

18 April 2023

LORMELYN E. CLAUDIO, CESO IV
Regional Director for Technical Services
MIMAROPA Region (Region IVB)
Department of Environment and Natural Resources

Ma'am:

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We are writing to follow up on the status of our application in reference to the memorandum issued by your office on September 30, 2022, and our response to the said memorandum received by your office on February 9, 2023. Despite sending a follow-up letter on March 8, 2023, which was duly received by your office, we have yet to receive any feedback. It is believed that the delay is largely attributed to the allegedly SAPA issuance moratorium.

We would like to state and ask the following points:

- a) It is our understanding that should there be a suspension or moratorium on the issuance of any permits, licenses, or tenancy instruments under the jurisdiction of DENR, an official memorandum or order will be issued. We have exhausted all efforts to obtain a DENR order or memorandum declaring that the issuance of SAPA in El Nido is currently suspended. We have conducted significant online research, including checking the master list of policies provided by DENR on its official website, without success. We are getting confused about the legal bases of the moratorium.
- b) From what we have been researching, the moratorium has just emanated from internal memoranda and instructions that do not have any administrative orders or memorandum from the higher office. Taking Boracay as an example, it has been clear that the issuance of permits and licenses has been stopped in lieu of Executive Order 53 and has been lifted by virtue of Memorandum Circular 2018-03.
- c) In the memo of Regional Executive Director Henry Adornado, PhD, to CENR Officer of Taytay, Palawan, a joint letter was signed by the Regional Directors of DOT, DILG, and DENR enjoining the Local Chief Executive of the Municipality of El Nido to declare a moratorium on the issuance of all permits for the construction of new buildings and

any improvements on existing structures until the study of the carrying capacity in El Nido is completed.

- d) Indeed, the Municipality of El Nido issued Memorandum Circular No. 18-050 in compliance with the directive of DOT, DILG, and DENR, a moratorium on permit issuance within its jurisdiction. However, on August 15, 2022, the Office of the Municipal Mayor released Executive Order No. 22-040 (see attached) lifting the moratorium on the issuance of Barangay Clearance, Certifications, and Endorsements for Project Proposals within the Municipality of El Nido. This lifting of the moratorium issued by the local chief executive was based on the El Nido-Taytay Managed Resource Protected Area, which passed Resolution No. 029 Series of 2020, requesting the lifting of the moratorium issued.

Moreover, we strongly assert that:

- the management board of ENTMRPA has definitively passed Resolution No. 003 Series of 2021 accepting the conclusive results of the carrying capacity study of El Nido, Palawan. We find it highly objectionable that the Regional Executive Director's memorandum dated August 6, 2019 implied that the carrying capacity study had not yet been completed, despite the clear and undisputed resolution passed by the ENTMRPA management board.
- the local chief executive of El Nido, Palawan was compelled to comply with the directives of DOT, DILG and DENR, and consequently issued a memorandum imposing a moratorium on the issuance of permits. However, it is essential to note that the moratorium was lifted on 2022, following a formal request from the PAMB, and the completion and endorsement of the Carrying Capacity Study by the said board.

Now, it has become apparent to us that the Carrying Capacity Study for El Nido, Palawan has indeed been completed and that the moratorium on permit issuance has been lifted.

The ambiguous and inexplicit policy surrounding the imposition and lifting of the moratorium on permit issuance is causing severe disarray and perplexity not only to our project but also to prospective investors in the municipality. We request that your office take immediate and decisive action to rectify this confusion by providing clear and comprehensive guidelines and

regulations that unambiguously state the legal bases and conditions for the imposition and lifting of the said moratorium. Failure to do so will severely hinder our proposed development and significantly impact the economic growth and development of the municipality.

Finally, we would like to request a meeting to discuss our SAPA application and to be enlightened on the process. We hope that representatives from BMB, PENRO, and CENRO can attend to minimize the back and forth of communications, which goes against the aim of Republic Act No. 11032, also known as the "Ease of Doing Business and Efficient Government Service Delivery Act of 2018"

Respectfully yours,



ROSALINDA R. ARENAS

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Office of the Chief of Staff, DENR Central Office
Office of the Secretary, Department of Tourism
Office of the Secretary, Department of Interior and Local Government
Office of the Undersecretary for Field Operations, DENR Central Office
Office of the Director, Biodiversity Management Bureau
PENR Officer Palawan
CENR Officer Taytay Palawan
Pasu Office El Nido, Palawan