



Republic of the Philippines
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES

Visayas Avenue, Diliman, Quezon City

Trunkline (632) 8929-66-26 • 8929-6628 • 8929-6635 • 8929-4028 • 8929-3618
426-0465 • 426-0001 • 426-0347 • 426-0480 • 426-0491

Voice-Over-Internet-Protocol (VOIP) Trunkline (632) 755-3330 • 755-3300

Website: <https://www.denr.gov.ph> /email: web@denr.gov.ph

29 MAR 2023

MEMORANDUM

FOR : **The Regional Executive Director**
DENR MIMROPA Region
DENR by the Bay 1515 L&S Bldg.,
1308 Roxas Boulevard, Manila

FROM : **The Director**
Legal Affairs Service

SUBJECT : **LETTER DATED 14 FEBRUARY 2023 FROM ALFEO S. VIVAS, MANAGING PARTNER, VIVAS AND VIVAS LAW, REPRESENTING KEVIN A. P. HIGGINS and KIMBERLY O' SULLIVAN, CORMAN G. ALVAREZ, SOLOVIN PAJE, FAUSTINA PAJE, WILKY S. LAO and SUSAN C. LAO, and MERCIAN and BERNARDITA YABUT, represented by ATTY. ALFEO D. VIVAS, REQUESTING FOR THE INTER-AGENCY TASK FORCE TO REVIEW, EVALUATED AND PROVIDE ASSISTANCE TO CERTAIN COMPLAINANTS OF FOREIGN NATIONALS AND OVERSEAS FILIPINOS REGARDING THE FRAUDULENT REGATTA PROJECT SITUATED IN PUERTO PRINCESSA, PALAWAN SUPPOSED TO BE UNDRTAKEN AND IMPLEMENTED BY CABANILLA MARKETING CORPORATION (CMDC).**

DENR MIMAROPA RECORDS SECTION RECEIVED	
APR 12 2023	
<input type="checkbox"/> INCOMING	<input type="checkbox"/> OUTGOING
BY: _____	DATS NO. _____
TIME: _____	

Respectfully remanding the attached letter¹ dated 14 February 2023 addressed to Honorable Jose Rizalino L. Acuzar, Secretary, Department of Human Settlements and Urban Development and copy furnished Secretary MARIA ANTONIA YULO LOYZGA which you referred to this Office on 03 March 2023.

Please be advised that our office was only copy furnished on the request by the letter-sender. Besides, the matter on the alleged fraudulent practices of CMDC as developer is not within our jurisdiction.

For your Office to be apprised of what the concerned government agency will be acting on this matter, please monitor and coordinate with said offices.


NORLITO A. ENERAN, LL.M., CESO III

¹ Letter dated 14 February 2023 addressed to Jose Rizalino Acuzar, Secretary, Department of Human Settlements and Urban Development and referred to Secretary MARIA ANTONIA YULO LOYZGA on 03 March 2023 through the Regional Executive Director, DENR National Capital Region. Reference/Document Number ODTs No. 1151589



Republic of the Philippines
Department of Environment and Natural Resources

Document Action Tracking System

Document Routing Slip

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DENR LEGAL AFFAIRS SERVICE

RECEIVED BY: keatx

DATE: 3/22/23 TIME: 5:00 pm

Print Date: Friday, March 03, 2023

Document No: DENRCO - AS RMD-2023-005440

Sender: Caancan, Jacqueline A.

Address: Office of the Regional Executive Director, National Capital Region
National Ecology Center, East Avenue, Quezon City

Subject: INDO DTD 03/03/2023 ASSISTANCE TO CERTAIN COMPLAINTS ON REGATTA BAY PROJECT (ED 006301366ZZ)
(REFERENCE/DOCUMENT NO.: ODTs NO. 1151589) (WITH RED EXPANDED ENVELOPE) (UNDTD)

Addressee(s): Office of the Secretary (DENRCO - OSEC)

CC Addressee(s):

Date/Time Received: 03/03/2023 02:10:00 PM

ROUTING AND ACTION INFORMATION				
FROM	DATE/TIME RECEIVED	FOR/TO	DATE/TIME RELEASED	ACCEPTANCE REMARKS/ACTION REQUIRED/TAKEN REMARKS/STATUS
	03/03/2023 02:44:30 PM	DENRCO - AS RMD		
DENRCO - AS RMD		DENRCO - OSEC	03/03/2023 02:44:35 PM	WITH RED EXPANDED ENVELOPE

CARA

3-3-23

3:45

JM

3-6-23

REFERRED TO OULA
FOR APPROPRIATE ACTION.

JOE-MAR S. PEREZ
Director for Document Management
and Operations Support

OFFICE OF THE SECRETARY
Date: 3/20

OULA

3/21

2:14

LASOD

3/22

FOR APPROPRIATE ACTION. THANK YOU.

INAD March 24, 2023

28/03/23

AL,

PLS DRAFT MEMO TO

RED

TAB

Instruction/s:

☒ For appropriate action.

☐ For review/evaluation.

☐ For information/reference/file.

☐ Please respond to the letter within the prescribed period.

☐ Others: _____

NORITO A. ENERAN, Jr.
Director, Legal Affairs Service

UPPER ENCL'S.

L35-102-3

Encoder: Zipagan, Meligyn A.

Page 1 of 1

MAR 03 2023

LANDS-

398-880

INDAD 2-490

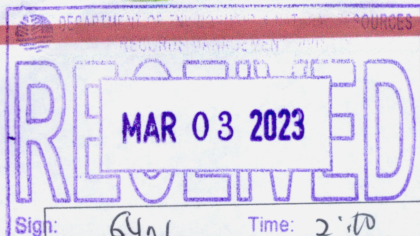
Legal # 260-518



Department of Environment and Natural Resources
NATIONAL CAPITAL REGION



5440



INDORSEMENT

Sign: *64w* Time: 2:00

FOR:

OFFICE OF THE SECRETARY
DEPARMENT OF ENVIRONMENT AND NATURAL
RESROUCES

Reference/Document
No.:

ODTS No. 1151589
DENR-NCR

DENR-CO, Visayas Avenue
Diliman, Quezon City
2023-03-02

We are referring to you the following document/s:

1. Letter from Vivas & Vivas Laws regarding their request for the inter-agency task force to review evaluated and provide assistance to certain complaints on Regatta Bay Project (ED 006301366ZZ)

We request the following action(s) from your end:
(Please check the appropriate box)

- ☐ For investigation
- ☒ For information/dissemination to appropriate parties
- ☐ For appropriate action in accordance to your Office mandate
- ☒ For comments and/or recommendation
- ☐ For submission of status report/duly accomplished document/briefer
- ☐ Others, please specify: _____

DN: CN=Caancan Jacqueline Abing,
SERIALNUMBER=001001004033S,
OU=Office of the Regional Director,
O=Department of Environment and
Natural Resources - NCR, C=PH
Location: Quezon City

JACQUELINE A. CAANCAN, **CESO III**
Regional Executive Director



DENR-NATIONAL CAPITAL REGION



IND20230302-3029

Nurturing Cities for a Sustainable Future

National Ecology Center, East Avenue, Diliman, Quezon City

Landline: (632) 8 876-1484 locs. 2200 | Fax: 8 373-3433 | Mobile: 09107054109, 09659813139

ncr.denr.gov.ph | denrncrored@gmail.com | @DENR.NCR.Official

14 February 2023

HON. JOSE RIZALINO ACUZAR
Secretary, Department of Human Settlements
and Urban Development
Chair, National Task Force
ANTI-ILLEGAL REAL ESTATE PRACTICES
INTER-AGENCY TASK FORCE
Kalayaan Avenue, Quezon City

Dear Hon. Secretary:

We are writing to formally request the inter-Agency Task Force to review, evaluate and provide assistance to certain complaints of foreign nationals and overseas Filipinos regarding the fraudulent Regatta Bay Project situated in Puerto Princesa, Palawan supposed to be undertaken and implemented by Cabanilla Marketing and Development Corporation (CMDC).

This request is based on the Inter-Agency Task Force's Joint Memorandum Circular No. 1, Series of 2021, signed and agreed on July 2nd, 2021, specifically its preamble and Section 9 regarding the roles of the member-agencies.

The complaints we have received, formalized in the attached complaints, pertain to the non-delivery or non-construction of purchased units and the alleged fraudulent practices of CMDC as the developer of the Regatta Bay Project. Summarized hereunder are the names and nationality of complainants and the payments they have made for residential units which have not been delivered or constructed, to wit:

<u>Complaints/Complainants</u>	<u>Nationality</u>	<u>Period</u>	<u>Amount defrauded</u>	<u>Regatta Bay Units purchased</u>
KEVIN A. P. HIGGINS and KIMBERLY O' SULLIVAN ¹²	British	23 April 2015 to 23 April 2018	12,173,664.20	Murex Units 9A and B,

¹ Exhibit "A", which includes those of Alvarez, Paje, Lao, and Yabut..

² Exhibits "A-1", "A-2", and "A-3" – OCP of San Juan Resolution, MR, and Denial.

VIVAS & VIVAS LAW
Units 106 and 208
Vito Cruz Tower 1, Pablo Ocampo Street
Malate, City of Manila
vivaslaw20@gmail.com

				Block 9
CORMAN G. ALVAREZ	Filipino Immigrant in Australia	September 2017 up to November 2019	729,232.00	Triton Lot No. 2, Block B
WILKY LAO and SUSAN LAO	Resident	1 August 2017 to April 2018	265,000.00	Nautilus
SOLOVIN PAJE and FAUSTINA PAJE	Filipino Immigrant in Australia	29 October 2016	808,926.97	Triton D-1
MERCIAN & BERNARDITA YABUT	Filipino OFWs in Singapore	May 2017 to April 2019	1,127,712.83	Murex Unit Lot A Block 2
DIVINA M. RUFINO ³⁴	USA Immigrant	15 March 2015 up to 15 December 2017	1,089,000.00	MUREX 8G
SIMON TURNER ⁵	Australian	14 September 2017 to January 2018	2,473,177.76	Triton- B4 unit & Triton T1-N301 Unit
PIERRE FORTIN ⁶	French	March 2016 to 25 May 2017	5,517,763.45	TRITON Block C Lot 6
Total			24,184,477.21	

Our investigation has further revealed that CMDC has failed to comply with the key conditions of the License to Sell No. 033056 issued to them on March 21st, 2018, by the former Housing and Land Use Regulatory Board (HLURB). These conditions include, but are not limited to, the completion of the project in accordance with the approved development plan, the maintenance of common facilities, the registration of the instrument relative to any sale with

³ Exhibit "B".

⁴ Exhibit "B-1" "B-2" and "B-3" - OCP Dismissal, MR, and Denial.

⁵ Exhibit "C". New.

⁶ Exhibit "D". New.

the Register of Deeds, and the delivery of titles free from liens and encumbrances to fully paid buyers.

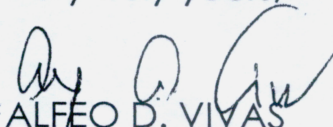
Furthermore, we believe that CMDC has committed numerous violations of Presidential Decree No. 957, regulating the sale of subdivision lots and condominiums, and related laws. Our investigation has also revealed that CMDC never disclosed in its marketing brochures that CMDC is not the real owner of the Regatta Bay Project. It is actually a joint venture between CMDC and one Ms. Katyrn D. Carbonero where the former is the developer and the latter as Project Owner. CMDC never owned the land upon which Regatta Bay was conceived and sold but Ms. Carbonero, as seen in both the License to Sell and the Certificate of HLRUB Registration No. 028669 dated 21 March 2018.

Given the circumstances, we believe that CMDC and its principal agents and officers are guilty of violating PD 957 and have committed the offense of estafa through deceit or misappropriation. Despite contrary opinions made by the Office of the City Prosecutor of San Juan City, we believe that these cases warrant a revisit by the Task Force as they have national implications and effect on the reputation of the country as a tourist and investor destination.

We respectfully request your prompt assistance in this matter and appreciate your valued support. Should you have questions or need more information, please let us know.

Best regards.

Very truly yours,


ALFEO D. VIVAS
Managing Partner

Copy furnished:

Members of the National Task Force

Office of the Secretary
or Legal Division
Department of Interior and Local Government

DILG NAPOLCOM Center
EDSA corner Quezon Avenue, Quezon City

Office of the Secretary
Department of Justice
DOJ Building
Padre Faura, Manila

Office of the Director
or Legal Division
National Bureau of Investigation
Taft Avenue, Manila

Office of the Secretary
or Legal Division
Department of Environment and Natural Resources
National Ecology Center, East Avenue
Diliman, Quezon City

Office of the Administrator
or Legal Division
Land Registration Authority
National Ecology Center, East Avenue
Diliman, Quezon City

Professional Regulation Commission
Legal Investigation Division
Philippine International Convention Center
Cultural Center Complex
Pasay City

Office of the PNP Chief
or Legal Division
Camp Crame, Quezon City

FILE
COPY

EXHIBIT "A"



Republic of the Philippines
Department of Justice
National Prosecution Service
OFFICE OF THE CITY PROSECUTOR OF SAN JUAN CITY
2/F PNP Bldg. Pinaglabanan St., San Juan City

To be accomplished by the Office

DATE RECEIVED Time Received Receiving Station (Station and Division) TIME	DOCKET NUMBER XV-15-INV-10-21L-01730 ASSIGNED TO DATE ASSIGNED
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To be accomplished by the complainant/counsel/law enforcer (use back portion or additional forms, if necessary)

COMPLAINANT INFORMATION (Impormasyon ng Nagrereklamo) KEVIN AUSTIN PETER HIGGINS ET AL.
REPRESENTED BY: ATTY ALFEO D. VIVAS

Last Name (Apelyido): HIGGINS	Middle Name (Gitnang pangalan):
First Name (Unang pangalan): KEVIN AUSTIN PETER	Alias (Alyas):
Date of Birth (Kapanganakan): 14 November 1960	Age (Edad): 61
Sex (Kasarian): <input checked="" type="checkbox"/> Male/Lalaki <input type="checkbox"/> Female/Babae	Corporation or Company being represented: n/a
Civil Status: <input type="checkbox"/> married <input checked="" type="checkbox"/> single <input type="checkbox"/> others (Pls. Specify):	Citizenship (Pagkalamamayan): BRITISH If foreigner indicate Passport or ACR No.: GBR 5086961.70
Present Address (Kasalukuyang Tirahan): Same as Permanent Address	Occupation (Trabaho): <input checked="" type="checkbox"/> private <input type="checkbox"/> government <input type="checkbox"/> others (Pls. Specify):
Telephone/Mobile Number (Telepono): 0995-433-5550	Profession (Propesyon): Tax Consultant
Other Information: <input type="checkbox"/> Person with Disability/May Kapansanan <input type="checkbox"/> Senior Citizen/Nakakatandang Mamamayan <input type="checkbox"/> Ethnic Affiliation/Tribo (Pls. Specify):	Permanent Address (Permanenteng Tirahan): Flat 12, Severn Court, May Bate Avenue, Kingston Upon Thames, Surrey, KT2 5US, United Kingdom
Name of Legal Counsel/s (Abogado): ATTY. ALFEO D. VIVAS	E-mail Address: Kevin.Higgins@peterhunt.co.uk
	Religion/Relihiyon: Others (Pls. Specify):
	Email Address: vivaslaw20@gmail.com

ATTY. ADRIAN N. VIVAS

RESPONDENT INFORMATION (Impormasyon ng Nirereklamo) LEONARDO SR. CABANILLA ET AL.

Last Name (Apelyido): CABANILLA	Middle Name (Gitnang pangalan): T.
First Name (Unang pangalan): LEONARDO, SR.	Alias (Alyas):
Date of Birth (Kapanganakan):	Age (Edad):
Sex (Kasarian): <input checked="" type="checkbox"/> Male/Lalaki <input type="checkbox"/> Female/Babae	Corporation or Company being represented: CABANILLA MARKETING AND DEVELOPMENT CORP.
	Citizenship (Pagkalamamayan):
	If foreigner indicate Passport or ACR No.:

Civil Status: <input checked="" type="checkbox"/> married <input type="checkbox"/> single <input type="checkbox"/> Others (Pls. Specify): _____		Occupation (Trabaho): <input checked="" type="checkbox"/> private <input type="checkbox"/> government <input type="checkbox"/> Others (Pls. Specify): DIRECTOR OF CDMC Profession (Propesyon): _____	
Present Address (Kasalukuyang Tirahan): 233 HARDBOARD ST. BRGY. STA LUCIA SAN JUAN		Permanent Address (Permanenteng Tirahan): 21 RD. 14 PROJECT 8, QUEZON CITY	
Telephone/Mobile Number (Telepono): n/a		E-mail Address: hrcmdcph@gmail.com	
Other Information: <input type="checkbox"/> Person with Disability/May Kapansanan <input type="checkbox"/> Senior Citizen/Nakakatandang Mamamayan <input type="checkbox"/> Ethnic Affiliation/Tribo (Pls. Specify): _____		Religion/Relihiyon: _____ Others (Pls. Specify): _____	
Offense (Krimen): SYNDICATED ESTAFA		Counts (Lugar ng pinangyarihan): Multiple Counts (San Juan)	
Date and Time (Petsa at oras ng pangyayari): Year 2016/2017 to Present		Place (Lugar ng pinangyarihan): CABANILLA MARKETING & DEVELOPMENT CORP. 233 Hard board St. Barangay Sta Lucia, San Juan City	
WITNESSES (Saksi)			
Last Name (Apelyido): BEREBER		Middle Name (Gitnang pangalan):	
First Name (Unang pangalan): HERNALIE		Address (Tirahan): L309 Mountain View Zone 4 Sta. Monica Puerto Princesa City Palawan, 5300	

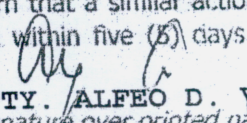
Documents and Evidences Submitted:

Apostilled Complaint-Affidavits _____
 Email correspondences with CDMC _____
 Receipts issued by CDMC _____
 CDMC corporate docs, GIS, Authority _____
 to Sell, etc. _____

- Has a similar complaint been filed before any other office? * ☐ Yes ☒ No
- Is this complaint in the nature of a counter-charge? * ☐ Yes ☒ No
If yes, indicate details.
- Is this complaint related to another case filed before this Office? * ☐ Yes ☒ No
If yes, indicate details.

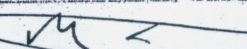
CERTIFICATION*

I CERTIFY, under oath, that all information in this sheet are true and correct to the best of my knowledge and belief, that I have not commenced any action or file any claim involving the same issues in any court, tribunal, or quasi-judicial agency, and if I should thereafter learn that a similar action has been filed and/or pending, I shall report that fact to this Honorable Office within five (5) days from knowledge thereof.


ATTY. ALFEO D. VIVAS
 (Signature over printed name)

☐ Complainant ☒ Counsel ☐ Law Enforcer

SUBSCRIBED AND SWORN TO before me this **3 DEC 2021** day of **DECEMBER**, 2021
 in the City of **San Juan**


IRENE M. MONTANO
 DEPUTY CITY PROSECUTOR

*1,2,3 & Certification need not be accomplished for Inquest cases

REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF JUSTICE
OFFICE OF THE CITY PROSECUTOR
San Juan City

KEVIN A. P. HIGGINS and
KIMBERLY O' SULLIVAN,
CORMAN G. ALVAREZ,
SOLOVIN PAJE, FAUSTINA
PAJE, WILKY S. LAO, and
SUSAN C. LAO, and MERCIAN
and BERNARDITA YABUT,
represented by: ATTY. ALFEO
D. VIVAS

Complainants,

NPS Docket No. _____
For: Syndicated Estafa

LEONARDO T. CABANILLA,
JR., STELLA S. CABANILLA,
MELITA T. CABANILLA,
NORMA T. SAMONTE, and
LEONARDO M. CABANILLA,
SR., and JOHN/JANE DOES.

Respondents.

X -----X

COMPLAINT-AFFIDAVIT

The Complainants, KEVIN A. P. HIGGINS and KIMBERLY O' SULLIVAN, CORMAN G. ALVAREZ, SOLOVIN PAJE, and FAUSTINA PAJE, WILKY S. LAO and Susan C. LAO, and MERCIAN and BERNARDITA YABUT, all of legal age, of various nationalities, through their authorized representative and counsel, hereby depose and state that:

I.
The Parties

The Complainants

1. KEVIN A. P. HIGGINS and KIMBERLY O' SULLIVAN are legal age British citizens, with residence address at Flat 12, Severn Court, May Bate Avenue, Kingston Upon Thames, Surrey, KT2 5US, United Kingdom.

2. CORMAN G. ALVAREZ is of legal age, a Filipino overseas worker, with residence addresses at Block 8 Lot 10, Imperial 6, Mandurriao, Iloilo City 5000 and 308A Anchorage Road #17 – 16 Sengkang, Singapore 541308.

3. SOLOVIN PAJE and FAUSTINA PAJE are of legal age, naturalized Australian citizens, with residence addresses at #11 Buller Circuit, Beaumont Hills, New South Wales, Australia 2155 and No. 185 Bonifacio Street, San Marcelino Zambales.

4. WILKY S. LAO and SUSAN C. LAO are of legal age, Filipino, with residence address at 101 Panay Avenue, Quezon City.

5. MERCIAN YABUT and BERNARDITA YABUT, are of legal age, Filipinos, with residence addresses at Blk 14, Lot 76, Brgy. Ramon Cruz, Sr., General Mariano Alvarez, Cavite 4117 and at Blk 468 D. Admiralty Drive, #07-225, Singapore 754468.

6. Complainants, except for WILKY S. LAO and SUSAN C. LAO, are presently residing outside of the Philippines. For purposes of filing the present complaint they are acting through their authorized representative, VIVAS and VIVAS LAW office.

Copies of their respective Special Power of Attorneys are attached hereto and made integral parts hereof.

7. The Complainants may be served with summonses, pleadings, orders, and other processes of the Honorable Office at VIVAS & VIVAS LAW, with office address located at Unit 106, Ground Floor, Vito Cruz Towers 1, Ocampo Street, Malate, Manila.