



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
CADLAO ISLAND, BARANGAY BUENA SUERTE, EL NIDO,
PALAWAN

Respectfully forwarded is the memorandum of CENRO Taytay, Palawan dated September 27, 2022 relative to the above subject conducted on August 24, 2022.

However, findings of the monitoring team reveals that the management failed to introduce improvement/development within the approved area as stipulated in Section 17.2.3 of DAO No. 2004-28 and did not even secure Environmental Compliance Certificate (ECC) and other necessary permits.

The proponent also paid the annual government share on March 19, 2022 with the amount of Php 48,090.00 covering the month of December 2020 to December 2021 under O.R. No. 1412442.

For information and further instruction.


HELIZARDO B. CAYATOC

Copy Furnished:
CENRO Taytay, Palawan
<cenrotaytay@denr.gov.ph>
KVE/MES Doc. No. 2022-9126

DENR-PALAWAN
PENRO-RECORDS
RELEASED
By Rhea
Date: 11 OCT 2022 CN 2022-2696



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 CADLAO ISLAND, BARANGAY
BUENA SUERTE, EL NIDO, PALAWAN**

DENR PENRO
PALAWAN RECORDS
RECEIVED
BY: *[Signature]*
DATE: *10-06-2022* 22: 9126

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 Cadlao Island, Barangay Buena Suerte, El Nido, Palawan with FLAgT No. 12302030-0010. This is our Means of Verification (MoV) on the activity. This submission is equivalent to eighty (80) percent accomplishment of the target.

Upon review, the undersigned cannot concur to the second recommendation for a reason that the area is conflicted and its settlement is already to the jurisdiction of the regular court.

Please acknowledge receipt. Thank you.

For in and the absence of the CENRO

DENR CENRO
TAYTAY, PALAWAN
RELEASED
BY: *[Signature]*
DATE: *SEP 30 2022* CN *2840*

[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 CADLAO
ISLAND, BARANGAY BUENA SUERTE, EL NIDO, PALAWAN**

**DENR CENRO
TAYTAY, PALAWAN
RECEIVED**
BY: *KMC*
DATE: *SEP 23 2022* *CN 5428*

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 corresponding of twenty (80) percent accomplishment of the current year target activity.

In view hereof, respectfully informed that the following CENRO Taytay personnel representing the Regulation and Permitting Section (RPS), Conservation and Development Section (CDS), Enforcement and Monitoring Section (EMS), 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) based on the terms and conditions stipulated in the agreement and performance evaluation sheet for forestry tenure at Cadlao Island, Bgy. Buena suerte, 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 30, 2005, a Forest Land Use Agreement For Tourism (FLAgT) for Tourism Purposes for Bathing Establishment No. DENR IV-MIMAROPA-12302030-0010 was granted to Ten Knots Philippines, Inc. (Ten Knots Development Corporation) covering 3.206 hectares located at Cadlao Island, Bgy. Buena suerte, El Nido, Palawan for a period of twenty-five (25) to expire on December 30, 2030;
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 Cadlao Island, Bgy. Buena suerte, El Nido, Palawan;
5. That the approved area had already been delineated, monuments and other landmarks were marked indicating corners and outlines along the boundaries, however, based on the various inspection conducted, the approved FLAgT area falls within the patented lots of Mr. Roel Tampe and Baberly Gomez.

6. That on March 1, 2022, the composite team from the Regional Office, Provincial Environment and Natural Resources Office (PENRO), and Community of Environment and Natural Resources Office (CENRO) conducted a verification survey over the FLAgT area located at Cadlao Island, Buena Suerte, El Nido, Palawan.

7. That the management failed to introduce improvement/development within the approved area as stipulated in section 17.2.3 of DAO 2004-28 which is a ground for cancellation of FLAgT. With this, the holder did not secure Environmental Compliance Certificate (ECC) and other necessary permits.

8. 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 Forty-Eight Thousand and Ninety (48,090.00) Pesos with Official Receipt No. 1412442. (Annex 1)


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


1. In-depth investigation, discussion, meticulous review, and intervention of DENR higher officials on the overlapping of FLAgT area to the patented lots.
2. The holder is advised to prepare/submit a Comprehensive Development Plan (CDMP) and introduce/establish improvements in the approved area based on CDMP whenever the issue is resolved.

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 at Cadlao Island, Buena suerte, El Nido, Palawan.

Rasani

ANA LIZA D. MARASIGAN
EMS I/ Member-CDS

Elvie G. Base

ELVIE G. BASE
LMOI/ Member-RPS

Donna C. Tabernilla

DONNA C. TABERNILLA
Forester II/ Chief, Monitoring Unit

Herson Y. Caliao

HERSON Y. CALIAO
Forest Ranger/ Member-EMS

COMPLIANCE MONITORING SHEET FOR FORESTRY TENURE (FLAgT)

Monitoring Date: August 24, 2022	Monitoring Time: 4:00 PM
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A. BASIC INFORMATION:

Name of Company: Ten Knots Philippines Incorporated (TKPI)	
Location of Area (Sitio, Brgy, Mun): Cadlao Island, Buena Suerte, El Nido	Area in Sq. Meter: 3.206 hectares
Business Address: (email, messenger acct. & contact number) mlaririt@tenknots.com	
Amount of Annual Government Share: 48,090.00	Date Paid/OR No. March 9, 2022
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-12302030-0010	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): None	
PCO Accreditation No.	Effectivity:
Contact No.	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		/	No structures introduced within the approved FLAgT Area
2. Compliant to RA 6969, Toxic and Hazardous Waste Act of 1999/ DAO 1992-29		/	
3. Compliant to RA 8749, Clean Air Act of 1999/ DAO 2000-81		/	
4. Compliant to RA 9003, Ecological Solid Waste Management Act of 2000/ DAO 2001-34		/	
5. Compliant to RA 9275 Clean Water Act of 2004/ DAO 2005-10		/	
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			

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.	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?	NO	
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	48,640.00		
2. Buildings	N/A		
3. Infra/Machineries	N/A		
4. Plantation	N/A		
5. Other Improvements	N/A		
B. Previous Years ()			
1. Land	48,640.00		
2. Buildings	N/A		
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)



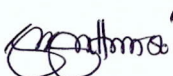
Particulars	Amount	Official Receipt No.	Date Issued	Remarks (Indicate if updated or not)
Government Share/Rental	48,090.00	1412442	March 19, 2022	Updated
Performance Bond				
Forest Charges				
Surcharges				

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

G. FINDINGS AND RECOMMENDATIONS
<p>The approved area had already been delineated, monuments and other landmarks were marked indicating corners and outlines along the boundaries, however, based on the various inspection conducted, the approved FLAgT area falls within the patented lots of Mr. Roel Tampe and Baberly Gomez, hence, the team recommends in-depth investigation, discussion, meticulous review, and intervention of DENR higher officials on the overlapping of FLAgT area to the patented lots.</p> <p>The holder is advised to prepare/submit a Comprehensive Development Plan (CDMP) and introduce/establish improvements in the approved area based on CDMP whenever the issue is resolved.</p>

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.

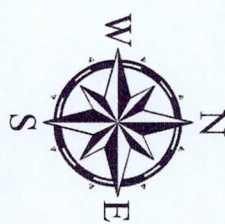
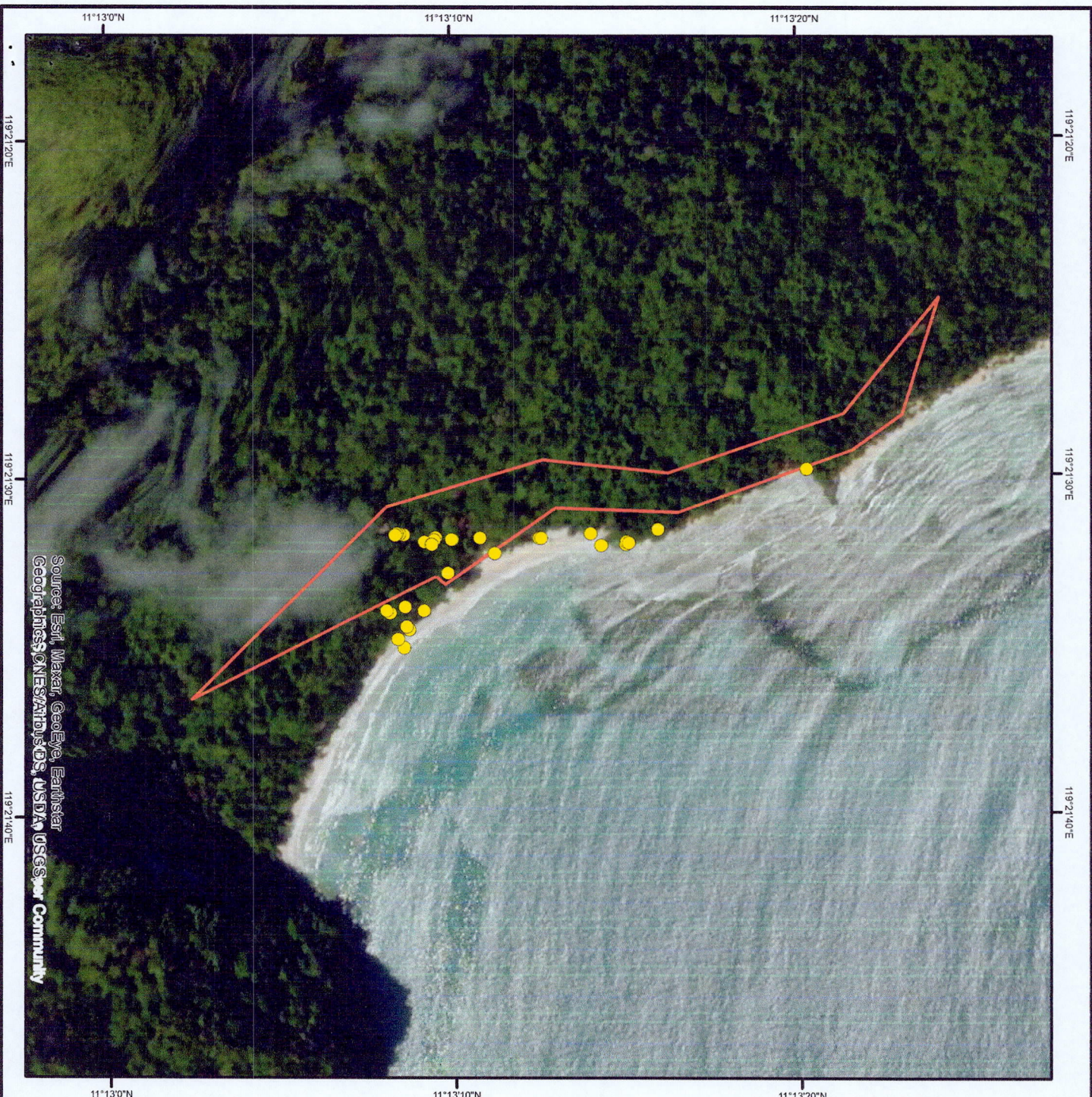
Name	Position/Designation/Office	Signature
Donna C. Tabernilla	Forester II/ Chief, Monitoring Unit	
Ana Liza D. Marasigan	EMS I/ Representative of Conservation and Development Section	
Elvie G. Base	LMO II/ Representative of Regulation and Permitting Section	

I. ATTACHMENT/S

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

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


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

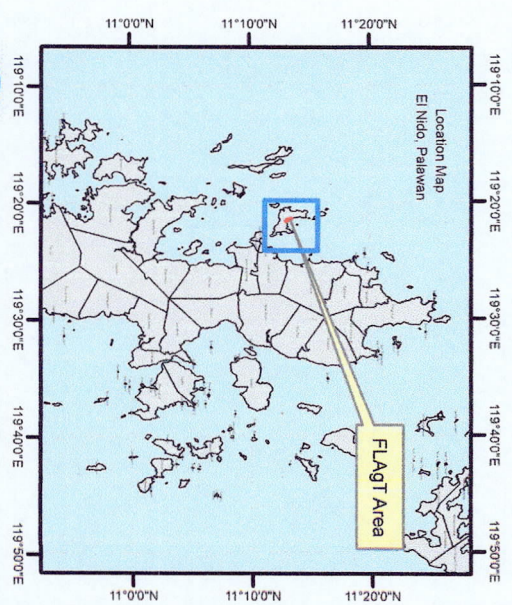


Projection: Universal Transverse Mercator Z50N
Datum: WGS 1984

Legend

- Geotagged photos
- FLAGT Area

**MAP SHOWING THE LOCATION OF APPROVED
FLAGT AREA OF TEN KNOTS DEVELOPMENT
CORPORATION (TKDC) AT CADLAO ISLAND,
BUENA SUERTE, EL NIDO, PALAWAN**



Data Source: CENRO TAYMAY

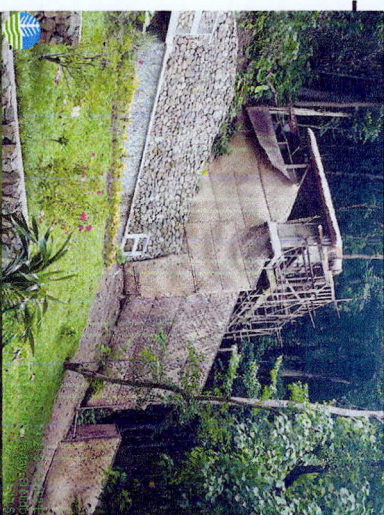
Note: Polygon showing the approved FLAGT area is subject for finalization based on the verification survey conducted.

119°21'00"E 119°21'20"E 119°21'30"E 119°21'40"E 119°21'50"E

11°13'20"N

11°13'10"N

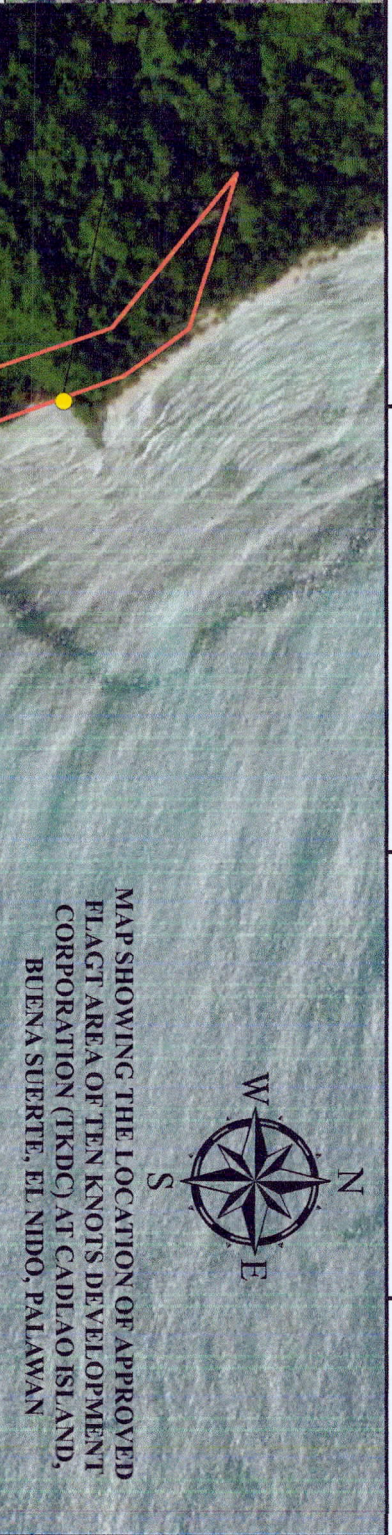
11°13'00"N



Note: Polygon showing the approved 'Flag' area is subject for finalization based on the verification survey conducted.



Data Source: CNRO, Iayna



MAP SHOWING THE LOCATION OF APPROVED
FLAG AREA OF TEN KNOTS DEVELOPMENT
CORPORATION (TKDC) AT CADLAO ISLAND,
BUENA SUERTE, EL NIDO, PALAWAN



0.1 0.05 0 0.1
KILOMETERS

Projection: Universal Transverse Mercator Z50N
Datum: WGS 1984



Source: Esri, Maxar, GeoEye, Earthstar Geographics,
USDA, USDA, AeroGRID, IGN, and the GIS User Community

119°21'00"E 119°21'20"E 119°21'30"E 119°21'40"E 119°21'50"E

11°13'00"N

11°13'10"N

11°13'20"N

