



Republic of the Philippines
Department of Environment and Natural Resources
Visayas Avenue, Diliman, Quezon City
Tel Nos. (632) 929-6626 loc. 2113; 1070 Fax (632) 926-2567
E-mail: officeofuseccuna@denr.gov.ph; website www.denr.gov.ph

MEMORANDUM

TO : **THE OIC-REGIONAL EXECUTIVE DIRECTOR**
DENR-Region 4B
DENR By the Bay, 3rd Floor
1515 DENR By the Bay Building, Roxas Blvd.
Barangay 668, Ermita
Manila

FROM : **THE UNDERSECRETARY**
Field Operations-Luzon, Visayas and Environment

SUBJECT : **LETTER OF MR. ORLANDO SACAY RELATIVE TO THE FREE AND
PRIOR INFORMED CONSENT REQUIREMENT FOR THE FOREST
LAND USE AGREEMENT APPLICATIONS ON THE FOUR ISLANDS IN
PALAWAN**

DATE : **SEP 28 2023**

This pertains to the memorandum referred by the Office of the Undersecretary for Policy, Planning and International Affairs, as regard to the letter of Mr. Orlando Sacay to the Community Environment and Natural Resources Office (CENRO) in Coron, Palawan, on the requirement for his Forest Land Use Agreement applications on the four (4) islands in Palawan, namely, Sitio Manlalara, Dialotlot Island, Bulog Island, and Pinamuntunan Island.

According to the letter, Mr. Sacay was informed by CENRO Coron, Palawan, that his application is "not complete since Item 4 (Appropriate clearance from the NCIP: DAO 2004-28 Section 8.3) has not been provided".

Kindly evaluate his letter and provide necessary technical assistance in accordance with the existing laws, rules and regulations on the matter. Directly reply to him, copy furnished this Office, citing document tracking number DENR-OUPIA-2023-002550, for record and monitoring purposes.

For compliance.


ATTY. JUAN MIGUEL T. CUNA, CESO I

Cc: Mr. Orlando J. Sacay
28 Lubang Street, Ayala Alabang
Muntinlupa City 1780
Metro Manila

Office of the Undersecretary for Policy,
Planning and International Affairs



Republic of the Philippines
Department of Environment and Natural Resources
Document Action Tracking System
Document Routing Slip

Document No: DENRCO - OUPPIA-2023-002550 Print Date: Monday, August 14, 2023
Sender: ORLANDO J. SACAY
Address: 28 LUBANG ST. AYALA ALABANG, MUNTINLUPA CITY
Subject: LETTER DTD 08/14/2023 Application for FLAGT for 4 Islands in the name of Amihan Resorts, Inc.
Addressee(s): Office of the Undersecretary for Planning and Policy (DENRCO-OUPP)
CC Addressee(s):
Date/Time Received: 08/14/2023 04:06:00 PM

ROUTING AND ACTION INFORMATION				
FROM	DATE/TIME RECEIVED	FOR/TO	DATE/TIME RELEASED	ACCEPTANCE REMARKS/ACTION REQUIRED/TAKEN REMARKS/STATUS
	08/14/2023 05:10:17 PM	DENRCO - OUPPIA		Carissa, ps

PM 9/7/23
D. Fadda 9/11 please handle.

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Republic of the Philippines
Department of Environment and Natural Resources
Visayas Avenue, Diliman, Quezon City
Tel Nos. 929-6626 to 29; 929-6633 to 35
929-7041 to 43; 929-6252; 929-1669
Website: <http://www.denr.gov.ph> E-mail: web@denr.gov.ph

MEMORANDUM

FOR : The Undersecretary for Luzon, Visayas and Environment

FROM : The Undersecretary for Policy, Planning and International Affairs

SUBJECT : **LETTER OF MR. ORLANDO SACAY RELATIVE TO THE FREE AND PRIOR INFORMED CONSENT (FPIC) REQUIREMENT FOR HIS FLAGT APPLICATIONS OVER FOUR (4) ISLANDS IN PALAWAN**

DATE : SEP 06 2023

This refers to the attached copy of the letter dated August 15, 2023 from Mr. Orlando J. Sacay addressed to the CENR Officer, Coron, Palawan relative to the FPIC requirement for his FLAgT applications over four (4) islands in Palawan.

In this regard, may we refer the matter to your office for appropriate action, in accordance with existing laws, rules and regulations. Kindly inform the parties concerned of the action taken on his request, copy furnished this office for monitoring purposes.


ATTY. JONAS R. LEONES

Copy for:

Mr. Orlando J. Sacay
28 Lubang St, Ayala Alabang
Muntinlupa City 1780
Metro Manila

Orlando J. Sacay

28 Lubang St. Ayala Alabang, Muntinlupa City 1780, Metro Manila Philippines
Cellphone no. (0917) 620 0000 Email: ojisacay@gmail.com

August 15, 2023

Mr. Rodney Verian
Community Environment and Natural Resources Office
Department of Environment and Natural Resources
Coron, Palawan

Dear Mr. Verian:

I have applied for FLAGT for 4 islands registered in the name of Amihan Resorts, Inc., a family corporation of which I am the major investor. I have submitted all the requirements as shown in the attached list of FLAGT Requirements. (Annex A1 Sitio Manlalara, A2 Dialotlot Island, A3 Bulog Island and A4 Pinamuntunan Island).

I have been informed that my application is not complete since Item 4 (Appropriate clearance from the NCIP: DAO 2004-28 Section 8.3) has not been provided.

This is to inform you that Item 4 of the FLAGT Requirements does not apply to my situation. The section in DAO 2004-28 states that:

8.3 "For areas covered by specific laws, such as Palawan, or by co-management scheme, clearance/authorization from the appropriate governing body/authority"

Under this provision, one of the requirements of the DAO in obtaining a FLAGT is Certification of Non-Overlap or Free and Prior Informed Consent (FPIC) in accordance with RA SEC. 59 Certification Precondition. DAO 2004-28 is hereto attached as Annex B.

The following are the legal basis that Item 4 does not apply to my situation:

1. On March 13, 2023, Atty. Jansen I. Jontila as DMOV/Provincial Official in behalf of the Manig-erekelen of Tagbanua Calamian ICCs of Barangay Bulalacao informed me a complaint that my company is operating inside the ancestral domain of the Tagbanua Calamian ICC without the mandatory process of Free Prior and Informed Consent from the IP community. (Annex C). Copy of the complaint was not made available.

and dispute to the NCIP." (underlining supplied).

"**WHEREFORE**, the appeal is **GRANTED**. The Decision of the Court of Appeals in CA-G.R. SP No. 98268 dated 26 April 2010 and the Resolution of the National Commission on Indigenous Peoples in RHO 4-01-2006 dated 30 November 2006 are **REVERSED AND SET ASIDE**. The petition in RHO 4-01-2006 is **DISMISSED** for lack of jurisdiction of the National Commission on Indigenous Peoples. Section 1 of NCIP Administrative Circular No. 1, Series

of 2014, promulgated on 9 October 2014 declaring the jurisdiction of the Regional Hearing Officer as original and exclusive is declared **VOID** for expanding the law. Respondents may refile their complaint against petitioners in a court of general jurisdiction.”

I was named in the complaint filed by the Manig-erekelen of Tagbanua Calamian ICCs. As a non-IP, the NCIP has no jurisdiction regarding the complaint filed against me.

To summarize:

- a. The islands registered in the name of my corporation are not within the ancestral domain and cannot be required to obtain Free Prior and Informed Consent (FPIC)
- b. These islands are classified as forest land and cannot be the subject of CADT/CALT application
- c. Since the NCIP has no authority on a non-IPs, I cannot be required to obtain a FPIC.

Based on the foregoing, the requirement of the FLAGT to obtain a clearance from NCIP which requires obtaining a FPIC does not apply to my situation. Should this requirement be enforced, I will be compelled to file a case of Violation of the Law and Abuse of Authority.

I propose that the issue be elevated to the higher authority of the DENR for the appropriate recommendation and/or decision on the matter in order that the issue would be resolved.

Truly yours,



Orlando J. Sacay

cc: Undersecretary Jonas R. Leones
Undersecretary for Policy, Planning and International Affairs