



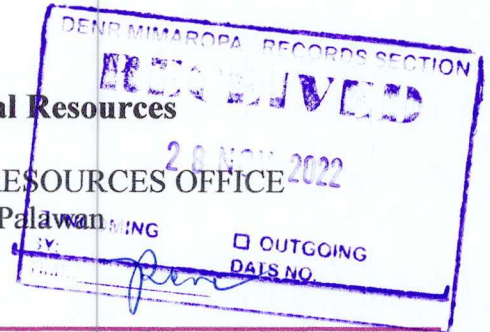
Republic of the Philippines
Department of Environment and Natural Resources
MIMAROPA Region

PROVINCIAL ENVIRONMENT AND NATURAL RESOURCES OFFICE

Bgy. Sta. Monica, Puerto Princesa City, Palawan

Telfax No. (048) 434 - 8791

Email Add: penropalawan@denr.gov.ph



November 18, 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

ATTN : The Enforcement Division, DENR MIMAROPA

FROM : The Provincial Environment and
Natural Resources Officer

SUBJECT : FINAL DEMAND FOR PAYMENT OF ANNUAL GOVERNMENT
SHARES (AGS) OF DIWARAN RESORTS PHILIPPINES INC.
FROM THE PERIOD OF 2010 UP TO 2022


Respectfully forwarded is the letter of CENRO Coron, Palawan dated October 24, 2022 to Mr. Salvador Zamora, Chairman of Diwaran Resorts Philippines Inc. relative to the above subject copy furnished this office.

Attached herewith are the following documents;

1. Letter to Mr. Salvador Zamora, Chairman of Diwaran Resorts Philippines, Inc. dated June 24, 2022;
2. Letter to Mr. Alexander R. Reyes, Attorney-In-Fact of Diwaran Resorts Philippines, Inc. dated June 8, 2022;
3. Memorandum of CENRO Coron dated June 9, 2022;
4. Show-Cause Order/ Notice of Breach to Mr. Alexander R. Reyes, Attorney-In-Fact of Diwaran Resorts Philippines, Inc. dated November 8, 2021; and
5. Location Map/Sketch Map of Diwaran Resorts Philippines, Inc.

For information and further instruction.

For the PENRO;


RONIE B. GANDEZA
OIC Chief, Technical Services Division
In Charge, Office of the PENR O



Republic of the Philippines
Department of Environment and Natural Resources
Community Environment and Natural Resources Office
Barangay 5, Calamianes Island, Coron, Palawan
Telephone No. +63 917 504 2633
E-mail: cenrocoron@denr.gov.ph Website: www.denr.gov.ph

October 24, 2022

Mr. SALVADOR ZAMORA

Chairman,
Diwaran Resorts Phil. Inc.
4th Floor, Low Rise Tower,
Pacific Star Bldg. Makati City
nunez.pepo@gmail.com

**DENR PENRO
PALAWAN RECORDS
RECEIVED**

BY:
DATE: 11-10-2022 10322

**SUBJECT : FINAL DEMAND FOR PAYMENT OF ANNUAL GOVERNMENT
SHARES (AGS) OF DIWARAN RESORTS PHILIPPINES INC.
FROM THE PERIOD OF 2010 UP TO 2022.**

This is again to reiterate our letter dated June 24, 2022 demanding the payment of Government Annual Share amounting ₱49, 545, 000.00 covering the period from CY 2010 to 2022.

After careful review of available records of this office, it revealed that you have not also paid your performance bond amounting to ₱ 4,128,750.00

Paragraph IX, of the FLAGT Agreement states that “the **SECONDARY PARTY** shall pay the Annual Government Shares of ₱ 2, 064, 375. 00 per annum”.

Likewise, Paragraph X states that “The Annual Government Shares shall be paid by the **SECONDARY PARTY** without need of demand within the same month that this agreement is issued. In case of failure to pay of the Annual Government Shares on the due date, the **SECONDARY PARTY** shall obliged to pay additional charges of **8.33% per month delay** or **100% per annum** as provided for in DAO 2004-28 as amended by DAO 2021-02.

Again, failure on your part to settle your obligation totaling the amount of ₱ 53, 673, 750.00 representing payment of Annual Government Shares and Bond deposits pursuant to DAO 2004-28 as amended by DAO 2021-02 within Fifteen (15) days upon receipt hereof is sufficient in recommending the cancellation of your Forest land Use Agreement (FLAGT).

Very Truly Yours,

For and in the absence of the CENRO

EDWIN L. CAC
SEMS/In Charge, Office of the CENRO

Copy furnished:

The Regional Executive Director
MIMAROPA Region, 1515 By the bay Bldg.
Roxas Blvd. Brgy. 668, Ermita, Manila

✓ The PENRO Officer
Sta. Monica Puerto Princesa City





June 24, 2022

Mr. Salvador Zamora

Chairman, Diwaran Resorts Phils., Inc.
4th Floor Low Rise Tower
Pacific Star Bldg; Makati City
Email Address: nunez.pepo@gmail.com

**SUBJECT: DEMAND OF PAYMENT ANNUAL GOVERNMENT SHARE OF
DIWARAN RESORTS PHILS., INC.**

This is to reiterate our letter of demand dated June 8, 2022 demanding the payment of government share amounting to Php 49,545,000.00 covering the period from cy 2010 to 2022.

After careful review of available records of this office, it was also found that you have not paid your Performance Bond. Paragraph XIII of the FLAgT agreement states that "As guarantee for the faithful performance of the terms and conditions, the SECOND PARTY shall post a performance bond of Four Million One Hundred Twenty Eight Thousand Seven Hundred fifty Pesos (Php 4,128,750.00) either in cash equivalent to twice the annual government share on 50% of the performance bond shall be posted in cash and the 50% of balance in form of surely bond with a duration of five (5) years renewal every five (5) years. Provided, that the face value of surely bond shall be increased by 25%.

Again, failure on your part to settle your obligations totalling the amount of Php 53,673,750.00 representing payment of Annual Government Share and Bond Deposit pursuant to DAO 2004-28 as amended by DAO 2021- 02 within fifteen (15) days upon receipt hereof may constitute the basis for the cancellation of your Forest Land Use Agreement (FLAGT) issued to Diwaran Records Phils., Inc. on May 26, 2010.

Very truly yours;
For in the absent of the CENRO:


EDWIN T. CAC

(SEMS/ Office in-charge office of the CENRO)

CC:

- The Regional Executive Director
DENR MIMAROPA Region
- The PENRO Office
Sta. Monica, Puerto Princesa City
- File





Republic of the Philippines
Department of Environment and Natural Resources
Community Environment and Natural Resources Office
Barangay 5, Calamianes Island, Coron, Palawan
Telephone No. +63 917 504 2633
E-mail: cenrocoron@denr.gov.ph Website: www.denr.gov.ph

June 8, 2022

MR. ALEXANDER R. REYES

Attorney-In-Fact

19 Loja St., Vista Verde Executive Village

Imelda Ave., Cainta Rizal

**SUBJECT : DEMAND OF PAYMENT OF ANNUAL GOVERNMENT
SHARE OF DIWARAN RESORT PHILIPPINES, INC.
FROM 2010-2022**

This is to inform you that base on records kept in this office, Diwaran Resorts Philippines, Inc. has not paid the Annual Government Share of Php. 2,064,375.00 per annum since issuance of FLAGT.

Paragraph IX of your FLAGT Agreement states that, "*The **SECOND PARTY** shall pay the Annual Government Share of Php. 2,064,375.00 per annum.*"

Likewise, Paragraph X also state that "*The Annual Government Share shall be paid by the **SECOND PARTY** without need of demand within the same month that this agreement is issued. In case of failure to pay the Annual Government Share on the due date, the **SECOND PARTY** shall pay additional charges of 8.33% per month delay.*"

In this, our office hereby requiring you to pay the total amount of Php.49,545,000.00 representing the Annual Government Share from 2010 to 2022 including additional charges of 8.33% per month of delay or 100% per annum as provided for in DAO 2004-28 as amended by DAO 2021-02.

Failure on your part to pay said Annual Government Share including the surcharges fifteen (15) days upon receipt hereof may constitute the basis of the cancellation of your Forest Land Use Agreement for Tourism Purposes bearing FLAGT No. 09-2010.

We hope that you are properly informed.

Very truly yours,

For and in the absence of the CENRO

JEFFREY C. CASTRO

Forester VI

(In-charge Office of the CENRO)

Copy furnished:

- **Regional Executive Director**
DENR MIMAROPA Region
- **The PENR Officer**
Sta. Monica, Puerto Princesa City

210
6-9-22



Republic of the Philippines
Department of Environment and Natural Resources
Community Environment and Natural Resources Office
Barangay 5, Calamianes Island, Coron, Palawan
Telephone No. +63 917 504 2633
E-mail: cenrocoron@denr.gov.ph Website: www.denr.gov.ph

MEMORANDUM

FOR : The Provincial Environment and
Natural Resources Officer
Bgy. Sta. Monica, Puerto Princesa City

FROM : The Community Environment and
Natural Resources Officer

SUBJECT : RE; PAYMENT OF ANNUAL GOVERNMENT SHARE OF
DIWARAN RESORTS PHILIPPINES, INC. AT DIWARAN
ISLAND, BARANGAY MARCILLA, CORON, PALAWAN

DATE : June 9, 2022

This is in compliance to your instruction thru messenger received today (June 9, 2022) requiring this office to submit report on the payment of Annual Government Share (AGS) of Diwaran Resorts Philippines, Inc. of Diwaran Island, Barangay Marcilla, Coron, Palawan.

Please be informed that base on our office records Diwaran Resort Philippines, Inc. has not paid the AGS since the issuance of FLAGT on May 26, 2010 at the amount of Php. 2,064,375.00 per annum.

Records also show that the proponent has not submitted their response on the Show Cause Order/Notice of Breach dated November 8, 2021 of non-payment of said AGS issued by the Regional Executive Director Maria Lourdes G. Ferrer, CESO III till this writing (*Show Cause Order/Notice of Breach is hereto attached*).

Again, attached herewith is the letter of Demand of Payment dated June 8, 2022 issued to the proponent to pay the said Annual Government Share as provided in DAO 2004-28 as amended by DAO 2021-02.

For information and record.

JEFFREY C. CASTRO
Forester II
(In-charge Office of the CENRO)



RECEIVED
11-17-2011 2:11:33

**SUBJECT : MONITORING AND ASSESSMENT RESULT ON THE
PERFORMANCE OF FOREST LAND USE AGREEMENT
FOR TOURISM PURPOSES (FLAgT) NO. 09-2010 ISSUED
ON MAY 26, 2010 LOCATED IN DIWARAN ISLAND,
BARANGAY MARCILLA, CORON, PALAWAN**

SHOW-CAUSE ORDER/NOTICE OF BREACH

TO : ALEXANDER R. REYES
Attorney-In-Fact
19 Loja St., Vista Verde Executive Village
Imelda Ave., Cainta, Rizal

Pursuant to the provisions of *DAO No. 1004-28* dated August 25, 2004 and *DAO 2009-16* dated November 25, 2009, it is the policy of the State to promote, encourage, provide equitable access to forestland and resources, and develop tourism as a major national activity in which private sector investment, effort and initiative are fostered and supported.

The government shall allow qualified persons to occupy, develop, utilize and sustainability manage forestlands for tourism purposes.

Based on the monitoring conducted on November 18, 2020 by the CENRO Coron, Palawan Monitoring and Assessment Team, their findings disclose that you failed to:

1. *Submit the required Annual Report/s to the DENR; and*
2. *Pay the required Annual Government Share since 2010.*

In FLAgT No. 09-2010 issued in the name of **Diwaran Resorts Philippines, Inc.**, as Attorney-In-Fact of said corporation, you expressly agreed to the following:

1. *Item IX-payment of an annual Government Share of Two Million Sixty Four Thousand Three Hundred Seventy Five Pesos (Php2,064,375.00);*
2. *Item No. XX- submission of an Annual Report showing developmental activities undertaken within the FLAgT Area in accordance with the approved Comprehensive Development Management Plan (CDMP); and,*
3. *Item No. XXII (a) - any violation of the terms and conditions, or failure to comply with the obligations stipulated in the contract will constitute grounds for the termination or cancellation of the FLAgT.*

In Item No. XXIII, it is provided that "*In the event the **FIRST PARTY** determines that any of the grounds in Item No. XXII exists, a **notice of breach** shall be sent to the **SECOND PARTY** giving the latter at least fifteen (15) calendar days to submit a written explanation. Before any termination is resorted to, the parties shall meet and exert best efforts to resolve the dispute, except when the grounds refer to items (b) and (c). The **SECOND PARTY** shall be given reasonable time within which to remedy the breach or to implement the agreed remedial measures.*"

WHEREFORE, the following are hereby ordered, within thirty (30) days upon receipt hereof:

1. To SUBMIT your written explanation under oath why FLAgT No. 09-2010 issued in the name of Diwaran Resorts Philippines, Inc. shall not be cancelled for non-compliance with the terms and conditions set forth in the contract;
2. To SUBMIT the required Annual Report/s required in Item No. XX; and,
3. To PAY the Annual Government Share since 2010.

Failure to comply thereto will result in the cancellation of FLAgT No. 09-2010 and the filing of other appropriate charges, if necessary.

SO ORDERED.

Issued this NOV 08 2021 in the City of Manila, Philippines.


MARIA LOURDES G. FERRER, CESO III



Department of Environment
and Natural Resources
MIMAROPA Region



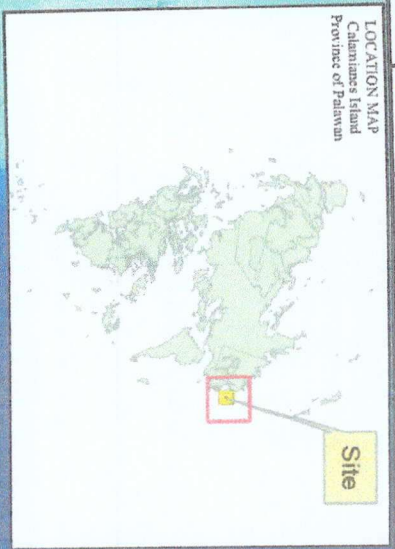
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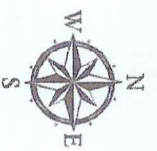
PENRO Palawan
Brgy. Sta. Monica, Puerto Princesa City, Palawan

CENRO Coron
Brgy. Poblacion V, Coron, Palawan

ED/MUC/11/04/2021



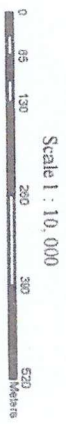
Source: Earth Watcher, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



SKETCH MAP
showing the location of
FLAGT NO. 09-2010

issued to
DIWARAN RESORTS PHILS. INC.

Located at
Island : Diwaran Island
Barangay : Marella
Municipality : Coron
Province : Palawan



Projection: Universal Transverse Mercator-Zone 50 (N)
Datum: World Geodetic System 1984 (WGS84)
Approximate Total Area : 55,0511 Hectares

Legend

- Geotagged Pictures
- Diwaran Resorts Phils. Inc., FLAGT No. 09-2010



Republic of the Philippines
Department of Environment and Natural Resources
Region IV - MIMAROPA
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE
Coron, Palawan

FLAGT Boundary of Diwaran Resorts Phils. Inc. shown is based on the actual boundary of the island and shapefile provided by the Regional Office which is subject for future precise survey.

Prepared by:

ARNEL D. DELINA II
Cartographer / GIS Focal Person

Attested by:

JOVINE C. CAC
SENIOR In-Charge, MES
Chief, Monitoring and Evaluation of
Technical Instruments