Republic of the Philippines

Department of Environment and Natural Resources

MIMAROPA Region

PROVINCIAL ENVIRONMENT AND NATURAL RESOURCES OFFICE

Boy Sta Monica Puerto Princesa City Palawan

Bgy. Sta. Monica, Puerto Princesa City, Palawan Telfax No. (048) 434 - 8791

Email Add: penropalawan@denr.gov.ph

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2 2 NOV 2022

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DOUTGOING

November 15, 2022

MEMORANDUM

FOR

The Regional Executive Director

DENR MIMAROPA Region

1515 DENR By the Bay Building, Roxas Boulevard,

Barangay 668, Ermita, Manila

THRU

The OIC, ARD for Technical Services

FROM

The Provincial Environment and

Natural Resources Officer

SUBJECT

COMPLIANCE MONITORING ON SPECIAL

AGREEMENT IN PROTECTED AREA (SAPA) IN BARANGAY

PASADEÑA, EL NIDO, PALAWAN

Respectfully forwarded is the memorandum of CENRO Taytay, Palawan dated October 10, 2022 relative to the above subject.

CENRO Taytay conducted the compliance monitoring activity on September 23, 2022 on Special Use Agreement in Protected Area (SAPA) with ENTMRPA SAPA No. 2020-01 awarded to Royal Premier Leisure and Development at Brgy. Pasadeña, El Nido, Palawan.

Further, the request for deferment of the SAPA annual fee is subject to PAMB ENBANC affirmation.

For information and record.

For the PENRO:

RONIE B. GANDEZA

OIC Chief, Technical Services Division In Charge, Office of the PENRO

Copy Furnished: CENRO Taytay, Palawan <cenrotaytay@denr.gov.ph> KVE/MES Doc. No. 2022-9415

DENR-PALAWAN
PENRO-RECORDS

RELEASED

By
Date: 6 NOV 2022 CN22-3072

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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 ™ 0912-171-3889 TNT

Email: cenrotaytay@denr.gov.ph

October 10, 2022

MEMORANDUM

FOR

The Regional Executive Director

DENR-R-IV-B, MIMAROPA Region

1515 L & S Building, Roxas Blvd., Ermita, Manila

THRU

The Provincial Environment and

Natural Resources Officer

Sta. Monica, Puerto Princesa City

FROM

The Community Environment and

Natural Resources Officer

SUBJECT

COMPLIANCE MONITORING ON SPECIAL USE AGREEMENT IN

PROTECTED AREA (SAPA) IN BARANGAY PASADEÑA, EL NIDO,

PALAWAN

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

In compliance, respectfully forwarding is the compliance and monitoring report dated September 23, 2022 for Special Use Agreement in Protected Area (SAPA) awarded to Royal Premier Leisure and Development at Sitio Bariring, Pasadeña, El Nido Palawan with ENTMRPA SAPA No. 2020-01. This is our Means of Verification (MoV) on the activity. This submission is equivalent to one hundred (100) percent accomplishment of the target.

Upon review and evaluation, the undersigned concurred with the recommendation of the compliance monitoring team.

Please acknowledge receipt. Thank you.

DENR CENRO
TAYTAY, PALAWAN
RELEASED

ALANAVALLE



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 ™ 0912-171-3889 TNT

Email: cenrotaytay@denr.gov.ph

September 23, 2022

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DATOET 1 3 2022 CN (617

MEMORANDUM

FOR

The Community Environment and

Natural Resources Officer

Taytay, Palawan

FROM

SUBJECT

Compliance Monitoring Team

COMPLIANCE MONITORING ON SPECIAL USE AGREEMENT

IN PROTECTED AREA (SAPA) IN BARANGAY PASADEÑA, EL

NIDO, PALAWAN

This pertains to the target for monitoring and evaluation of the implementation of ENR programs and projects including compliance with the existing policies and agreements under formulation and monitoring of ENR sector policies, plans, programs, and projects including the monitoring of existing Special Use Agreement in Protected Area (SAPA) of this Office.

In view hereof, please be informed that the CENRO Taytay personnel headed by CENRO Alan L. Valle monitored and evaluated the performance of Royal Premier Leisure and Development based on the terms and conditions stipulated in the agreement and performance evaluation sheet for forestry tenure at Sitio Bariring, Pasadeña, El Nido Palawan. Hereunder are the findings and observations of the team, as follows:

- 1. That pursuant to Republic Act No. 7586 (NIPAS Act), as amended by Republic Act No. 11038 (Expanded NIPAS Act) and its Implementing Rules and Regulations (DENR Administrative oder No. 2019-05), DENR Administrative Oder No. 2018-05, and DENR Administrative Order No. 2007-17, the Special Use Agreement in Protected Area (SAPA) with ENTMRPA SAPA No. 2020-01 was approved and granted to Royal Premier Leisure and Development represented by CEO and President Mr. Roderick C. Armigos on September 18, 2020 covering an area of 300,000 square meters located at Sitio Bariring, Pasadeña, El Nido Palawan for a period of twenty-five (25) years (September 18, 2020 to September 18, 2045);
- 2. That on September 26, 2017, the Certificate of Non-Overlap Control No. CNO RIV-PAL-2019-10-42 was issued by the National Commission on Indigenous Peoples (NCIP) Regional Director Roberto L. Almonte, CESO III in favor of Royal Premier Leisure and Development Corporation;
- 3. That on August 4, 2021, the holder submitted the documents/requirements of their SAPA application received by PAMO on August 6, 2021 such as Resolution of a governing board designating the authorized of the corporation, Free and Prior Informed Consent (FPIC) of concerned IPs, Certificate of Non-Overlap, a certified copy of Income Tax Return, PA zoning certification, Rehabilitation Plan, Municipal and Barangay Endorsement, and copy of application fee.
- 4. That on May 28, 2018, a certification signed by OIC-CENRO Pablo L. Cruz was issued stating that the area applied by Royal Premier Leisure and Development falls within the Multiple Use Zone;
- 5. That on January 14, 2019, Sangguniang Bayan Resolution No. 19-005 was issued endorsing the Special Use Agreement in Protected Area (SAPA) application of Royal Premier Leisure and Development;

- 6. That on March 19, 2018, Barangay Resolution No. 12 series of 2018 favorably endorsed the El Nido Coastal Leisure Resort Project of Royal Premier Leisure and Development represented by Mr. Roderick C. Amigos;
- 7. That on July 7, 2021, the holder paid the application fee amounting to five thousand pesos (5000.00);
- 8. That based on the terms and conditions, the holder shall pay an annual rental fee amounting to Nineteen Million, Six Hundred Eighty-Four Thousand, Six Hundred Fifty and 52/100 Pesos (19,684,650.52);
- 9. That on October 8, 2020, the holder requested the deferment of their SAPA annual fee on their first year and 12-month installment payment (in tranches) for the succeeding year because of the delays in the construction and operation brought by the imposition of community quarantine and travel restriction/s caused by COVID-19 pandemic;
- 10. That the holder failed to determine and delineate or mark the boundaries/monuments of the approved area within six (6) months from issuance of SAPA as stipulated in Terms and Conditions No. 6;
- 11. That the holder submitted the Rehabilitation Plan, however, it needs further improvement since the plan focused only on certain areas for rehabilitation. It should cover 300,000 square meters of the approved area. Also, it did not indicate the overall rehabilitation cost required for the rehabilitation bond computation.
- 12. The holder failed to submit an annual report of accomplishments CY 2020 and CY 2021 to the ENTMRPA-Management Board through the PASu indicating the management and development activities undertaken in accordance with the project's Plan;
- 13. The holder submitted the Comprehensive Development Management Plan (CDMP), however, it is subject to revision for it covers 884,100 square meters. The management shall also submit lacking requirements required under DENR Administrative Order 2007-17 such as Clearance from Palawan Council for Sustainable Development (PCSD) and Copy of SEC registration;
- 14. That on August 19, 2021, the request for deferment of SAPA fee was presented and endorsed by PAMB Executive Committee (ExeCom) for affirmation of PAMB ENBANC. During the meeting, Hon. Cantuba raised some issues and concerns such as access road and access to easement ng mga fisherfolk.
- 15. That per inspection, the holder has only constructed a comfort room, rest house and water tank to be determined if within the 40-meter easement zone;

In view of the above findings and circumstances, the Compliance Monitoring Team respectfully recommends the following to wit;

- 1. Conduct a joint relocation, delineation survey, and installation of monuments/marker of 300,000 square meters of approved SAPA area to be conducted by the holder's Geodetic Engineer and CENRO Taytay-El Nido personnel. Subsequently, a final map is to be prepared and approved by the CENRO.
- 2. According to Ms. Norma Rivera, authorized representative, the issues and concerns raised by Hon. Cantuba during PAMB ExeCom meeting was already settled, hence, it is recommended to submit the settlement/agreements to the Protected Area Management Office.
- 3. Conduct 100% tree inventory within the 300,000 square meters approved SAPA area.

- 4. Submit an annual report of accomplishments CY 2020 and CY 2021 to the ENTMRPA-Management Board through the PASu indicating the management and development activities undertaken in accordance with the project's Plan;
- 5. Revise and submit the approved Comprehensive Development Plan (CDMP) covering the 300,000 square meters approved SAPA area.
- 6. Review/rectify the submitted rehabilitation plan indicating the overall rehabilitation cost required for the rehabilitation bond computation. The PAMB, with technical assistance from the Regional Office, shall determine the sufficiency of the rehabilitation plan as stipulated in Rule 25.12 of DAO 2019-05.
- 7. Coordinate with PAMO-ENTMRPA regarding the review and decision of PAMB-Enbanc. This will be the basis of the proponent's payment of annual fees for the past two (2) years in consideration of the pandemic. But in the third (3rd) year, the proponent must follow what is stated in the agreement. Failure to do so is subject to sanctions as stipulated in Rule 25.7 of DAO 2019-05 also known as Implementing Rules and Regulations of Republic Act No. 7586.

Attached herewith are the accomplished performance evaluation form for forestry tenure, a map, and photo documentation of the monitoring activity.

For information and further instruction.

FRANCIS ABE BOSE
Forest Ranger/Member

Continuo ELVEC. BASE

LMO II/OIC-Chief RPS

RICHARD M. PARIÑAS

Forest Ranger/Member

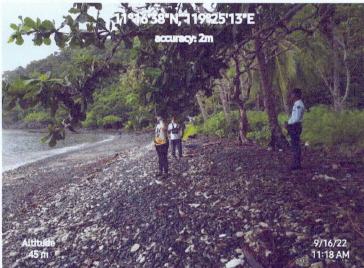
DONNA C. TABERNILLA
Forester II/ Chief, Monitoring Unit

DENNIS ALDRIN O. VELASCO Forester II/ Chief, EMS

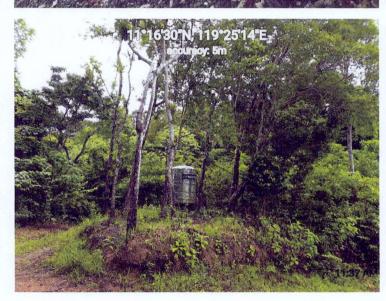
PHOTO DOCUMENTATION

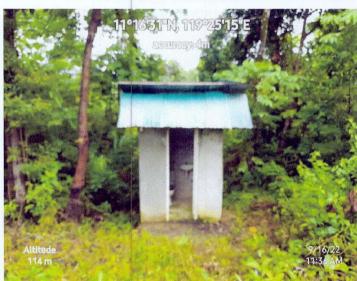












September 23, 2022

CERTIFICATION

This is to certify that the photos shown above were taken during the compliance monitoring of the approved SAPA area on September 16, 2022 at Sitio Bariring, Pasadeña, El Nido Palawan.

FRANCIS ABE BOSE Forest Ranger/Member

RLVE G. BASE LMO II/OIC-Chief RPS RICHARD M. PARIÑAS Førest Ranger/Member

DONNA C. TABERNILLA
Forester II/ Chief, Monitoring Unit

DENNIS ALDRIN O. VELASCO
Forester II/ Chief. EMS

COMPLIANCE MONITORING SHEET FOR FORESTRY TENURE (SAPA)

Monitoring Date: September 16, 2022 Monitoring Time: 10:45 AM

A. BASIC INFORMATION:

Name of Company: Royal Premier Leisure and Development		
Location of Area (Sitio, Brgy, Mun): Sitio Bariring, Pasadeña, El Nido	Area in Sq. Meter: 300,000	
Business Address: (email, messenger acct. & contact number) grace.rojo(e	@royal premierleisure.com	
mount of Annual Government Share: None Date Paid/OR No. None		
Year of last evaluation (Per Section 16 of DAO 2002-28): 2022		
Nature of Land-use: Resort		
Tenure Instrument Number: DENR 4B-MIMAROPA-12302030-0009	Date of Issuance: 18/08/2020	
Kind of Tenure Instrument: SAPA	Expiry Date: 18/08/2045	
Contact Person/Designation: Mr. Roderick C. Armigos/ President and CEC)	
Name of Pollution Control Officer (PCO): None		
PCO Accreditation No. COA No. None	Effectivity: None	
Contact No. None	Email: None	

B. COMPLIANCE TO EXISTING ENR LAWS, RULES AND REGULATIONS:

Conditions	Yes	No	Remarks
1. NCIP/Cert. of Pre-Condition/ Date Issued	/		
2. Free and Prior Informed Consent/ Date Issued	/		
1. Compliant to ECC – PD 1586, Philippine Environmental Impact Assessment/ DAO 2003-30		/	The holder is currently securing the ECC
2. Compliant to RA 6969, Toxic and Hazardous Waste Act of 1999/ DAO 1992-29	/		Not yet operational
3. Compliant to RA 8749, Clean Air Act of 1999/ DAO 2000-81	/		Not yet operational
4. Compliant to RA 9003, Ecological Solid Waste Management Act of 2000/ DAO 2001-34	/		Not yet operational
5. Compliant to RA 9275 Clean Water Act of 2004/ DAO 2005- 10	/		Not yet operational
6. Compliant to PD 705, Forestry Reform Code of the Philippines	/		
7. Compliant to Water Code of the Phil./ Article No. 51-PD 1067 (No Permanent Structures within Easement Zones)			Delineation of 40-meter easement is to be conducted
a) Within 3 meters in Urban Areas		1	
b) Within 20 meters in Agricultural (A&D) Areas			
c) Within 40 meters in Timberland Areas			

C. COMPLIANCE PURSUANT TO DENR ADMINISTRATIVE ORDER NO. 2004-28

Terms and Conditions	Response	
Terms and Conditions	Yes or No	Remarks
14.1. The boundaries of the SAPA area was delineated and marked on the ground within six (6) months from the issuance of the agreement?	NO	relocation and delineation survey to be conducted
14.2. The SAPA holder submitted the Comprehensive Development Management Plan for the protection of the environment and conservation of the area within 3 months from issuance.	NO	For revision
14.3. The holder secured the required Environmental Compliance Certificate (ECC) and other necessary permits prior the conduct of any activity in the area?	NO	

14.4. The holder utilized the area only for the purpose for which the SAPA was granted. If the area was utilized for other purpose/s other than what was approved, is prior approval secured from the Secretary of his duly authorized representative?	YES	
14.5. In all instances, cutting of trees within the SAPA area shall be subject to prior clearance by the DENR in accordance with existing rules and regulations. If there are cutting of trees, is prior clearance secured from DENR Secretary of his duly authorized representative?	YES	
14.6. Is the practice of Ecological Solid Waste Management properly observed and implemented? Is the Clean Water Act observed and followed (STP, Water Discharge Permit, etc)?	YES	Not yet operational
14.7. Is biodiversity in the area especially those identified as unique, rare and endangered species of flora and fauna strictly protected?	YES	
14.8. Is there any changes in the management, ownership or capital stock of the company or corporation or transfer of a majority of the stock or shares of the company or corporation as provided for in PD 705, as amended? If so, did the proponent immediately informed the RED or his/her duly authorized representative?	NO	
14.9. The holder are willing to surrender to the RED of his/ her 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?	YES	
14.10. Is the holder fully aware that in case of death of individual SAPA holder, the heir(s) may apply for the transfer of SAPA within ninety (90) days upon his/ her death?	YES	
14.11. Is the tenure holder aware that the SAPA shall not be construed as permit 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 banks thereof? Or to impeded the flow and ebb of the tide to and from the interior of the swamps?	YES	

D. IMPROVEMENTS INTRODUCED:

Type of Improvement Introduced	Approximate Value of Improvement	STATUS (permanent or temporary)	REMARKS
A. Current Year 2022			
. Land	No data		
2. Buildings	N/A		
3. Infra/Machineries	N/A		
4. Plantation	N/A		
5. Other Improvements	N/A		
B. Previous Years (
1. Land	N/A		
2. Buildings	N/A		
3. Infra/Machineries	N/A		
4. Plantation	N/A		
5. Other Improvements			

E. .PAYMENT OF ANNUAL GOVERNMENT SHARE/ RENTAL/ FOREST FEES: (O.R. copy hereto attached)

Particulars	Amount	Official Receipt No.	Date Issued	Remarks (Indicate if updated or not)
Government Share/Rental				The request for deferment of the SAPA annual fee is subject to PAMB ENBANC affirmation
Performance Bond				
Forest Charges				
Surcharges				

F. Other environmental, social activities by the holder (e.g. tree planting, coastal clean up, gift giving etc)

None

G. FINDINGS AND RECOMMENDATIONS

Conduct a joint relocation, delineation survey, and installation of monuments/marker of 30,000 square meters approved SAPA area to be conducted by holder's Geodetic Engineer and CENRO Taytay-El Nido personnel.

Submit an annual report of accomplishments CY 2020 and CY 2021 to the ENTMRPA-Management Board through the PASu indicating the management and development activities undertaken in accordance with the project's plan.

Revise and submit the approved Comprehensive Development Plan (CDMP) covering the 30,000 square meters approved SAPA area.

Review/rectify the submitted rehabilitation plan indicating the overall rehabilitation cost required for the rehabilitation bond computation with the assistance of DENR.

Close coordination with the Protected Area Management Office regarding the approval/consideration of the request for deferment of the SAPA annual fee and settle the first and second year annual fees

H. DETAILS AND SIGNATURE OF MONITORING TEAM:

WE HEREBY CERTIFY to the correctness of the data and information as contained herein to the best of our knowledge and belief.

Name	Position/Designation/Office	Signature
Richard M. Pariñas	Forest Ranger/Member	Hanr
Francis Abe Bose	Forest Ranger/Member	Dus
Elvie G. Base	LMO II/ OIC-Chief RPS	and the same
Donna C. Tabernilla	Forester II/ Chief, Monitoring Unit	Runillo
Dennis Aldrin O. Velasco	Forester II/ Chief, EMS	

I. ATTACHMENT/S

(See attached photo or geo-tagged/map/and other documentations)

SUBSCRIBED AND SWORN to before me this __dof__ day of September 2022 at Taytay, Palawan.

CENRO
Authorized Person to Administer Oath

ENGR.



Republic of the Philippines Department of Environment and Natural Resources

Alsayas Avenue, Dimenat, Chievan Cary Tel. No. 029.662 (in 20. 929.6633 in 35 926-742 in 43, 026.6252 (29.4663

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DENR MIMAROPA Region, ENTMRPA SAPA No. 2020-01

SPECIAL USE AGREEMENT IN PROTECTED AREAS

EL NIDO-TAYTAY MANAGED RESOURCE PROTECTED AREA

is hereby issued

To

Mr. RODERICK C. ARMIGOS

President and CEO

Royal Premier Leisure and Development Corporation

Project :

El Nido Coastal Leisure Resort

Location:

Sitio Bariring, Brgy. Pasadena, Municipality of El Nido, Province

of Palawan

Area :

Three Hundred Thousand (300,000) square meters

Duration:

Twenty Five Years (2020-2045)

Date Approved:

18 September 2020

Expiry Date:

13 geptember 2045

Approved by:

JUAN MIGTEL T. CUNA

Undersecretary for Field Operations and Environment

This SAPA is subject to the Terms and Conditions written in six (6) pages hereto attached forming as integral part hereof. Any erasure, alteration, or similar change herein or that of the Terms and Conditions shall invalidate this Instrument.

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LMB Form no. GSD C-3

CABANAS DE O

Printed by:



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

October 10, 2022

MR. RODERICK C. ARMIGOS

President Royal Premier Leisure and Development Corporation Pasadeña, El Nido Palawan

Sir,

Environmental greetings!

This pertains to the Special Use Agreement in Protected Area (SAPA) with ENTMRPA SAPA No. 2020-01 awarded to Royal Premier Leisure and Development on September 18, 2020 located at Sitio Bariring, Pasadeña, El Nido Palawan.

On September 16, 2022, personnel of this Office conducted annual monitoring and evaluation on the issued Special Use Agreement in Protected Area (SAPA) to Royal Premier Leisure and Development located at Sitio Bariring, Pasadeña, El Nido Palawan. The inspection report of the team reveals the following, to wit;

- 1. The holder failed to determine and delineate or mark the boundaries/monuments of the approved area within six (6) months from issuance of SAPA as stipulated in Terms and Conditions No. 6;
- 2. The holder submitted the Rehabilitation Plan, however, it needs further improvement since the plan focused only on certain areas for rehabilitation. It should cover 30,000 square meters of the approved area. Also, it did not indicate the overall rehabilitation cost required for the rehabilitation bond computation.
- 3. The holder failed to submit an annual report of accomplishments CY 2020 and CY 2021 to the ENTMRPA-Management Board through the PASu indicating the management and development activities undertaken in accordance with the project's Plan;
- 4. The holder submitted the Comprehensive Development Management Plan (CDMP), however, it is subject to revision for it covers 884,100 square meters. The management shall also submit lacking requirements required under DENR Administrative Order 2007-17 such as Clearance from Palawan Council for Sustainable Development (PCSD) and Copy of SEC registration;
- 5. The holder failed to settle their annual rental fee amounting to Nineteen Million, Six Hundred Eighty-Four Thousand, Six Hundred Fifty and 52/100 Pesos (19,684,650.52), accordingly, they are still waiting for the approval of PAMB for the deferment of SAPA fee.

In view of the above findings, you are hereby reminded and advised of the following to wit;

- 1. Conduct a joint relocation, delineation survey, and installation of monuments/marker of 30,000 square meters approved SAPA area to be conducted by holder's Geodetic Engineer and CENRO Taytay-El Nido personnel. Subsequently, a final map is to be prepared and approved by the CENRO.
- 2. Conduct 100% tree inventory within the 30,000 square meters approved SAPA area.
- 3. Submit an annual report of accomplishments CY 2020 and CY 2021 to the ENTMRPA-Management Board through the PASu indicating the management and development activities undertaken in accordance with the project's Plan;
- 4. Revise and submit the approved Comprehensive Development Management Plan (CDMP) covering the 30,000 square meters approved SAPA area. Also, submit lacking requirements required under DENR Administrative Order 2007-17 such as Clearance from Palawan Council for Sustainable Development (PCSD) and Copy of SEC registration;
- 5. Review/rectify the submitted rehabilitation plan indicating the overall rehabilitation cost required for the rehabilitation bond computation. The PAMB, with technical assistance from the Regional Office, shall determine the sufficiency of the rehabilitation plan as stipulated in Rule 25.12 of DAO 2019-05.
- 6. Close coordination with the Protected Area Management Office regarding the approval/consideration of the request for deferment of the SAPA annual fee and settle the first and second-year annual fees (September 18, 2020-September 18, 2021) and (September 18, 2021-September 18, 2022). Failure to do so is subject to sanctions as stipulated in Rule 25.7 of DAO 2019-05 also known as Implementing Rules and Regulations of Republic Act No. 7586.

For clarification and queries please reach the numbers above. Thank you

DENR CENRO
TAYTAY, PALAWAN
RELEASED

BY: OCT 10 2027 / 297/

Yours,

ALANTAVALLE

Community of Environment and Natural Resources Officer

Copy furnished:

- Regional Office-MIMAROPA

PENRO Palawan