



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



October 10, 2022

MEMORANDUM

FOR : The Regional Executive Director
DENR MIMAROPA Region
1515 L&S Bldg., Roxas Blvd.
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
PANGULASIAN, BARANGAY BEBELADAN, EL NIDO,
PALAWAN

Respectfully forwarded is the memorandum of CENRO Taytay, Palawan dated September 27, 2022 relative to the above subject.

CENRO Taytay conducted the compliance monitoring activity on August 24, 2022 on Forest Land Use Agreement for Tourism (FLAGT) located at Pangulasian Island, Brgy. Bebeladan, El Nido, Palawan.

Furthermore, there is a crucial violation found which is the failure to secure discharge permit for which Notice of Violation is recommended.

For information and further instruction.


FELIZARDO B. CAYATOC

Copy Furnished:
CENRO Taytay, Palawan
<cenrotaytay@denr.gov.ph>
KVE/MES Doc. No. 2022-9127

DENR-PALAWAN
PENRO-RECORDS
RELEASED
By Rhea
Date: 11 OCT 2022 CN 2022-2698



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

September 27, 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 FOREST LAND USE AGREEMENT
FOR TOURISM (FLAGT) PURPOSE IN PANGULASIAN, BARANGAY
BEBELADAN, EL NIDO, PALAWAN**

DENR CENRO
PALAWAN RECORDS
RECEIVED

BY: *[Signature]*
DATE: *SEP 27 2022*

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 20, 2022 for Forest Land Use Agreement for Tourism (FLAGT) Purposes awarded to Ten Knots Philippines Incorporated in Pangulasian Island, Bebeladan, El Nido, Palawan with FLAGT No. 12302030-0009. This is our Means of Verification (MoV) on the activity. This submission is equivalent to eighty (60) percent accomplishment of the target.

Upon review, there is a crucial violation found by the team of failure to secure discharge permit for which Notice of Violation is recommended. Recommendations 3 and 4 shall depend on the extremity of the possible damage to the water quality in premises.

Please acknowledge receipt. Thank you.

For in and the absence of the CENRO

DENR CENRO
TAYTAY, PALAWAN
RELEASED
BY: *[Signature]*
DATE: *SEP 30 2022* *2839*

[Signature]
MARIANO P. LILANG, JR.
Development and Management Officer IV
Per DAO 2022-09 page 3



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

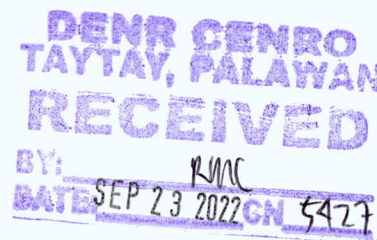
September 20, 2022

MEMORANDUM

FOR : The Community Environment and
Natural Resources Officer
Taytay, Palawan

FROM : Compliance Monitoring Team

SUBJECT : **COMPLIANCE MONITORING ON FOREST LAND USE
AGREEMENT FOR TOURISM (FLAGT) PURPOSE IN
PANGULASIAN ISLAND, BARANGAY BEBELADAN, 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 Forest Land Use Agreement For Tourism (Flagt) Purpose of this Office.

In view hereof, please be informed that the following CENRO Taytay personnel representing Regulation and Permitting Section, Conservation and Development Section, Enforcement and Monitoring Section, and Environmental Management Bureau (EMB), LMO II Elvie G. Base, EMS Ana Liza D. Marasigan, Forester II Donna C. Tabernilla and Forest Ranger Herson Caliao and EMS I Nicath Trisha B. Enrile, respectively, monitored and evaluated the performance of Ten Knots Philippines Incorporated (TKPI) represented by Executive Director Ms. Mariglo Laririt, based on the terms and conditions stipulated in the agreement and performance evaluation sheet for forestry tenure at Pangulasian Island, Bgy. Bebeladan, El Nido Palawan. Hereunder are the findings and observations of the team, as follows:

1. That DENR Administrative Order No. 2004-28 dated August 25, 2004 and other existing laws, rules, and regulations promote, encourage, and develop tourism as a major national activity in which private sector investment, effort, and initiative are fostered and supported;
2. That FLAgT aims to develop the country's forestlands into productive uses consistent with the concept of sustainable development, provide economic opportunities to local communities and other stakeholders, ensure equitable share for the government on the use of forestlands, optimize the use of forestlands through sustainable management and to assure continuous beneficial uses and services of forestlands for the promotion and development of tourism without impairing their environmental and economic values;
3. That on December 27, 2005, the DENR awarded FLAgT No. DENR IV-MIMAROPA-12302030-0009 (Bathing establishment) to Ten Knots Philippines, Inc. (Ten Knots Development Corporation) with a total area of five (5) hectares located at Pangulasian Island, Bgy. Bebeladan, El Nido, Palawan;
4. That on August 24, 2022, the Compliance Monitoring Team conducted annual monitoring of the Forest Land Use Agreement For Tourism (Flagt) Purpose assisted by Ms. Mariglo Laririt, TKPI Executive Director, at Pangulasian Island, Bgy. Bebeladan, El Nido, Palawan;
5. That the holder failed to delineate, mark, and preserve the monuments and other landmarks indicating corners and outlines along the boundaries of the approved area, however, the holder has been committed to the conduct of relocation and delineation survey together with the Geodetic Engineer of this Office in compliance to the memorandum of Executive Director dated May 19, 2021.

6. That per site inspection, the villas and hotels are within the 40 meters easement zone which is 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.* However, the approved area is subject to relocation and delineation survey to identify structures within the easement.

7. That the holder established the view deck and water storage facility 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. A letter dated February 26, 2021 signed by CENRO was sent to the TKPI Director received by TKPI Admin Officer last March 4, 2021, advising the holder to file an application for Special Use Agreement in Protected Area (SAPA) over the areas found to have structures outside the approved area. (Annex 1)

8. That the holder failed to install the billboard stipulated in the ECC general conditions no. 5 stating that a billboard containing this message: Notice to the Public, *This project "Pangulasian Island Resort" of Ten Knots Development Corporation has been issued an Environmental Compliance Certificate 9ECC-R4B-0905-102-9690) by the Environmental Management Bureau of the Department of Environment and Natural Resources, Region IV-B, on December 04, 2009.*

9. That upon inspection of EMS I Nicath Trisha B. Enrile, Chief EMS of the EMB, the holder failed to secure a discharge permit in violation of Republic Act 9275 also known as the Philippine Clean Water Act of 2004. Further, no proper storage and labeling on-site for hazardous waste.

10. The FLAgT holder failed to submit its annual report (CY 2021) as to its compliance with the approved Comprehensive Development Management Plan (CDMP) as stipulated in section 15 of DAO 2004-28. Further, the submitted CDMP is not approved.

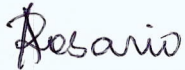
11. That on March 19, 2022, the holder paid the annual government share to the Regional Office covering the month of December 2020 to December 2021 amounting to Seventy-Five thousand pesos (75,000.00) with Official Receipt No. 1412444. (Annex 2)

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

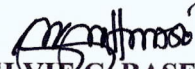
1. Conduct a joint relocation and delineation survey before November 2022 in compliance with the memorandum dated May 19, 2021 of Regional Executive Director Maria Lourdes G. Ferrer. Subsequently, the identification of structures falls within the easement.
2. The Environmental Management Bureau (EMB) shall issue a Notice of Violation concerning the failure to secure the discharge permit.
3. The holder shall install Environmental Compliance Certificate billboard as stipulated in general conditions no. 5 of ECC-R4B-0905-102-9690.
4. The holder shall apply for an appropriate tenurial instrument on the area occupied that is outside the approved site and not covered by the management agreement.
5. The holder shall submit an annual report (CY 2021) and approved CDMP.

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

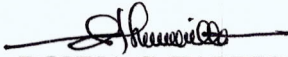
For information and further instruction.



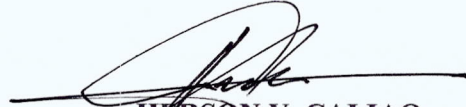
ANA LIZA D. MARASIGAN
EMS I/ Member-CDS



ELVIE G. BASE
LMOII/ Member-RPS

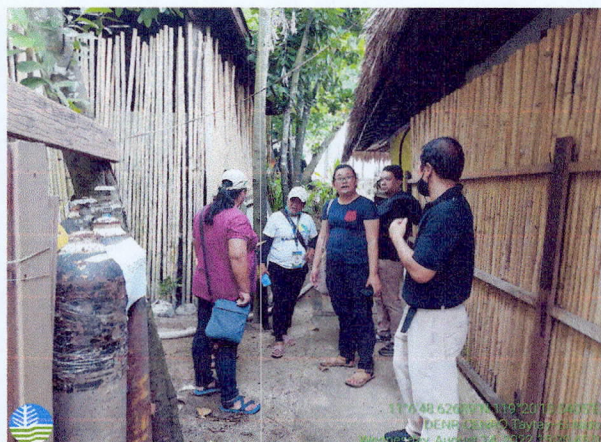
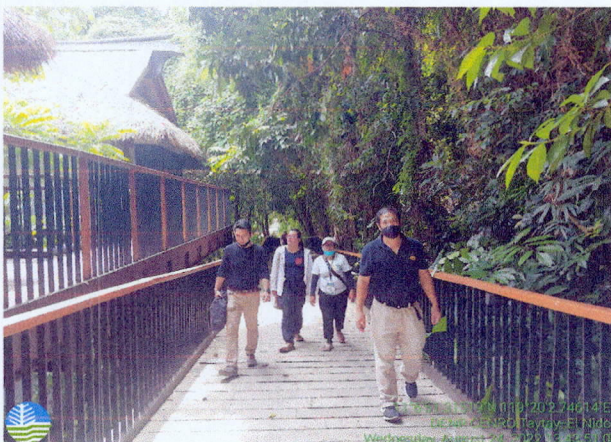


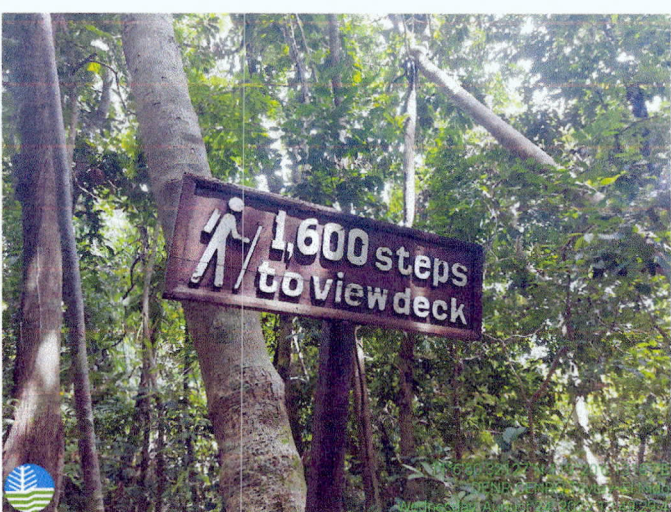
DONNA C. TABERNILLA
Forester II/ Chief, Monitoring Unit

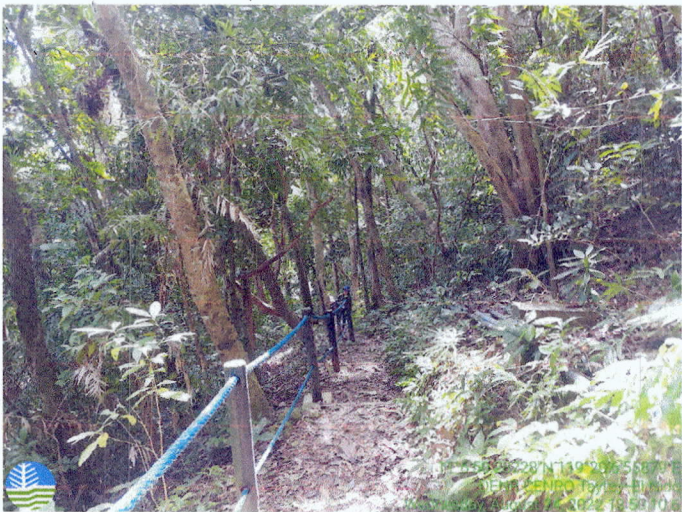


HERSON Y. CALIAO
Forest Ranger/ Member-EMS

PHOTO DOCUMENTATION









September 20, 2022

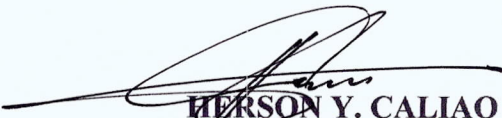
CERTIFICATION

This is to certify that the photos shown above were taken during the compliance monitoring of the approved FLaGT area on August 24, 2022 at Cadlao Island, Buena suerte, El Nido, Palawan.


ANA LIZA D. MARASIGAN
EMS I/ Member-CDS


DONNA C. TABERNILLA
Forester II/ Chief, Monitoring Unit


ELVIR G. BASE
LMO I/ Member-RPS


HERON Y. CALIAO
Forest Ranger/ Member-EMS

COMPLIANCE MONITORING SHEET FOR FORESTRY TENURE (FLAgT)

Monitoring Date: August 24, 2022	Monitoring Time: 9:47 AM
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A. BASIC INFORMATION:

Name of Company: Ten Knots Philippines Incorporated (TKPI)			
Location of Area (Sitio, Brgy, Mun): Pangulasian Island, Bebeladan, El Nido		Area in Sq. Meter: 50,000	
Business Address: (email, messenger acct. & contact number) mlaririt@tenknots.com			
Amount of Annual Government Share: 75,000.00		Date Paid/OR No.	March 9, 2022/1412444
Year of last evaluation (Per Section 16 of DAO 2002-28): 2022			
Nature of Land-use (Per Section 4 of DAO 2004-28: Bathing Establishment			
Tenure Instrument Number: DENR 4B-MIMAROPA-12302030-0009		Date of Issuance: 12/27/2005	
Kind of Tenure Instrument: FLAgT		Expiry Date: 12/30/2030	
Contact Person/Designation: Mariglo Laririt, Executive Director			
Name of Pollution Control Officer (PCO): Gabriel I. Artajo			
PCO Accreditation No. COA No. 2019-R4B-02843		Effectivity: November 25, 2019	
Contact No. 0917-553-8004		Email:	

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		/	Does not have proof of compliance with some of the ECC conditions.
2. Compliant to RA 6969, Toxic and Hazardous Waste Act of 1999/ DAO 1992-29		/	With HWG ID, but no proper storage and labeling on-site.
3. Compliant to RA 8749, Clean Air Act of 1999/ DAO 2000-81	/		With a valid Permit to operate.
4. Compliant to RA 9003, Ecological Solid Waste Management Act of 2000/ DAO 2001-34	/		With proper storage and segregation of solid wastes.
5. Compliant to RA 9275 Clean Water Act of 2004/ DAO 2005-10		/	No valid discharge permit
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) a) Within 3 meters in Urban Areas b) Within 20 meters in Agricultural (A&D) Areas c) Within 40 meters in Timberland Areas		/	Hotels and Villas falls within the 40 meters easement zone.

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?	No	Relocation and delineation survey to be scheduled
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.	YES	

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	N/A		
2. Buildings	17, 382, 540.00		
3. Infra/Machineries	N/A		
4. Plantation	N/A		
5. Other Improvements	N/A		
B. Previous Years ()			
1. Land	N/A		
2. Buildings	17, 382, 540.00		
3. Infra/Machineries	N/A		
4. Plantation	N/A		
5. Other Improvements	N/A		

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


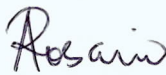
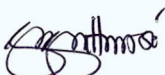
Particulars	Amount	Official Receipt No.	Date Issued	Remarks (Indicate if updated or not)
Government Share/Rental	75, 000	1412444	March 19, 2022	Updated
Performance Bond				
Forest Charges				
Surcharges				

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

Provide projects for Education, Social Enterprises, Local Agriculture and Sustainable
Typhoon Odette Relief Operation
Provide projects on fishing communities
G. FINDINGS AND RECOMMENDATIONS
The holder failed to delineate, mark, and preserve the monuments and other landmarks indicating corners and outlines along the boundaries of the approved area, thus the team recommends the conduct a joint relocation and delineation survey before November 2022 in compliance with the memorandum dated May 19, 2021 of Regional Executive Director Maria Lourdes G. Ferrer.
The holder established the view deck and water storage facility outside the approved area which is prohibited under Section 17.1.3 of DAO 2004-28, hence, the team advised the holder to apply for an appropriate tenurial instrument on the area occupied that is outside the approved site and not covered by the management agreement.
The holder failed to submit its annual report (CY 2021) to this Office, hence, the team advised the management to submit the same.

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
Donna C. Tabernilla	Forester II/ Chief, Monitoring Unit	
Ana Liza D. Marasigan	EMS I/ Representative of Conservation and Development Section	
Elvie G. Base	LMO II/ Representative of Regulation and Permitting Section	

I. ATTACHMENT/S

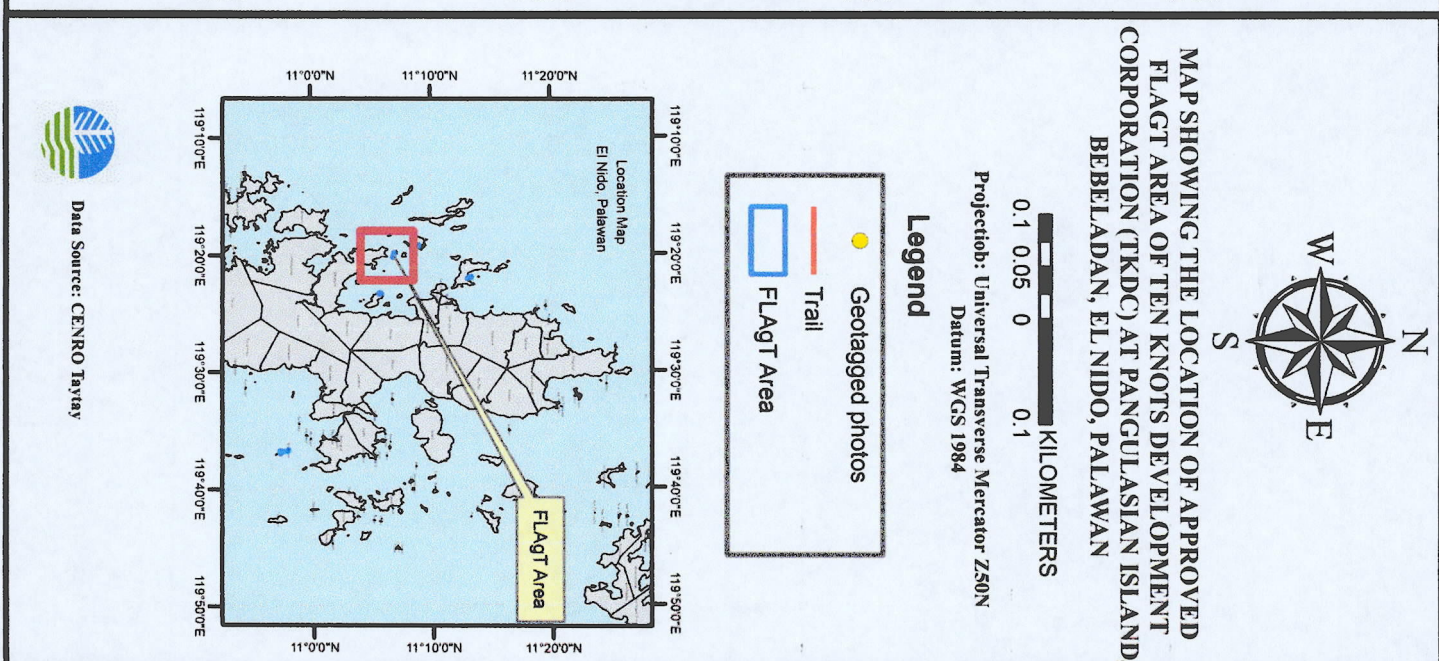
(See attached photo or geo-tagged/map/and other documentations)

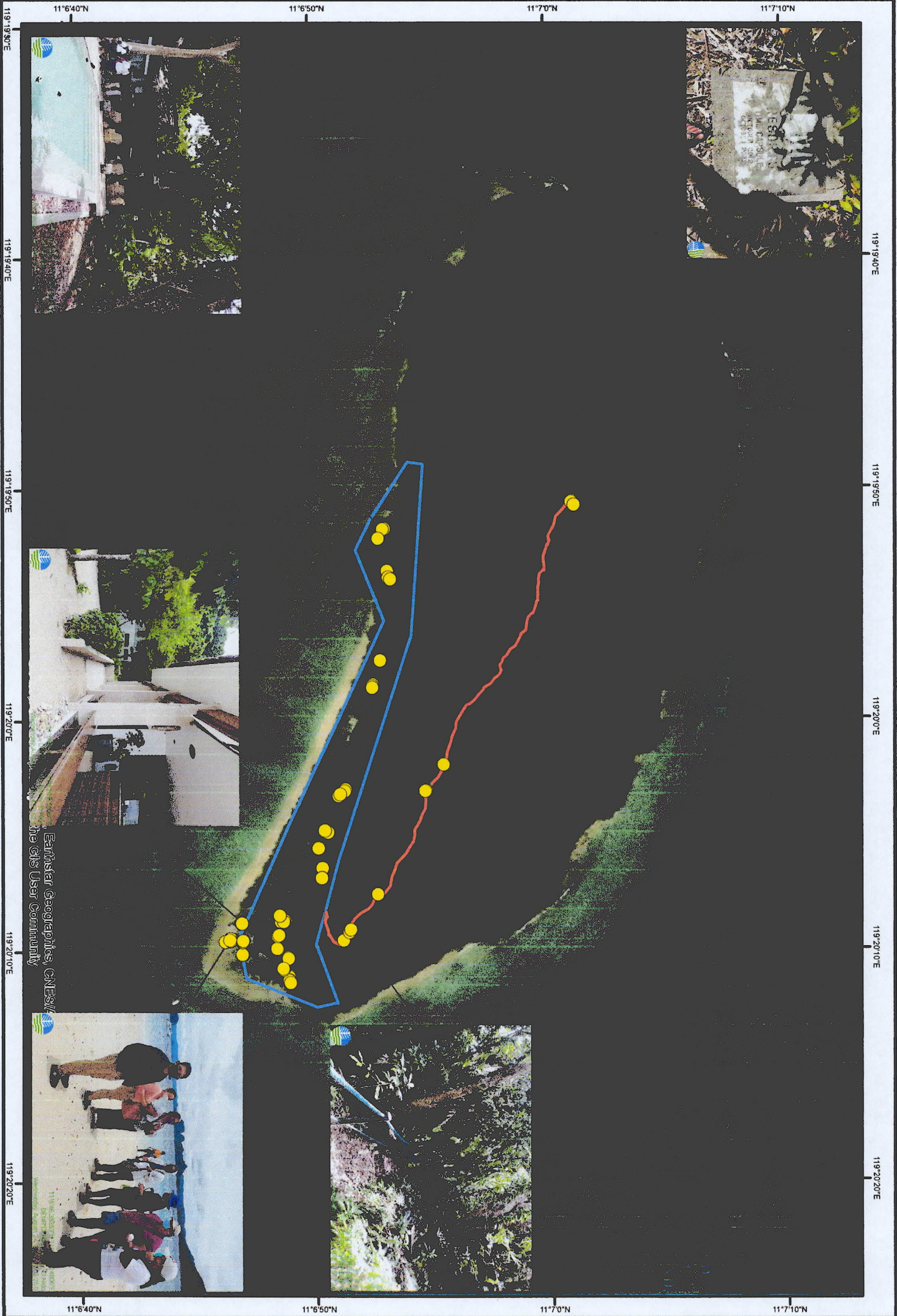
SUBSCRIBED AND SWORN to before me this 20th day of September 2022 at Taytay, Palawan.



ENGR. ALANA L. VALLE
CENRO

Authorized Person to Administer Oath





ACCOUNTABLE FORM NO. 51-C
Revised January, 1992

(TRIPLICATE)



**Official Receipt
of the
Republic of the Philippines**

Nº 1412444 E

Date **MAR 09 2022**

Agency **DENR-CENRO TAYTAY, PALAWA:** Fund

Payor En tract Philippines, Inc.

Nature of Collection	Account Code	Amount
Annual Subscription Scheme		P 70,000.00
Demo. Deposits/A		
[13,170.76] * 100%		
TOTAL		P 83,170.76

Amount in Words	Amount in Figures
Forty four thousand paise only	44000/-

<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.