

FILE COPY



AUG 18 2023

MEMORANDUM

FOR : The Undersecretary for Field Operations
Luzon, Visayas and Environment

ATTENTION : The Assistant Secretary for International Affairs and
Director, Biodiversity Management Bureau
In Concurrent Capacity

FROM : The OIC, Regional-Executive Director

SUBJECT : APPLICATION FOR SPECIAL USE AGREEMENT IN
PROTECTED AREAS (SAPA) OF MR. JORGE DELA TORRE
FOR THE LAST PARADISE RESORT WITHIN EL NIDO-
TAYTAY MANAGED RESOURCE PROTECTED AREA
(ENTMRPA) IN PALAWAN (RDATS NO. 2023-115990 / P-
2023-103007 / 2022-90270)

BIODIVERSITY MANAGEMENT BUREAU
ADMINISTRATIVE AND FINANCE
RECORDS MANAGEMENT & DOCUMENTATION UNIT

RECEIVED

AUG 22 2023

DOCUMENT NO.:

Respectfully submitted is the Completed Staff Work on the application for Special Use Agreement in Protected Areas (SAPA) of Mr. Jorge dela Torre for the Last Paradise Resort within El Nido-Taytay Managed Resource Protected Area (ENTMRPA).

I. REFERENCES

1. Memorandum dated 22 June 2022 of PENRO Felizardo Cayatoc of Palawan forwarding the application for Special Use Agreement in Protected Areas (SAPA) of Mr. Jorge dela Torre for the Last Paradise Resort within El Nido-Taytay Managed Resource Protected Area (ENTMRPA), with attachments (*Annex A*).

II. BACKGROUND

1. ENTMRPA was proclaimed as a protected area by virtue of Presidential Proclamation No. 32, Series of 1998 issued on October 08, 1998, which expressly placed it under the administrative jurisdiction of the Department of Environment and Natural Resources and shall be administered in accordance with Republic Act No. 7586 and other relevant laws, rules and regulations, and pursuant to the enactment of Republic Act No. 11038 or the NIPAS Act, as amended.
2. The area applied for SAPA covers 5,124.6 square meters, located in So. Seven Commando, Brgy. Buena Suerte, El Nido, Palawan.
3. As to the land classification, the area falls under the category of timberland per Land Classification (LC) Map No. 473 based on the Certificate of Compliance on Allowable Easement issued by the Regional Office on September 22, 2021 (*Annex B*).
4. The subject area falls under the Multiple Use Zone (MUZ) per Certification dated 26 March 2021 issued by PASu ENTMRPA (*Annex C*) in reference to the indicative terrestrial management zoning of the Protected Area Management Plan (PAMP) of ENTMRPA. The PAMP of ENTMRPA for 2020-2029 was returned to PAMO for updating/revision in compliance to the comments and recommendations of the Regional Office and BMB per Memoranda dated 29 March 2023 (*Annex D*) and 11 April 2023 (*Annex E*), respectively.
5. As to the ECAN Zoning pursuant to RA 7611 or the SEP Law of Palawan, the area also



Republic of the Philippines
Department of Environment and Natural Resources
MIMAROPA REGION

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5. As to the ECAN Zoning pursuant to RA 7611 or the SEP Law of Palawan, the area also falls under Multiple Use Zone (MUZ) per SEP Clearance No. SAPA-042122-017 (*Annex F*) issued on 21 April 2022 by PCSD Chair Governor Jose Ch. Alvarez.

6. The subject area is also outside the 40-m easement as reflected in the Certificate of Compliance on Allowable Easement issued on 22 September 2021 by RED Maria Lourdes Ferrer (*Annex B*).
7. Mr. Jorge dela Torre, through his authorized representative, Ms. Rosalinda Arenas first filed the SAPA application on 14 December 2020 to CENRO Taytay, Palawan (*Annex G*) for a proposed ecotourism establishment as Last Paradise Resort. The application was forwarded to ENTMRPA Protected Area Management Office for evaluation and further action. The proponent, through Ms. Arenas, was informed through various letters for compliance of the requirements stipulated under DAO 2007-17, DAO 2018-05 and DAO 2019-05 specifically under Rule 25. Special Use Agreement in Protected Areas (SAPA). On 23 May 2022, Ms. Arenas has complied and submitted the following set of requirements (*Annex H*):
 - a. Original Irrevocable Special Power of Attorney;
 - b. Original Duly accomplished, notarized and signed SAPA application form;
 - c. Maps (printed);
 - c.1 Landslide map;
 - c.2 Soil taxonomy map;
 - c.3 Land cover map;
 - c.4 Geological map;
 - c.5 Flood map;
 - c.6 Soil erosion map;
 - c.7 Land classification map;
 - c.8 Soil type;
 - c.9 Vegetative type;
 - c.10 Topographic map; and,
 - c.11 Slope;
 - d. Certified true copy of DTI;
 - e. Certified xerox copy of PA Zoning certificate with attached map;
 - f. Original Comprehensive Development and Management Plan (105 pages) attached are the Site Development Plan with complete Building Plan;
 - g. Project Time Table;
 - h. Original Bank Certificate (BDO Bank);
 - i. Certified xerox copy of Income Tax Return for the years 2019, 2018, 2017, 2016 and 2015, respectively;
 - j. Certified xerox copy of 100% tree inventory with attached Stand and Stock Table and Tree Charting map;
 - k. Picture of the applied area (panoramic view);
 - l. Certified xerox copy of map of the area;
 - m. Original Barangay Resolution No. 047 series of 2021 November 5, 2021;
 - n. Certified true photocopy of Bgy. Certification;
 - o. Original Latest Zonal Valuation from the BIR;
 - p. Printed Geohazard Certificate with attached map;
 - q. Certified true photocopy of ECAN Zoning certificate with attached map;
 - r. Certified xerox copy of Certificate of Compliance on Allowable Easement;
 - s. Certified Photocopy of Official Receipt No. 1400714 E payment for SAPA application fee amounting to 5,000.00 dated February 4, 2021;
 - t. PAMB Certification;
 - u. Certified photocopy of Sangguniang Bayan No. 21-237 dated November 29, 2021;
 - v. Certified true copy of NCIP Certificate of Non-Overlap dated February 28, 2022;
 - w. Certified true photocopy of SEP Clearance dated April 21, 2022;
 - x. Original Birth Certificate of Mr. Jorge N. Dela Torre; and,
 - y. Certified photocopy from file of Local Government Unit (LGU) Zoning Certificate within Forest Zone dated November 16, 2021

8. The PASu of ENTMRPA has favorably endorsed the SAPA Application of Last Paradise Resort through a Memorandum dated 01 June 2022 (*Annex I*). The same was also endorsed by CENRO Taytay and PENRO Palawan through Memoranda dated 14 June 2022 (*Annex J*), and 22 June 2022 (*Annex A*), respectively.
9. The Regional Office, through the Conservation and Development Division, has reviewed the SAPA application of Last Paradise Resort and issued Memorandum dated 30 September 2022 (*Annex K*), copy furnished Mr. Jorge dela Torre informing the following items for revision and lacking requirements for compliance:
 - a) Revision on the project description / indicative development plan to include geotagged pictures of the proposed area, timetable and description of activities indicating sustainable management per development phase;
 - b) Revision on the Comprehensive Development and Management Plan (CDMP) to follow the prescribed outline and to include the correct computation of annual user's fee amounting to PhP 3,529,105.00;
 - c) Environmental Compliance Certificate (ECC);
 - d) PAMB resolution recommending the approval of SAPA application and;
 - e) Rehabilitation Plan

It also stipulated the latest instruction per BMB Memorandum dated 10 June 2022 (*Annex L*), that *the acceptance of new applications for SAPA should be held in abeyance while the moratorium is in effect*. This is also consistent with the previous BMB Memoranda dated 21 February 2022 (*Annex M*), and 17 March 2022 (*Annex N*), forwarded to PENRO Palawan through Regional Office Memorandum dated 11 August 2022 (*Annex O*). However, to acknowledge that the proponent has been complying for the lacking requirements prior the instruction, and the application was already endorsed by the field offices and received by the Region, the SAPA application underwent review and the proponent was given the option to continue completion/compliance of the findings and lacking requirements in anticipation of the lifting of the moratorium.

In November 2018, in line with the directives of former President Rodrigo Duterte to clean up tourism destinations following the clean-up of Boracay, former DENR Secretary Roy A. Cimatu with then Secretaries Bernadette Romulo-Puyat (DOT), Eduardo Año (DILG) conducted inspection in El Nido and instructed the *"imposition of moratorium on the issuance of building permits for new establishments and for the LGU concerned to restore its clean environmental state in six (6) months."*

This instruction was translated into communication through a letter sent to Mayor Edna Gacot-Lim of El Nido by former MIMAROPA Regional Directors of DOT & DILG, and DENR RED (*Annex P*) enjoining the LGU to heighten enforcement of environmental laws and immediately declare a Moratorium on the issuance of all construction permits until the carrying capacity study is completed. LGU El Nido complied through issuance of instruction to the Municipal Engineer of El Nido on 13 August 2019 (*Annex Q*), to take immediate action relative to the declaration of the moratorium, and Memorandum Order No. 19-051 dated 19 August 2019 entitled *"Moratorium in the Issuance of Barangay Clearance, Certification and Endorsements for Project Applications and the Implementation of Tapat Ko, Linis Ko"* addressed to all Punong Barangays (*Annex R*).

On 06 August 2019, former DENR MIMAROPA RED Henry A. Adornado issued Memorandum to CENRO Taytay, Palawan/PASu, ENTMRPA advising *"to stop issuing PAMB endorsement also for new projects within the Municipality of El Nido"* (*Annex S*).

As of to date, the moratorium is not yet lifted pending the compliance to the implementation of the results of carrying capacity study as specified in the conditionalities set by the BMB through its Memoranda dated 21 February 2022 (*Annex M*) and 17 March 2022 (*Annex N*). However, LGU El Nido has expressed a request to update the carrying

capacity study in view of their updated CLUP during PAMB meetings. Further, on 15 August 2022, LGU El Nido issued an Executive Order No. 22-040 lifting the moratorium on the issuance of barangay clearances, permits, etc. (*Annex T*)

10. ENTMRPA PAMB Resolution No. 019 Series of 2021 was affirmed by then PAMB Chair and RED Maria Lourdes Ferrer endorsing the SAPA application of Last Paradise Resort (*Annex U*).
11. The proposed project of Last Paradise Resort was granted with Environmental Compliance Certificate (ECC-OL-R4B-2022-0812) on 29 November 2022 by EMB MIMAROPA Regional Director Joe Amil Salino. The ECC covers 0.5146 hectares with the following enumerated structures: (6) family cottages, (14) regular cottages, (1) restaurant, (1) reception, (1) housekeeping, (1) staff house, (1) view deck, (1) generator room, (1) MRF, (1) STP: 4 tanks, (1) septic tank: 4 chambers, and open space (*Annex V*).
12. On 05 February 2023, a letter-reply was issued by Ms. Arenas (*Annex W*) addressed to DENR MIMAROPA OIC, Assistant Regional Director for Technical Services, providing response and compliance on the lacking requirements specifically providing copies of the ECC, approved PAMB resolution, Rehabilitation Plan and revised CDMP and indicative development plan. Follow-up letters dated 08 March (*Annex X*) and 18 April 2023 (*Annex Y*) was also received by the Regional Office and assertions relative to the imposition of moratorium in El Nido.
13. On 13 June 2023, Ms. Arenas visited the Regional Office to clarify the status of the application. Several comments on the latest submission of documentary requirements were relayed for their compliance. On 14 June (*Annex Z*) and 30 June 2023 (*Annex AA*), revised documents were submitted for further review.
14. On July 26, 2023, a letter was issued by the Regional Office (*Annex BB*) to Ms. Arenas reiterating the previous comments for compliance, specifically on the consistency of the contents of the Indicative Development Plan and CDMP, as well as the Rehabilitation Plan. A letter-reply dated 14 August 2023 (*Annex CC*) was issued by Ms. Arenas as compliance to the said comments, together with updated versions of Indicative Development Plan (*Annex DD*), CDMP (*Annex EE*) and Rehabilitation Plan (*Annex FF*). An updated SAPA Checklist of requirements (*Annex GG*) was attached summarizing their compliance to all documentary requirements of SAPA application.

III. COMMENTS / RECOMMENDATIONS

Foregoing considered, the SAPA application of Last Paradise Resort has substantially completed all the necessary requirements, hence the endorsement of this Office for the processing of their SAPA application in accordance to existing laws, rules and regulations.

For information, record and further instructions.


FELIX S. MIRASOL, JR., CESO IV

Copy furnished:

The Undersecretary for Legal and Administration
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Ms. Rosalinda Arenas rosalindaarenas235@gmail.com

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