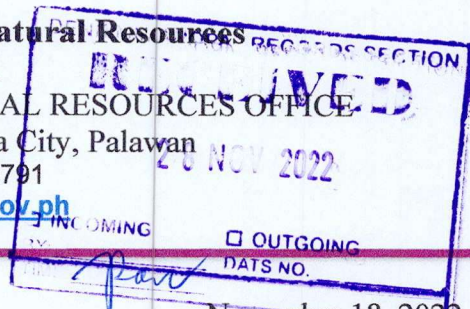


Department of Environment and Natural Resources
MIMAROPA Region
PROVINCIAL ENVIRONMENT AND NATURAL RESOURCES OFFICE
Bgy. Sta. Monica, Puerto Princesa City, Palawan
Telfax No. (048) 434 - 8791
Email Add: penropalawan@denr.gov.ph



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

**FROM : The Provincial Environment and
Natural Resources Officer**

**SUBJECT : COMPLIANCE MONITORING ON FOREST LAND USE
AGREEMENT FOR TOURISM (FLAGT) PURPOSE IN APULIT
ISLAND, BARANGAY MAYTEGUED, TAYTAY, PALAWAN**


Respectfully forwarded is the memorandum of CENRO Taytay, Palawan dated November 2, 2022 relative to the above subject.

CENRO Taytay conducted the compliance monitoring activity on October 20, 2022 on Forest Land Use Agreement for Tourism (FLAgT) located at Apulit Island, Brgy. Maytegued, Taytay, Palawan.

The proponent paid the Annual Government Share (AGS) of the three (3) tenurial instruments for December 2021- December 2022 dated March 9, 2022 covered with OR No. 1412438 amounting to Php 27,150.00; OR No. 1412439 amounting to Ph 172,500.00; and OR No. 1412440 amounting to Php 90,000.00.

For information and record.

For the PENRO;


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



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

November 2, 2022

MEMORANDUM

FOR : The Regional Executive Director
DENR-R-IV-B, MIMAROPA Region
1515 DENR By the Bay Building, Roxas Boulevard,
Barangay 668, 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 FOREST LAND USE AGREEMENT
FOR TOURISM (FLAGT) PURPOSE IN APULIT ISLAND, BARANGAY
MAYTEGUED, TAYTAY, PALAWAN**

**DENR PENRO
PALAWAN RECORDS
RECEIVED**

BY: [Signature]
DATE: 11-04-2022 CN 22-10296

This pertains to the target activities under compliance monitoring of existing tenurial instruments within the administrative jurisdiction of this office.

In compliance, respectfully forwarding is the compliance and monitoring report dated October 26, 2022 for Forest Land Use Agreement for Tourism (FLAgT) Purposes awarded to Bacuit Bay Development Corporation (BBDC) in Apulit Island, Barangay Maytegued, Taytay, Palawan with FLAgT No. Forest Land Use Agreement for Tourism (FLAgT) No. 12312029-2 (Bathing Establishment), 12312029-0003 (Hotel Site), and 12312029-0004 (Camp Site). 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**

BY: [Signature]
DATE: NOV 07 2022 CN 3230

[Signature]
ALAN VALLE



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 26, 2022

MEMORANDUM

FOR : The Community Environment and
Natural Resources Officer

FROM : Compliance Monitoring Team

SUBJECT : **COMPLIANCE MONITORING OF APPROVED FOREST LAND USE
AGREEMENT FOR TOURISM (FLAgT) PURPOSES LOCATED IN
APULIT ISLAND, BARANGAY MAYTEGUE, TAYTAY PALAWAN**



This pertains to the target monitoring and evaluation of Environmental Natural Resources (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 Forest Land Use Agreement for Tourism (FLAgT) purposes.

In view hereof, please be informed that on October 20, 2022, the CENRO Taytay personnel monitored and evaluated the performance of Bacuit Bay Development Corporation (BBDC) together with the two (2) representatives namely Mr. Rey Reyes and PCO Ely O. Tumampil located at Apulit Island, Barangay Maytegued, Taytay, Palawan. The said monitoring activity had been made to evaluate the compliance of the FLAgT holder on the terms and conditions stipulated in the agreement and performance evaluation sheet. Hence, hereunder are the findings and observations of the monitoring team:

1. That pursuant to DENR Administrative Order No. 2004-28 dated August 25, 2004, and other related laws and regulations, the Forest Land Use Agreement for Tourism (FLAgT) No. 12312029-2 (Bathing Establishment), 12312029-0003 (Hotel Site), and 12312029-0004 (Camp Site) was approved and awarded to Bacuit Bay Development Corporation (BBDC) on December 24, 2004, to be expired on December 31, 2029, covering a total area of 193,100 square meters.
2. That Bacuit Bay Development Corporation (BBDC) paid the corresponding rental fee of the three (3) tenurial instruments for December 2021 - December 2022 dated March 9, 2022 covered with OR No. 1412438 amounting to 27,150.00 Pesos; OR No. 1412439 amounting to 172,500 Pesos; and OR No. 1412440 amounting to 90,000.00 Pesos (*see annex a*).
3. The monitoring team found semi-concrete/concrete structures within the FLAgT area such as villas, pathways, restaurants, and other facilities which fall within forty (40) meters of easement being prohibited under Article No. 51 of Presidential Decree 1067 also known as the Water Code of the Philippines states that *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.* Aside from this, some villas located in the eastern part fall outside the approved area which is prohibited under Section 17.1.3 of DAO 2004-28 states that the FLAgT may be suspended or canceled for occupation by FLAgT holder of an area greater or other than that covered by the management agreement.

4. That the holder constructed Globe repeater cell site tower within the FLAgT area (Hotel Site) for communication purposes within and outside their respective area.
5. Some boundary markers in the FLAgT area are visible, while the other markers are not visible.
6. That the holder failed to present the Comprehensive Development Management Plan (CDMP) and Annual Report as required prior to the development of the subject area and for monitoring purposes.
7. That the vegetation of the subject area is still intact; the same is an indication that the holder maintains the conservation and protection of forest trees and wildlife species. Thus, the team spotted juvenile black-tip sharks, monitor lizards, and long-tailed macaque.

Other findings are enumerated as follows;


- The FLAgT areas are under renovation, and the operation was temporarily stopped. Accordingly, the management will resume operating the next year.

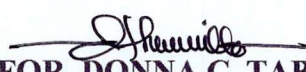
In view of the above findings and observations, the undersigned recommends the Office to issue Show Cause Order for the FLAgT holder for being unable to submit the required Comprehensive Development and Management Plan (CDMP) before introducing other development in the area as well as the submission of an annual report. Further, the holder should explain why their occupation is greater or other than that covered by the management agreement.

Attached herewith are the geotagged photos and filled-out monitoring and evaluation form of the activity.

For information, record, and consideration.


FOR. RICHARD M. PARIÑAS
Forest Ranger


FOR. MICHAEL MARASIGAN
For. I /Chief, Enforcement and Monitoring Section


FOR. DONNA C. TABERNILLA
Forester II/ Chief, Monitoring Unit

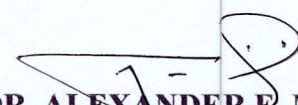
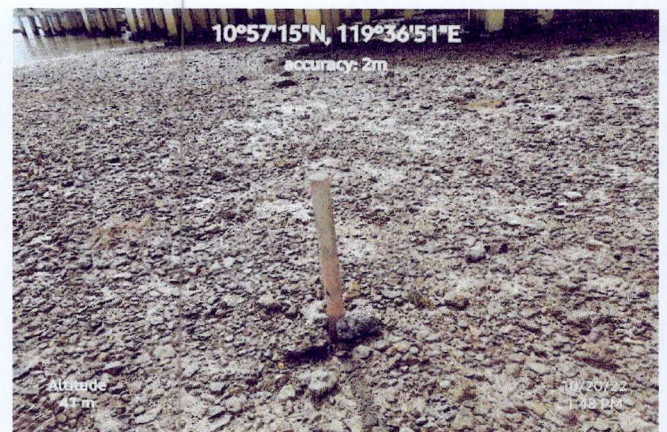

FOR. ALEXANDER E. MANCIO
SEMS/Chief, Regulation and Permitting Section

PHOTO DOCUMENTATION

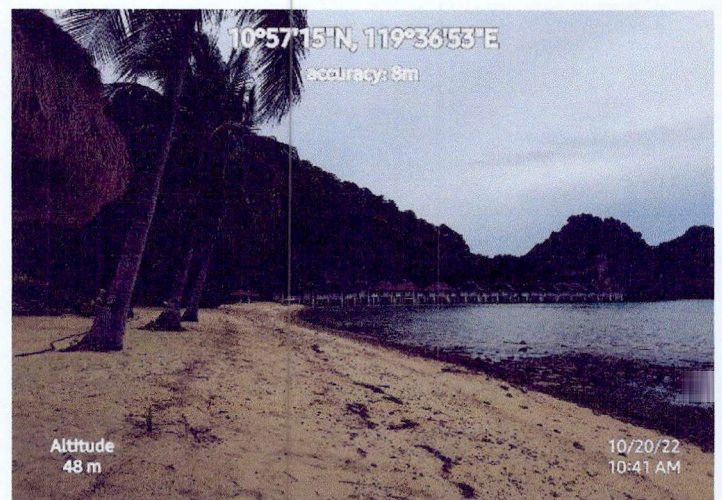
a) Review and evaluation of documents and terms and conditions of the agreements



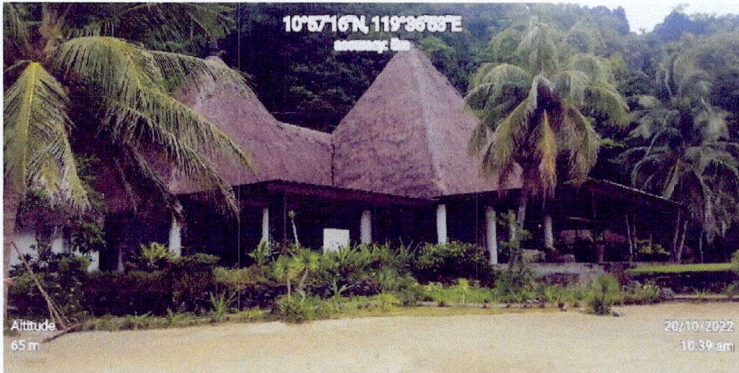
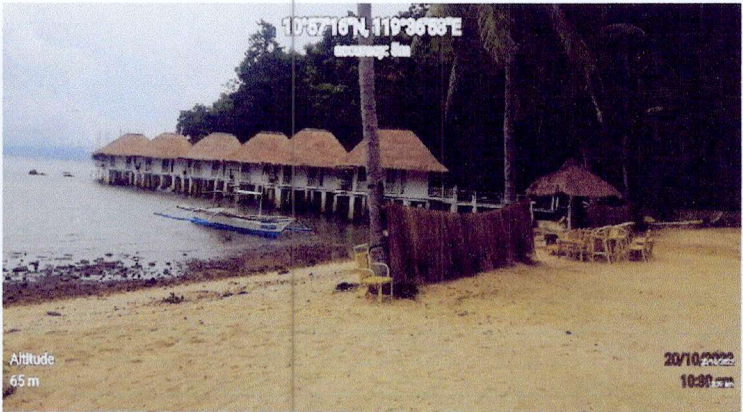
b) Inspection of marker and boundary



c) Inspection of Facilities



d) Hotel Site (FLAgT No. DENR 4B-12312029-0003)



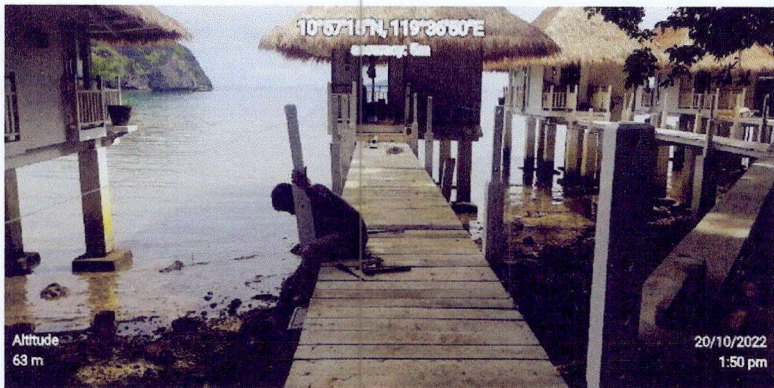
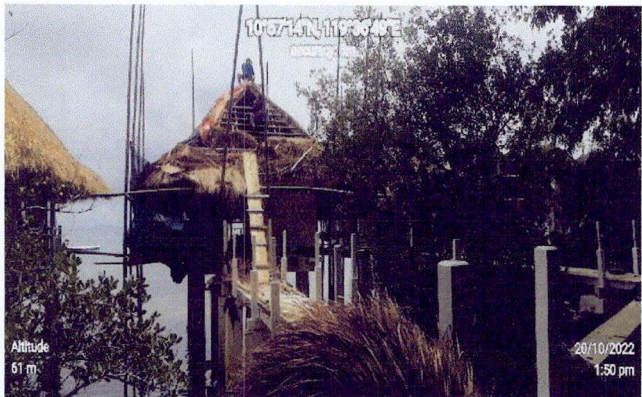
e) Bathing Establishment (FLAgT No. DENR 4B-12312029-2)



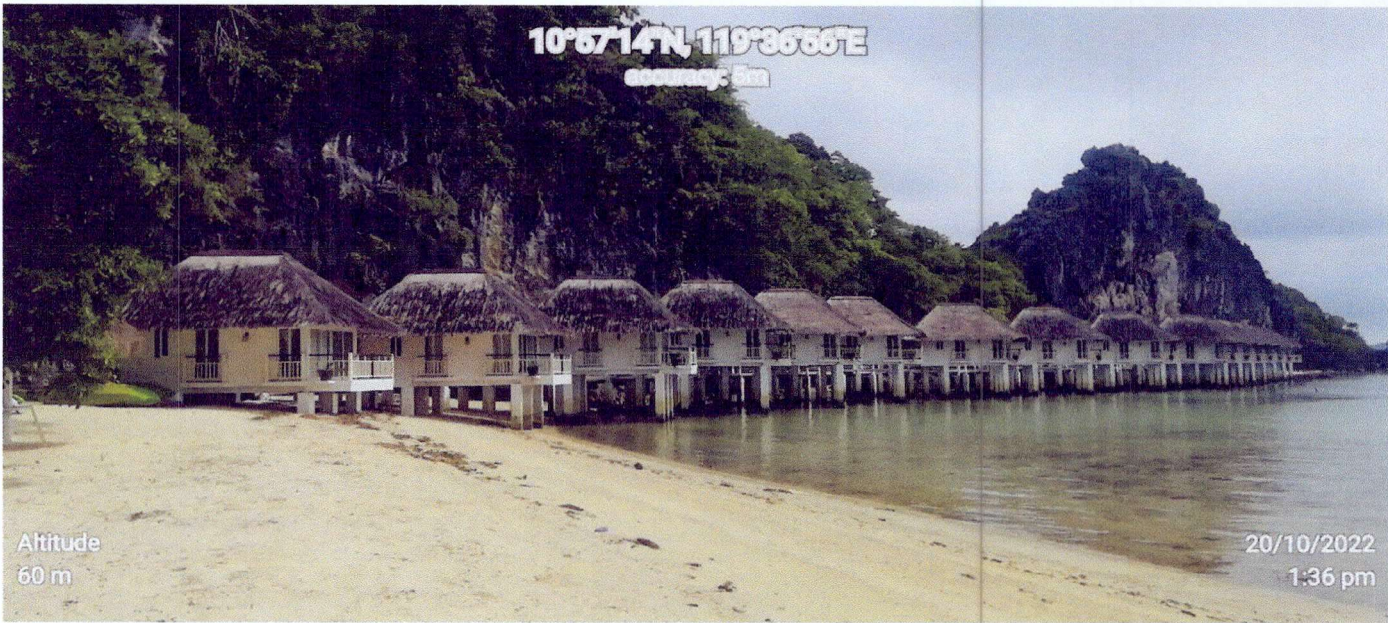
f) Camp Site (FLAgT No. DENR 4B-12312029-0004)



g) Villas and other structures are under renovation



h) Villas fall outside the approved FLAgT Area



COMPLIANCE MONITORING SHEET FOR FORESTRY TENURE (FLAgT)

Monitoring Date: October 20, 2022	Monitoring Time: 10:20 AM
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A. BASIC INFORMATION:

Name of Company: Bacuit Bay Development Corporation	
Location of Area (Sitio, Brgy, Mun): Apulit Island, Mayteged, Taytay, Palawan	Area in Sq. Meter: 115,000
Business Address: (email, messenger acct. & contact number) mlaririt@tenknots.com	
Amount of Annual Government Share: 172,500.00	Date Paid/OR No. 1412439
Year of last evaluation (Per Section 16 of DAO 2002-28): 2021	
Nature of Land-use (Per Section 4 of DAO 2004-28: Bathing Establishment	
Tenure Instrument Number: DENR 4B-12312029-2	Date of Issuance: 12/24/2004
Kind of Tenure Instrument: FLAgT	Expiry Date: 12/31/2029
Contact Person/Designation: Mariglo Laririt, Executive Director	
Name of Pollution Control Officer (PCO): Ely O. Tumampil	
PCO Accreditation No. COA No. 2020-R4B-03201	Effectivity: SEPTEMBER 25, 2023
Contact No. 09177759020	Email: etumampil@elnidoresorts.com

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

Conditions	Yes	No	Remarks
1. NCIP/Cert. of Pre-Condition/ Date Issued		No	
2. Free and Prior Informed Consent/ Date Issued		No	
1. Compliant to ECC – PD 1586, Philippine Environmental Impact Assessment/ DAO 2003-30	Yes		
2. Compliant to RA 6969, Toxic and Hazardous Waste Act of 1999/ DAO 1992-29	Yes		
3. Compliant to RA 8749, Clean Air Act of 1999/ DAO 2000-81	Yes		
4. Compliant to RA 9003, Ecological Solid Waste Management Act of 2000/ DAO 2001-34	Yes		
5. Compliant to RA 9275 Clean Water Act of 2004/ DAO 2005-10			
6. Compliant to PD 705, Forestry Reform Code of the Philippines	Yes		
7. Compliant to Water Code of the Phil./ Article No. 51-PD 1067 (No Permanent Structures within Easement Zones) a) Within 3 meters in Urban Areas b) Within 20 meters in Agricultural (A&D) Areas c) Within 40 meters in Timberland Areas		No	

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

TERMS AND CONDITIONS	Response	
	YES OR NO	REMARKS
14.1. The boundaries of the FLAgT area was delineated and marked on the ground within within six (6) months from the issuance of the agreement?	YES	
14.2. The FLAgT holder submitted the Site Management Plan for the protection of the environment and conservation of the area within 3 months from issuance.	NO	
14.3. The holder secured the required Environmental Compliance Certificate (ECC) and other necessary permits prior the conduct of any activity in the area?	YES	

14.4. The holder utilized the area only for the purpose for which the FLAgT 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 FLAgT 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	
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 FLAgT holder, the heir(s) may apply for the transfer of FLAgT within ninety (90) days upon his/ her death?	YES	
14.11. Is the tenure holder aware that the FLAgT 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				
1. Land	NO DATA			
2. Buildings	NO DATA			
3. Infra/Machineries	NO DATA			
4. Plantation	N/A			
5. Other Improvements				
B. Previous Years ()				
1. Land	NO DATA			
2. Buildings	NO DATA			
3. Infra/Machineries	NO DATA			
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	172,500.00	1412439	March 9, 2022	updated
Performance Bond				
Forest Charges				
Surcharges				

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

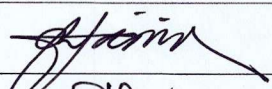
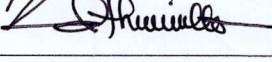

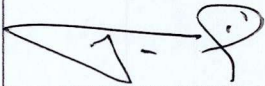
Coastal Clean Up	

G. FINDINGS AND RECOMMENDATIONS

The holder constructed Globe repeater cell site tower within the FLAgT area (Hotel Site) for communication purposes within and outside their respective area and failed to present the Comprehensive Development Management Plan (CDMP) and Annual Report as required prior to the development of the subject area and for monitoring purposes.	
The monitoring team found semi-concrete/concrete structures within the FLAgT area such as villas, pathways, restaurants, and other facilities which fall within forty (40) meters of easement being prohibited under Article No. 51 of Presidential Decree 1067 also known as the Water Code of the Philippines. Aside from this, some villas located in the eastern part fall outside the approved area which is prohibited under Section 17.1.3 of DAO 2004-28 states that the FLAgT may be suspended or canceled for occupation by FLAgT holder of an area greater or other than that covered by the management agreement.	
In view of the above findings and observations, the undersigned recommends the Office to issue Show Cause Order for the FLAgT holder for being unable to submit the required Comprehensive Development and Management Plan (CDMP) before introducing other development in the area as well as the submission of an annual report. Further, the holder should explain why their occupation is greater or other than that covered by the management agreement.	

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
FOR. RICHARD M. PARIÑAS	Forest Ranger	
FOR. DONNA C. TABERNILLA	Forester II/ Chief, Monitoring Unit	
FOR. MICHAEL L. MARASIGAN	For. I /Chief, Enforcement and Monitoring Section	
FOR. ALEXANDER E. MANCIO	SEMS/Chief, Regulation and Permitting Section	

I. ATTACHMENT/S

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

SUBSCRIBED AND SWORN to before me this _____ day of October 2022 at Taytay, Palawan.

ENGR. ALAN E. VALLE
CENRO

Authorized Person to Administer Oath

COMPLIANCE MONITORING SHEET FOR FORESTRY TENURE (FLAgT)

Monitoring Date: October 20, 2022	Monitoring Time: 10:00 AM
-----------------------------------	---------------------------

A. BASIC INFORMATION:

Name of Company: Bacuit Bay Development Corporation	
Location of Area (Sitio, Brgy, Mun): Apulit Island, Maytegued, Taytay, Palawan	Area in Sq. Meter: 60,000
Business Address: (email, messenger acct. & contact number) mlaririt@tenknots.com	
Amount of Annual Government Share: 90,000.00	Date Paid/OR No. 1412440
Year of last evaluation (Per Section 16 of DAO 2002-28): 2021	
Nature of Land-use (Per Section 4 of DAO 2004-28: Hotel Site	
Tenure Instrument Number: DENR 4B-12312029-0003	Date of Issuance: 12/24/2004
Kind of Tenure Instrument: FLAgT	Expiry Date: 12/31/2029
Contact Person/Designation: Mariglo Laririt, Executive Director	
Name of Pollution Control Officer (PCO): Ely O. Tumampil	
PCO Accreditation No. COA No. 2020-R4B-03201	Effectivity: SEPTEMBER 25, 2023
Contact No. 09177759020	Email: etumampil@elnidoresorts.com

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

Conditions	Yes	No	Remarks
1. NCIP/Cert. of Pre-Condition/ Date Issued		No	
2. Free and Prior Informed Consent/ Date Issued		No	
1. Compliant to ECC – PD 1586, Philippine Environmental Impact Assessment/ DAO 2003-30	Yes		
2. Compliant to RA 6969, Toxic and Hazardous Waste Act of 1999/ DAO 1992-29	Yes		
3. Compliant to RA 8749, Clean Air Act of 1999/ DAO 2000-81	Yes		
4. Compliant to RA 9003, Ecological Solid Waste Management Act of 2000/ DAO 2001-34	Yes		
5. Compliant to RA 9275 Clean Water Act of 2004/ DAO 2005-10			
6. Compliant to PD 705, Forestry Reform Code of the Philippines	Yes		
7. Compliant to Water Code of the Phil./ Article No. 51-PD 1067 (No Permanent Structures within Easement Zones)		No	
a) Within 3 meters in Urban Areas			
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	
	YES OR NO	REMARKS
14.1. The boundaries of the FLAgT area was delineated and marked on the ground within within six (6) months from the issuance of the agreement?	YES	
14.2. The FLAgT holder submitted the Site Management Plan for the protection of the environment and conservation of the area within 3 months from issuance.	NO	
14.3. The holder secured the required Environmental Compliance Certificate (ECC) and other necessary permits prior the conduct of any activity in the area?	YES	

14.4. The holder utilized the area only for the purpose for which the FLAgT 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 FLAgT 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	
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 FLAgT holder, the heir(s) may apply for the transfer of FLAgT within ninety (90) days upon his/ her death?	YES	
14.11. Is the tenure holder aware that the FLAgT 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				
1. Land	NO DATA			
2. Buildings	NO DATA			
3. Infra/Machineries	NO DATA			
4. Plantation	N/A			
5. Other Improvements				
B. Previous Years ()				
1. Land	NO DATA			
2. Buildings	NO DATA			
3. Infra/Machineries	NO DATA			
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	90,000	1412440	March 9, 2022	updated
Performance Bond				
Forest Charges				
Surcharges				

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

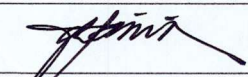
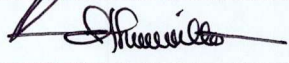

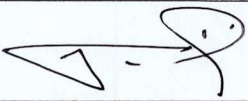
Coastal Clean Up	

E. FINDINGS AND RECOMMENDATIONS

The holder constructed Globe repeater cell site tower within the FLaGT area (Hotel Site) for communication purposes within and outside their respective area and failed to present the Comprehensive Development Management Plan (CDMP) and Annual Report as required prior to the development of the subject area and for monitoring purposes.
The monitoring team found semi-concrete/concrete structures within the FLaGT area such as villas, pathways, restaurants, and other facilities which fall within forty (40) meters of easement being prohibited under Article No. 51 of Presidential Decree 1067 also known as the Water Code of the Philippines. Aside from this, some villas located in the eastern part fall outside the approved area which is prohibited under Section 17.1.3 of DAO 2004-28 states that the FLaGT may be suspended or canceled for occupation by FLaGT holder of an area greater or other than that covered by the management agreement.
In view of the above findings and observations, the undersigned recommends the Office to issue Show Cause Order for the FLaGT holder for being unable to submit the required Comprehensive Development and Management Plan (CDMP) before introducing other development in the area as well as the submission of an annual report. Further, the holder should explain why their occupation is greater or other than that covered by the management agreement.

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
FOR. RICHARD M. PARIÑAS	Forest Ranger	
FOR. DONNA C. TABERNILLA	Forester II/ Chief, Monitoring Unit	
FOR. MICHAEL L. MARASIGAN	For. I /Chief, Enforcement and Monitoring Section	
FOR. ALEXANDER E. MANCIO	SEMS/Chief, Regulation and Permitting Section	

F. ATTACHMENT/S

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

SUBSCRIBED AND SWORN to before me this 26th day of October 2022 at Taytay, Palawan.


ENGR. ALAN L. VALLE
CENRO
Authorized Person to Administer Oath

COMPLIANCE MONITORING SHEET FOR FORESTRY TENURE (FLAgT)

Monitoring Date: October 20, 2022	Monitoring Time: 10:20 AM
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A. BASIC INFORMATION:

Name of Company: Bacuit Bay Development Corporation	
Location of Area (Sitio, Brgy, Mun): Apulit Island, Mayteged, Taytay, Palawan	Area in Sq. Meter: 18,100
Business Address: (email, messenger acct. & contact number) mlaririt@tenknots.com	
Amount of Annual Government Share: 27,150.00	Date Paid/OR No. 1412438
Year of last evaluation (Per Section 16 of DAO 2002-28): 2021	
Nature of Land-use (Per Section 4 of DAO 2004-28: Camp Site	
Tenure Instrument Number: DENR 4B-12312029-0004	Date of Issuance: 12/24/2004
Kind of Tenure Instrument: FLAgT	Expiry Date: 12/31/2029
Contact Person/Designation: Mariglo Laririt, Executive Director	
Name of Pollution Control Officer (PCO): Ely O. Tumampil	
PCO Accreditation No. COA No. 2020-R4B-03201	Effectivity: SEPTEMBER 25, 2023
Contact No. 09177759020	Email: etumampil@elnidoresorts.com

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

Conditions	Yes	No	Remarks
1. NCIP/Cert. of Pre-Condition/ Date Issued		No	
2. Free and Prior Informed Consent/ Date Issued		No	
1. Compliant to ECC – PD 1586, Philippine Environmental Impact Assessment/ DAO 2003-30	Yes		
2. Compliant to RA 6969, Toxic and Hazardous Waste Act of 1999/ DAO 1992-29	Yes		
3. Compliant to RA 8749, Clean Air Act of 1999/ DAO 2000-81	Yes		
4. Compliant to RA 9003, Ecological Solid Waste Management Act of 2000/ DAO 2001-34	Yes		
5. Compliant to RA 9275 Clean Water Act of 2004/ DAO 2005-10			
6. Compliant to PD 705, Forestry Reform Code of the Philippines	Yes		
7. Compliant to Water Code of the Phil./ Article No. 51-PD 1067 (No Permanent Structures within Easement Zones)		No	
a) Within 3 meters in Urban Areas			
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	
	YES OR NO	REMARKS
14.1. The boundaries of the FLAgT area was delineated and marked on the ground within within six (6) months from the issuance of the agreement?	YES	
14.2. The FLAgT holder submitted the Site Management Plan for the protection of the environment and conservation of the area within 3 months from issuance.	NO	
14.3. The holder secured the required Environmental Compliance Certificate (ECC) and other necessary permits prior the conduct of any activity in the area?	YES	

14.4. The holder utilized the area only for the purpose for which the FLAgT 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 FLAgT 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	
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 FLAgT holder, the heir(s) may apply for the transfer of FLAgT within ninety (90) days upon his/ her death?	YES	
14.11. Is the tenure holder aware that the FLAgT 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				
1. Land	NO DATA			
2. Buildings	NO DATA			
3. Infra/Machineries	NO DATA			
4. Plantation	N/A			
5. Other Improvements				
B. Previous Years ()				
1. Land	NO DATA			
2. Buildings	NO DATA			
3. Infra/Machineries	NO DATA			
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	27, 150.00	14124	March 9, 2022	updated
Performance Bond				
Forest Charges				
Surcharges				

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

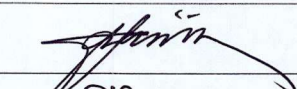
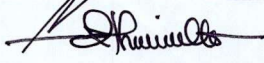

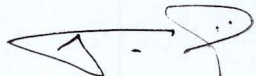
Coastal Clean Up

E. FINDINGS AND RECOMMENDATIONS

The holder constructed Globe repeater cell site tower within the FLaGT area (Hotel Site) for communication purposes within and outside their respective area and failed to present the Comprehensive Development Management Plan (CDMP) and Annual Report as required prior to the development of the subject area and for monitoring purposes.
The monitoring team found semi-concrete/concrete structures within the FLaGT area such as villas, pathways, restaurants, and other facilities which fall within forty (40) meters of easement being prohibited under Article No. 51 of Presidential Decree 1067 also known as the Water Code of the Philippines. Aside from this, some villas located in the eastern part fall outside the approved area which is prohibited under Section 17.1.3 of DAO 2004-28 states that the FLaGT may be suspended or canceled for occupation by FLaGT holder of an area greater or other than that covered by the management agreement.
In view of the above findings and observations, the undersigned recommends the Office to issue Show Cause Order for the FLaGT holder for being unable to submit the required Comprehensive Development and Management Plan (CDMP) before introducing other development in the area as well as the submission of an annual report. Further, the holder should explain why their occupation is greater or other than that covered by the management agreement.

G. 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
FOR. RICHARD M. PARIÑAS	Forest Ranger	
FOR. DONNA C. TABERNILLA	Forester II/ Chief, Monitoring Unit	
FOR. MICHAEL L. MARASIGAN	For. I /Chief, Enforcement and Monitoring Section	
FOR. ALEXANDER E. MANCIO	SEMS/Chief, Regulation and Permitting Section	

H. ATTACHMENT/S

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

SUBSCRIBED AND SWORN to before me this _____ day of October 2022 at Taytay, Palawan.



ENGR. ALAN VALLE
CENRO

Authorized Person to Administer Oath


ANNEX A

ACCOUNTABLE FORM No. 51-C
Revised January, 1992

(TRIPLICATE)

	Official Receipt of the Republic of the Philippines		
	Nº 1412439 E		
	Date MAR 09 2022		
Agency DENR-CENRO TAYTAY, PALAWAN und			
Payor Basist Bay Development Corp.			
Nature of Collection	Account Code	Amount	
Annual Government Tax		P 122.90	
DEUT. INCOME TAX		<div style="font-size: 4em;">}</div>	
(131179-2)			
TOTAL		P 122.90.00	
Amount in Words <i>One hundred twenty two hundred</i>			
<i>four hundred plus only</i>			
<input checked="" type="checkbox"/> Cash <input type="checkbox"/> Check <input type="checkbox"/> Money Order	Drawee Bank	Number	Date
Received the amount stated above.			
MARY ANN D. BULACAN Forest Technician / SCDO			
NOTE: Write the number and date of this receipt on the back of check or money order received.			

(TRIPLICATE)

	<p align="center">Official Receipt of the Republic of the Philippines</p>
	<p>N^o 1412438 E</p>
<p>Date</p>	<p align="center">MAR 09 2022</p>

Agency **DENR-CENRO TAYTAY, PALAWAN** and

Payor Bacuit Bay Development Corp.

Nature of Collection	Account Code	Amount
Annual Government Grant (District & Municipalities)		P 27,10,000
1971-72 - 1981-82		
TOTAL		P 27,10,000

Amount in Words Twenty seven thousand one hundred fifty paise

<input checked="" type="checkbox"/> Cash	Drawee Bank	Number	Date
<input type="checkbox"/> Check			
<input type="checkbox"/> Money Order			


Received the amount stated above.

MARY ANN D. BULACAN
Forest Technician I/SCDO

NOTE: Write the number and date of this receipt on the back of check or money order received.

ACCOUNTABLE FORM NO. 51-C
Revised January, 1992

(TRIPLICATE)

	Official Receipt of the Republic of the Philippines
	N^o 1412440 E
Date	MAR 09 2022

Agency **DENR-CENRO TAYTAY, PALAWAN** Fund

Payor	Bacuit Bay Development Corp.
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Nature of Collection	Account Code	Amount
Assessd Government Share		P 70000.00
DONE MINORITIES		
12312029 - 6883		
TOTAL		P 90000.00

Amount in Words	thirty thousand four only
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<input checked="" type="checkbox"/> Cash	Drawee Bank	Number	Date
<input type="checkbox"/> Check			
<input type="checkbox"/> Money Order			

Received the amount stated above.

MARY ANN D. BULACAN
Forest Technician I/SCDO

NOTE: Write the number and date of this receipt on the back of check or money order received.