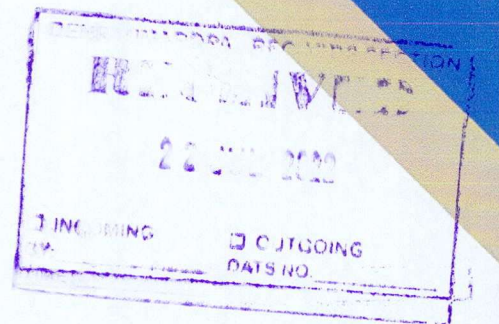




INCISO AND ASSOCIATES LAW OFFICE



TO: LORMELYN E. CLAUDIO, CESO IV

Regional Executive Director

Department of Environment and Natural Resources

MIMAROPA REGION

RE: Second Reply to 2nd Notice to Vacate dated 29 April 2022

Dear **Ms. Claudio**,

I hope this letter find you well!

I am writing on behalf of our client, **Airlink International Aviation College ("ALIAC")** represented by its *President Atty. Gomeriano V. Amurao*, relevant to the DENR letter dated 29 April 2022 from CENR Officer Anastacio A. Santos.

In the letter, DENR reiterated its demand to voluntarily remove the structures built within the foreshore area located at ALIAC in Brgy. Maginhawa, Lubang Occidental Mindoro. Accordingly, it also noted ALIAC's supposed failure to comply with a prior letter dated 22 December 2020 by DENR Regional Executive Director Ms. Maria Lourdes G. Ferrer.

At the outset, with the kind indulgence of this Honorable Office, contrary to the allegations in the above stated letter, on 02 February 2022, ALIAC replied to the DENR Letter dated 22 December 2020. In ALIAC's ***Reply Cum Opposition Ad Cautelam to the Notice to Vacate dated December 22, 2020*** dated 02 February 2021, we highlighted the following points, as response to the Notice to Vacate of this DENR, to wit:

- The glaring irregularities in the issuance of the Notice to Vacate, such as the defective manner in which the notice was served to ALIAC, having been received by Atty. Gomeriano V. Amurao through an ALIAC employee in Facebook messenger;
- The vague and sweeping allegations without being particular on what were the illegal structures subject of the Notice;



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- DENR's violation of ALIAC's right to due process due to the arbitrary manner in the issuance of the Notice to Vacate tantamount to an action for a summary abatement; and
- Pointing out that the subject area equivalent to Sixteen Thousand Nine Hundred Fifty-Eight square meters (16, 958 sqm) is covered by a Foreshore Lease Agreement, i.e., FLA No. 045104-8, which was awarded to the late Capt. Geronimo A. Amurao;

Sadly, DENR failed to respond to ALIAC's reply-letter and instead issued another stated Notice without a scintilla of acknowledgment nor response to our ***Reply Cum Opposition Ad Cautelam to the Notice to Vacate dated December 22, 2020.***

We understand that the DENR Notice/s were issued by your Honorable Office in furtherance of your mandate to protect and conserve public lands. Nonetheless, we submit that the subsisting lease agreement between ALIAC and DENR having been awarded pursuant to existing laws, must be respected. More importantly, ALIAC should be protected against arbitrary actions by DENR. The capricious issuance of a notice to vacate without stating the specific grounds for its issuance and being given a chance to contest it wreaks havoc in a civilized society. It has effectively condemned ALIAC, without the benefit of any administrative due process.

It is in this regard, that we refer the matter to your kind office the instant controversy for proper action. For your reference, please find the Notice of Award and ALIAC's letter dated 21 February 2022.

We fervently hope that instead of being ordered to summarily vacate and remove the structures founded on the subject area, we can reach an amicable resolution on the matter. In the interim, pending resolution we request your Honorable Office to hold in abeyance any further action regarding the property, until we are able to find a favorable resolution for both parties. Please let us know if you want to discuss in detail this urgent matter.

Thank you for your time and more power.

Sincerely,

ATTY. MARKOVA M. INCISO