛 Been a. while...

#TheDiscoDaydream at Hayag Beach Club, happening on the 9th of December. A sultry Friday awaits you with entertainment by Piem from Barcelona, Manolet Dario, Jason Soong, and A DJ Called Er. #groovemanila #lihimresorts #housemusic #hayag

6 days ago

ANNEX "II-1"

# ANNEX "II-1"

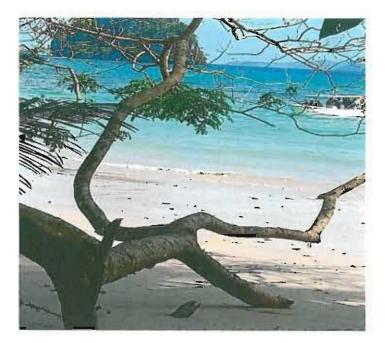
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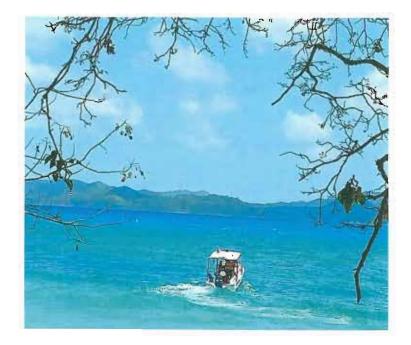
Date: Nov 13, 2022 Boat Name: Seayaa 01, Seayaa Too, Geez Louise and My Pleasure Pax: More or less 30Pax Time in: 1508H Time out: Remarks: Lihim Resort General Manager



Date: Boat Name: JV Excellence Pax: 5 Time in: 0904H Time out: 1439H Remarks: Lihim Staff



Date: November 14, 2022 Boat Name: Omgeez Pax: 9 Time in: 1003H Time out: Remarks: Lihim Resort General Manager Ms. Jean Zafra and SM Rashed Muhammad



Date: November 14 , 2022 Boat Name: ENRFB-01 Pax: 3 Time in: H Time out: 1128H Remarks: OM Sajulga, DC Bacaltos and SG Mahinay



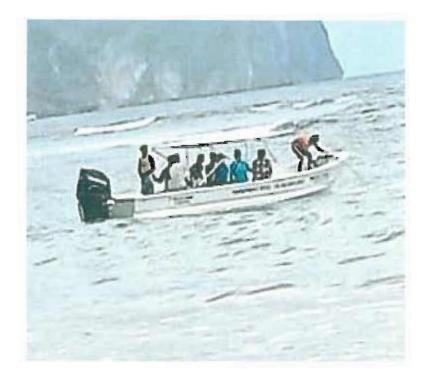
Date: December 17, 2022 Boat Name: Seaya Too and Senorita Speed Boat Pax: 6 Time in: 1242H Time out: Remarks: Lihim Guest



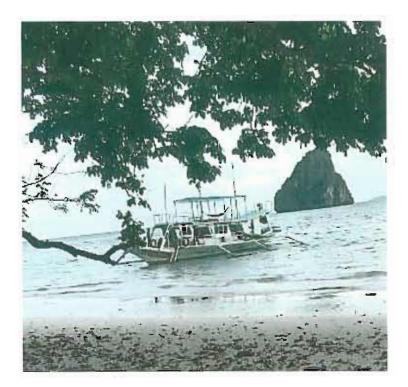
Date: December 13, 2022 Boat Name: Seaya Too Pax: 4 Time in: 1229H Time out: 1431H Remarks: Lihim Guest



Date: December 16, 2022 Boat Name: Seaya Too Pax: 4 Time in: 1202H Time out: Remarks: Lihim Guest



Date: November 25 2022 Boat Name: Orange Pearl 1 Pax: 9 Time in: 1249H Time out: 1327H Remarks: Lihim Guest



Date: December 17, 2022 Boat Name: JV Excellence Pax: 4 Time in: 1402H Time out: Remarks: Lihim Guest



Date: December 17, 2022 Boat Name: Seaya Too Pax: 6 Time in: 1242H Time out: Remarks: Lihim Guest



Date: January 23, 2023 Boat Name: Omgeez Pax: 3 Time in: 1346H Time out: Remarks: Lihim Guest Date: January 12, 2023 Boat Name: Dolce Mare Pax: 4 Time in: Time out: Remarks: Lihim Guest

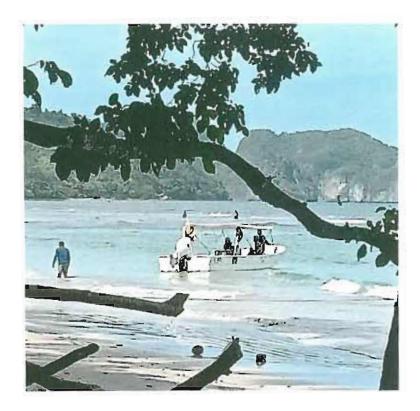
Date: January 12, 2023 Boat Name: JV Excellence Pax: 5 Time in: Time out: Remarks: Lihim Staff





Date: January 23, 2023 Boat Name: JV Excellence Pax: 4 Time in: 1112H Time out: Remarks: Lihim Stattf

Date: January 23, 2023 Boat Name: Geez Louise Pax: 8 Time in: 1449H Time out: Remarks: Lihim Guest



Date: January 23, 2023 Boat Name: Seaya Too Pax: 2 Time in: 1315H Time out: Remarks: Lihim Guest



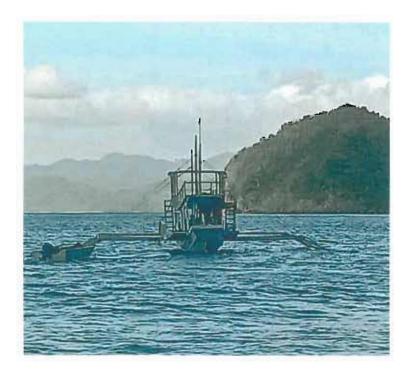
Date: January 24, 2023 Boat Name: Seaya Too Pax: 3 Time in: Time out: 1311H Remarks: Lihim Statff



Date: January 24, 2023 Boat Name: JV Excellence Pax: 3 Time in: 1619H Time out: 1625H Remarks: Lihim Statff



Date: January 24, 2023 Boat Name: JV Excellence Pax: 3 Time in: 1259H Time out: Remarks: Lihim Statff



Date: Febuary 5, 2023 Boat Name: JV Excellence Pax: 3 Time in: 1003H Time out: 1010H Remarks: Lihim Staff



Date: Febuary 2, 2023 Boat Name: Geez Louise Pax: 3 Time in: 1334H Time out: 1340H Remarks: Lihim Staff





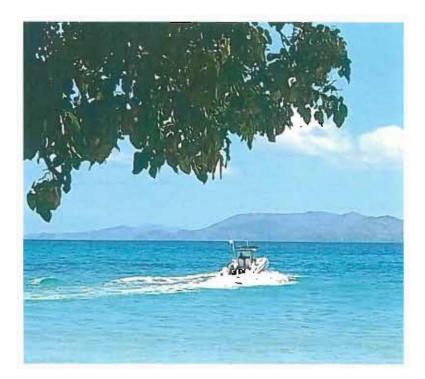
Date: Febuary 6, 2023 Boat Name: Seaya Too Pax: 2 Time in: 1609H Time out: 1610H Remarks: Lihim Guest Date: Febuary 6, 2023 Boat Name: JV Excellence Pax: 1 Time in: 0919H Time out: 0920H Remarks: Lihim Staff

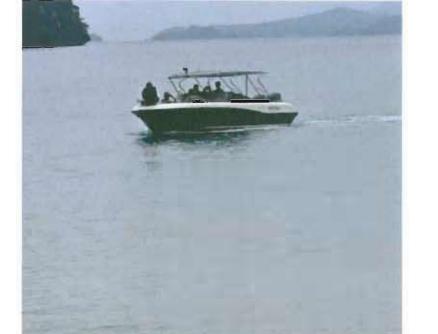


Date: Febuary 10, 2023 Boat Name: Lihim Speed boat Pax: 6 Time in: 1330H Time out: Remarks: Lihim Guest



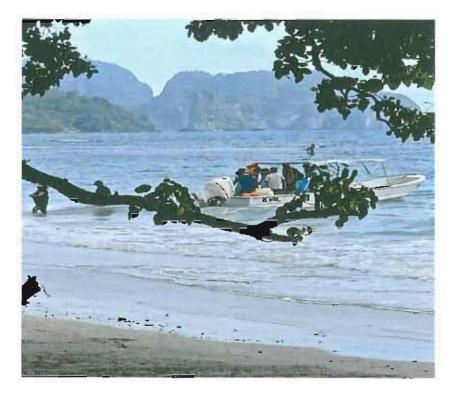
Date: Feb 10, 2023 Boat Name: JV Excellence Pax: 2 Time in: Time out: Remarks: Lihim Guest





Date: Febuary 12, 2023 Boat Name: Geez Louise Pax: 5 Time in: Time out: Remarks: Lihim Guest Date: Febuary 12, 2023 Boat Name: Dolce Mare Pax: 4 Time in: Time out: Remarks: Lihim Guest





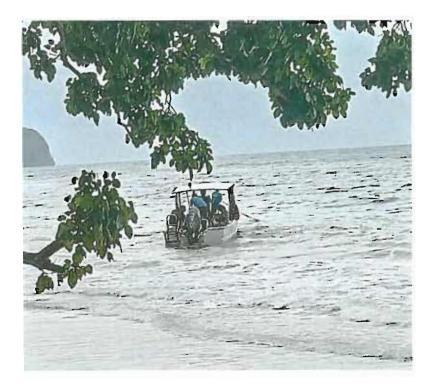
Date: Febuary 12, 2023 Boat Name: JV Excellence Pax: 5 Time in: Time out: Remarks: Lihim Staff Date: Febuary 14, 2023 Boat Name: Omgeez Pax: 7 Time in: 1032H Time out: Remarks: Lihim Guest/Staff



Date: Febuary 20, 2023 Boat Name: JV Excellence Pax: 4 Time in: Time out: Remarks: Lihim Staff



Date: Febuary 24, 2023 Boat Name: JV Excellence Pax: 6 Time in: 1019H Time out: Remarks: Lihim Staff



Date: Febuary 24, 2023 Boat Name: Spur Travel Pax: 3 Time in: 1619H Time out: 1620H Remarks: Lihim Staff



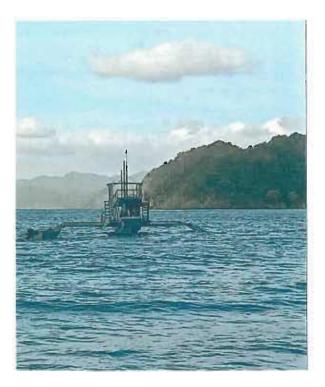
Date: Febuary 24, 2023 Boat Name: Omgeez Pax: 3 Time in: 0828H Time out: 0830H Remarks: Lihim Staff



Date: Febuary 25, 2023 Boat Name: Geez Louise Pax: 5 Time in: 1040H Time out: 1620H Remarks: Lihim Guess



Date: Febuary 25, 2023 Boat Name: Omgeez Pax: 3 Time in: 0828H Time out: 0830H Remarks: Lihim Staff

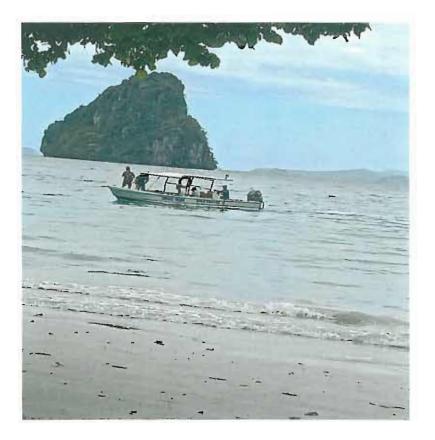


Date: March 2, 2023 Boat Name: JV Excellence Pax: 5 Time in: 1042H Time out: 1653H Remarks: Lihim Guest



Date: March 15, 2023 Boat Name: Omgeez Pax: 2 Time in: 1327H Time out: 1559H Remarks: Lihim Guest

Date: March 2, 2023 Boat Name: Seaya Too and Spur Travel Pax: 6 Time in: 1238H Time out: 1638H Remarks: Lihim Guest

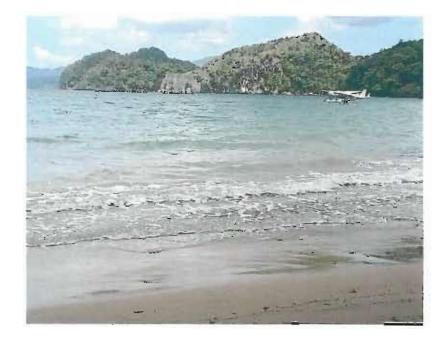


Date: March 19, 2023 Boat Name: Spur Travel #5 Pax: 3 Time in: 1029H Time out: 1032H Remarks: Lihim Staff Date: March 13, 2023 Boat Name: Seaya Too Pax: 7 Time in: 0642H Time out: 0926H Remarks: Lihim Guest

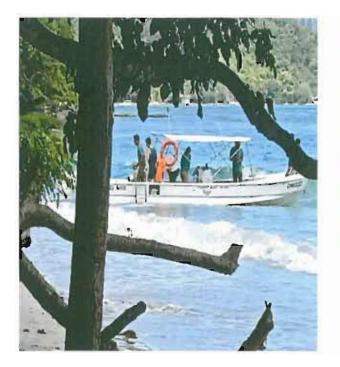


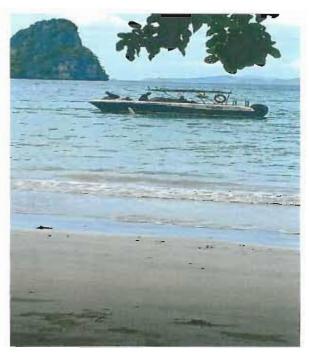


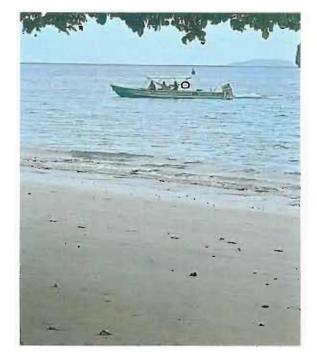
Date: March 11, 2023 Boat Name: Omgeez Pax: 7 Time in: 1343H Time out: 1347H Remarks: Lihim Guest



Date: March 11, 2023 Boat Name: Seaya Too Pax: 9 Time in: Time out: 1621H Remarks: Lihim Guest







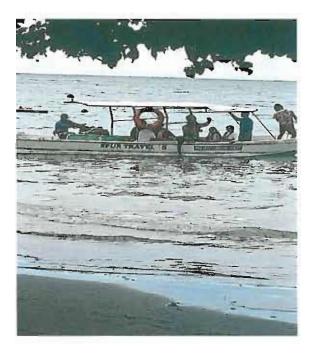
Date: March 16, 2023 Boat Name: Omgeez Pax: 3 Time in: 1114H Time out: 1128H Remarks: Lihim Guest Date: March 19, 2023 Boat Name: Seayaa Too Pax: 2 Time in: 1315H Time out: 1556H Remarks: Lihim Guest Date: March 19, 2023 Boat Name: Seayaa Too Pax: 2 Time in: 0902H Time out: 0906H Remarks: Lihim Staff

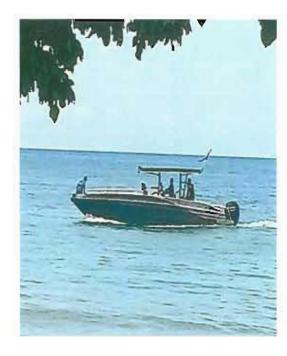


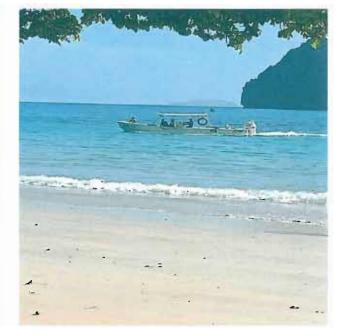
Date: March 19, 2023 Boat Name: Dolce Mare Pax: 3 Time in: 1537H Time out: (Immediately After Pickup) Remarks: Lihim Guest



Date: March 19, 2023 Boat Name: Geez Louise Pax: 5 Time in: 1339H Time out: 1552H Remarks: Lihim Guest







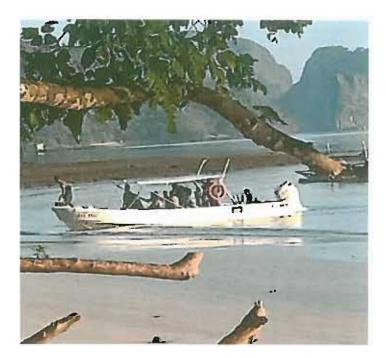
Date: March 19, 2023 Boat Name: Spur Travel Pax: 5 Time in: 1430H Time out: 1631H Remarks: Lihim Guest Date: March 20, 2023 Boat Name: Geez Louise Pax: 4 Time in: 1425H Time out: 1550H Remarks: Lihim Guest Date: March 20 2023 Boat Name: Seaya Too Pax: 4 Time in: 0851H Time out: Remarks: Lihim Staff

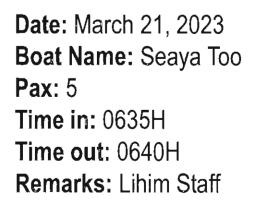


Date: March 21, 2023 Boat Name: Omgeez and Geez Louise Pax: 10 Time in: 1236H Time out: 1349H Remarks: Lihim Staff



Date: March 21, 2023 Boat Name: Seaya Too Pax: 2 Time in: 1223H Time out: 1331H Remarks: Lihim Staff/ Ms Jennifer Zafra

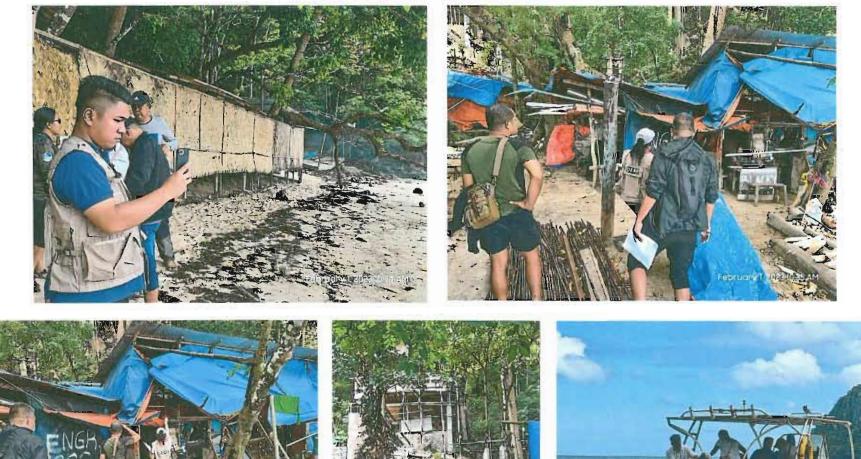






Date: March 21, 2023 Boat Name: JV Excellence Pax: 2 Time in: 0835H Time out: 0640H Remarks: Lihim Staff



















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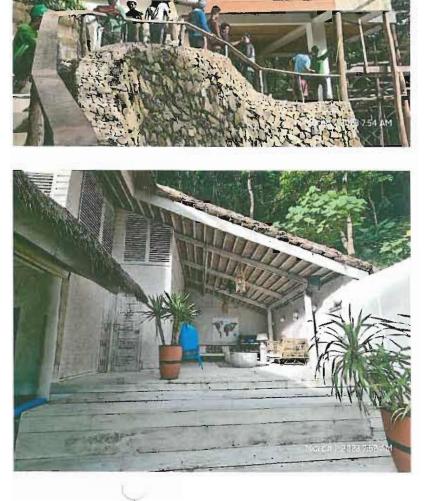








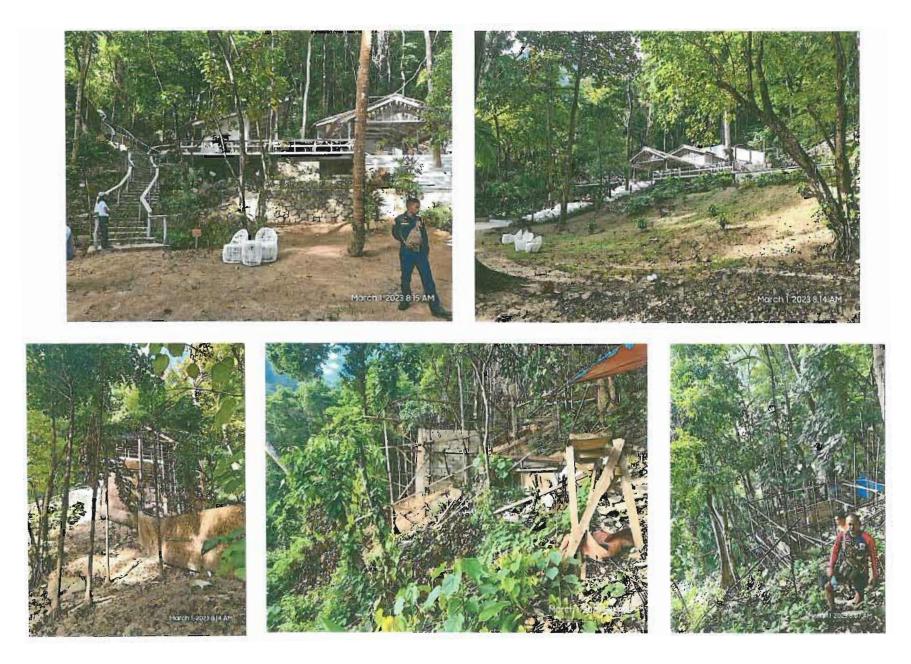












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#### CITIZEN'S CHARTER NO. RO-L-03. APPLICATION FOR FREE PATENT (AGRICULTURAL)

Free Patent Application is a mode of acquiring ownership of a certain parcel of alienable and disposable land.

Office or Division:		Regulation and Permitting Section, DENR CENRO to PENRO			
Classification:		Highly Technical (Multi-Stage Processing)			
Ту	pe of Transaction	G2C - Government to Citizen All natural born Filipino and with dual citizenship Filipino			
W	ho may avail:				
	CHECKLIST C	OF REQUIREMENTS	WHERE TO SECURE		
1.	Duly accomplished Free Pater original)	t Application and prescribed forms (1	Concerned CENR Office		
2.	Any document showing identity	y of land and claims of ownership	Land Owner/LGU		
	<ul> <li>Tax declaration (1 certified</li> </ul>	copy)	Assessor's Office		
	<ul> <li>Deed of Sale (1 photocopy</li> </ul>	, present original copy)	Land Owner, Notary Public, or LGU		
	Extra Judicial Settlement (	I photocopy)	Land Owner, Notary Public, or LGU		
	<ul> <li>Waiver of Rights (1 photoc</li> </ul>	ору)	Land Owner, Notary Public, or LGU		
3.		l Circuit/Regional Trial Court here is no pending land registration g applied for (1 original, 1 photocopy)	Land Owner, or Municipal Circuit/Regional Trial Court (MCTC/RTC) having Jurisdiction		
4.	Approved Survey Plan with Te covered with isolated survey)	chnical Description/Form V37 (if (1 certified copy)	Concerned CENR Office		
5.	Certification of status of land fi	om LRA, if the municipality is under re is an old survey (Private and Original	Land Registration Authority (LRA) Central Office, Quezon City		
6.		ed for is alienable and disposable (1	Concerned CENR Office		
7.	Documentary Stamp (4 pieces	3)	BIR, Post Office or DENR		

CLIENT STEPS	AGENCY ACTION	FEES TO BE PAID	PROCESSING TIME	PERSONS RESPONSIBLE
CENRO				
1. Submit accomplished	<ol> <li>Check completeness of application. If found in</li> </ol>	None	3 hours	LMO I RPS

CLIENT STEPS	AGENCY ACTION	FEES TO BE PAID	PROCESSING TIME	PERSONS RESPONSIBLE
Application Form to the CENR Office with complete supporting requirements	order, register, allocate, index and assign application number. Scan, encode and upload records in LAMS.			Staff CENRO Records Unit
1.1. None	1.1. Prepare Order of Payment and forward the same to client	None	30 min.	Staff CENRO Records Unit
2. Receive Order of Payment and pay corresponding fees	<ol> <li>Accept payment, issue Official Receipt (OR) to the applicant</li> </ol>	Php 50.00 Application Fee	30 min.	Bill collector Cashier
<ol> <li>Receive (OR) and forward the same to Records Unit/Section</li> </ol>	<ol> <li>Accept OR, indicate OR number, amount paid, and date in the application form and forward the application to Chief, RPS</li> </ol>	None	1 hour	Staff CENRO Records Unit
3.1. None	3.1. Review application. Assign Land Management Inspector (LMI)/Deputized Public Land Inspector (DPLI) for inspection/investigation	None	3 hours	Chief RPS
3.2. None	3.2. Prepare posting of notices at the barangay, municipal, or provincial hall where the property is situated.	None	2 days	LMI/DPLI CENR Officer CENRO

CLIENT STEPS	AGENCY ACTION	FEES TO BE PAID	PROCESSING TIME	PERSONS RESPONSIBLE
3.3. None	3.3. Travel to the barangay, municipality or province.	None	2 days	<i>LMI/DPLI</i> CENRO
3.4. None	3.4. Posting of Notices in the Barangay Hall. Simultaneously <u>conduct</u> investigation on the land being applied for.	None	30 days posting of Notices (including investigation)	<i>LMI/DPLI</i> CENRO
3.5. None	3.5. Get the signed proof of posting from the Barangay fifteen (15) days after posting, and prepare, sign and submit investigation report, and forward to LMO I	None	5 days	<i>DPLI/LMI</i> CENRO
3.6. None	3.6. Screen the carpeta and prepare V37/certified lot data computation, Order of Award, and Judicial Form, and forward to Geodetic Engineer (GE).	None	10 days	LMO I/Cartographer/ Encoder whoever is available RPS CENRO
3.7. None	3.7. Verify and certify the correctness of the Technical Description and forward to Chief, RPS	None	5 days	<i>GE</i> RPS

CLIENT STEPS	AGENCY ACTION	FEES TO BE PAID	PROCESSING	PERSONS RESPONSIBLE
3.8. None	3.8. Do final screening of carpeta and forward to CENRO for recommendation.	None	5 days	Chief RPS
3.9. None	3.9. Review and initial file copy of Patent and Sign Indorsement to PENRO for approval.	None	3 days	CENR Officer CENRO
3.10. None	3.10. Transmit carpeta to PENRO	None	3 days or less depending on the location of the PENR Office	<i>Records Officer</i> CENRO Records Unit
PENRO				
3.11. None	3.11. Receive the carpeta and forward to Chief, RPS. Update data in LAMS, if applicable.	None	4 hours	Records Officer PENRO Records Section
3.12. None	3.12. Receive and review the carpeta, and forward to Chief, Technical Services Division (TSD).	None	1 day	Chief RPS
3.13. None	3.13. Do the final review of carpeta, initial file copy of Free Patent, and forward to PENRO for approval of application and issuance of Patent.	None	1 day & 4 hours	Chief TSD

CLIENT STEPS	AGENCY ACTION	FEES TO BE PAID	PROCESSING TIME	PERSONS RESPONSIBLE
3.14. None	3.14. Sign Order of Approval and Free Patent. Forward to PENRO Records for numbering.	None	2 days	PENR Officer PENRO
3.15. None	3.15. Assign Patent Number/ Indexing, prepare transmittal letter and forward to PENRO for signature.	None	2 days	Records Officer/Staff PENRO Records Section
3.16. None	3.16. Sign transmittal letter and forward to PENRO records for transmittal to Registry of Deeds (ROD).		2 days	PENR Officer PENRO
3.17. None	<ul> <li>3.17. Scan the order of Approval, signed Free Patent and transmittal letter.</li> <li>Upload to Land Administration and Management System (LAMS).</li> <li>Transmit documents to ROD, and copy furnish the client.</li> </ul>	None	5 days	Liaison Officer PENRO Records Section
	CENRO SUB-TOTAL	Php 50.00	days due extren	32 additional processing ne case where corrections he details of the patentee

CLIENT STEPS	AGENCY ACTION	FEES TO BE PAID	PROCESSING TIME	PERSONS RESPONSIBLE
				or when the signatories aced which will result into
	PENRO SUB-TOTAL	None 12 days		
	TOTAL:	Php 50.00 + Transfer fee of Php 10.00 per hectare but not less than Php 100.00, if applicable TOTAL Php 50.00 – 150.00	110 da	āys māximum

Note:

• Transfer fee shall be paid when the lot is transferred during the processing of the application. The fee shall be paid based on where the application is being processed during the transfer i.e. CENR or PENR Office.

This service is under the following laws:

- Commonwealth Act No. 141 or the "Public Land Act" (1936)
- Republic Act No. 782 or the "An Act to Grant Free Patents to Occupants of Public Agricultural Land since or prior to July Fourth, Nineteen Hundred and Forty-Five" (1952)
- Republic Act No. 11231 or the "Agricultural Free Patent Reform Act" (2018)
   \*processing time is aligned with the realities in the field as considered in the 125 processing days for Residential Free patent