

ATTY. REMEGIO C. DAYANDAYAN, JR.

3rd Floor Universal Re Bldg., 106 Paseo de Roxas St., Legaspi Village, Makati City
Tel Nos. (+632) 8817-6046 Fax No. (+632) 8817-4183

January 16, 2023

Conrado M. Corpuz

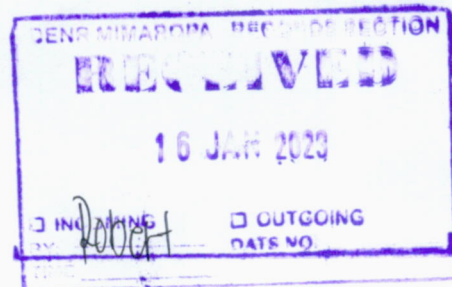
DENR-CENRO Taytay-El Nido
Calawag Brgy. Rd., Poblacion, Taytay, Palawan
Email: cenrotaytay@denr.gov.ph
Tel. Nos.: 0917-158-9399, 0917-506-6106

Cc: Gen. Reuel N. Sorilla PA (Ret.)

Director, DENR-Environmental Law Enforcement and Protection Service (ELEPS)
Ground Commander, Manila Baywalk Dolomite Beach in Concurrent Capacity
DENR-ELEPS
Email: epetf2019@gmail.com

Lormelyn E. Claudio, CESO IV
The Regional Executive Director
DENR – MIMAROPA
Email: embmimaropa@emb.gov.ph

Felizardo B. Cayatoc
DENR-PENRO Palawan
Email: penropalawan@denr.gov.ph



Re: Request for Enforcement of Notice to Vacate

Dear CENRO Corpuz:

Greetings of peace and good health!

As we start the New Year 2023, may we respectfully request for the status of the pending enforcement of the **Notice To Vacate** issued on Aug. 4, 2020 by your good office against Mr. Emil Pedro Primorac Orche, Cauayan Island Resort, Cauayan Island, Brgy. Buena Suerte, El Nido, Palawan, which *Notice to Vacate* is likewise the subject of the *Memorandum* issued on Nov. 19, 2020 by the Regional Executive Director, DENR – Mimaropa.

This request is made by the undersigned counsel in behalf of Cauayan Island Resorts Philippines, Inc. (CIRPI) considering that our company continues to monitor the enforcement of the *Notice to Vacate*, as CIRPI and its officers are prejudiced by implication, even as they have zero participation in the **open, continuing and notorious violation of environmental laws** of the current possessor of Cauayan Island Resorts, i.e., Emil Pedro Primorac Orche and his Spanish company Cauayan Island Espana S.L. In fact, we have relentlessly pursued its enforcement even with the LGU exercising jurisdiction over it.

For your reference are the following documents enclosed herein:

1. *Notice To Vacate* issued on Aug. 4, 2020 by DENR-CENRO Taytay-El Nido
2. *Memorandum* issued on Nov. 19, 2020 by the RED, DENR – Mimaropa, and
3. Our *Letter*, dated Jan. 29, 2021 to the Mayor of the Municipality of El Nido

We hope that this long overdue matter of enforcement of **environmental laws that continue to be notoriously violated to this date** will now be obtained in this new administration of Pres. Ferdinand "Bongbong" Romualdez Marcos Jr. (PBBM) with the urgency and priority that it rightfully deserves.

Maraming Salamat po at Mabuhay po kayo!

Very truly yours,

ATTY. REMEGIO C. DAYANDAYAN, JR.

Copy furnished:

Gen. Reuel N. Sorilla PA (Ret.)

By hand/personal service

Director

DENR-Environmental Law Enforcement and Protection Service (ELEPS)

Ground Commander, Manila Baywalk Dolomite Beach in Concurrent Capacity

DENR-ELEPS

Annex Bldg., DENR Compound

Visayas Avenue, Diliman, Quezon City

Email: cpetf2019@gmail.com

Tel. No. 8925-2344

IP Phone Trunkline No. 8249-3367

Lormelyn E. Claudio, CESO IV

By hand/personal service

The Regional Executive Director

DENR – MIMAROPA

3rd Flr., 1515 DENR By the Bay Bldg.

Roxas Blvd., Brgy. 668, Ermita, Manila

Email: embmimaropa@emb.gov.ph

Telephone: (02) 8405-00-06

IP Phone Trunkline No. 8248-33-67

Felizardo B. Cayatoc

By registered mail and also LBC

DENR-PENRO Palawan

Brgy. Sta. Monica, Puerto Princesa City, Palawan

Email: penropalawan@denr.gov.ph

Tel. Nos.: (048) 433-5638 (048) 434-8791



August 4, 2020

NOTICE TO VACATE

MR. EMIL PEDRO PRIMORAC ORCHE
(c/o Ms. Nikka Dennise E. Quinsaat)
CAUAYAN ISLAND RESORT
Cauayan Island, Barangay Buena Suerte, El Nido
Palawan

DENR CENRO
TAYTAY, PALAWAN
RELEASED
BY: [Signature]
DATE: 8-5-2020 CN 1705

Sir,

This is to notify you that personnel of this Office conducted an inspection on the area being applied for Special Use Agreement in Protected Area (SAPA) in Cauayan Island, Barangay Buena Suerte, El Nido, Palawan on July 30, 2020. Report disclosed that you have not complied with the Notice to Vacate (NTV) issued last April 3, 2018 and there are several violations observed in your area, by reason thereof, you are hereby directed to voluntarily **REMOVE THE STRUCTURE/S** you build and **VACATE THE AREA** you are occupying in violation of any or all of the following provisions of law, viz:

I. Presidential Decree No. 705, as amended, otherwise known as the *Revised Forestry Code of the Philippines*

Section 20. No person may utilize, exploit, occupy, possess or conduct any activity within any forest or grazing land xxx, unless he had been authorized to do under a license agreement, license, lease or permit xxx;

Section 78. Any person who enters and occupies or possesses xxx any forestland or grazing land or part thereof xxx or refuses to vacate the area when ordered to do so, pursuant to the provisions of Section 53 hereof;

II. Presidential Decree No. 1067, otherwise known as *The Water Code of the Philippines*

Article 51. 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.

III. **Republic Act No. 7586 as amended by Republic Act No. 11038 otherwise known as *Expanded National Integrated Protected Areas System Act of 2018*.**

Section 20. Prohibited Acts. - Except as may be allowed by the nature of their categories and pursuant to rules and regulations governing the same, the following acts are prohibited within protected areas:

(n) Occupying or dwelling in any public land within the protected area without clearance from the PAMB;

(o) Constructing, erecting, or maintaining any kind of structure, fence or enclosure, conducting any business enterprise within the protected area without prior clearance from the PAMB and permit from the DENR, or conducting these activities in a manner that is inconsistent with the management plan duly approved by the PAMB;

(v) Constructing any permanent structure within the forty (40)-meter easement from the high water mark of any natural body of water or issuing a permit for such construction pursuant to Article 51 of Presidential Decree No. 1067: *Provided*, That construction for common usage wharves and shoreline protection shall be permitted by the PAMB only after thorough EIA.

IV. **Proclamation No. 32, Series of 1998**, declaring the El Nido Marine Reserve as a Protected Area to be known as *El Nido-Taytay Managed Resource Protected Area*

In view hereof, this Office is giving you a period of **THIRTY (30) DAYS** upon receipt of this Notice to comply, or present legal documents evidencing your lawful occupation over the area, otherwise, we will be compelled to refer your act of non-compliance to the Office of the Mayor of El Nido, or file a case/s against you before the proper court.

We are hoping you will give this matter your preferential and utmost attention in order to avoid a costly litigation.

Very truly yours,


ALAN L. VALLE
OIC-CENRO

Copy furnished:

The USEC for Field Operations, DENR Central Office
The Director, Biodiversity Management Bureau
The Regional Executive Director, DENR MIMAROPA
The PENRO, Palawan
The PASu, ENTMRPA-PAMO
File

National Highway, Poblacion, Taytay, Palawan 5313
Email address: cenrotaytaypal@yahoo.com.ph



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

MEMORANDUM

TO : The PENRO
Palawan

ATTENTION : The CENRO
Taytay

FROM : The Regional Executive Director

SUBJECT : **UPDATED STAFF WORK ON THE ISSUE IN CAUAYAN ISLAND, BARANGAY BUENA SUERTE, EL NIDO, PALAWAN**

NOV 19 2020

Referred is the memorandum dated October 22, 2020 from the Assistant Secretary for Field Operations-Luzon, Gilbert C. Gonzales and its enclosures regarding the complaint against Cauayan Island Resort Philippines on the operation without permit in Cauayan Island, Brgy. Buena Suerte, El Nido, Palawan with 8888 Citizens' Complaint Hotline Ticket Reference Number P20200723-786-15.

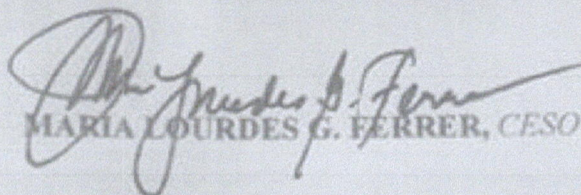
However, we acknowledge receipt of your Memorandum dated September 21, 2020 and its enclosures submitting the updated Staff Work on the issue in Cauayan Island, Barangay Buena Suerte, El Nido, Palawan.

Records show that on April 3, 2018, the Regional Office issued Notice to Vacate to Cauayan Island Resort in violation of the following provisions of law a) *Sec. 20 and Sec. 78 of Presidential Decree No. 705, as amended, otherwise known as the Revised Forestry Code of the Philippines*, b) *Article 51 of the Presidential Decree No. 1067, otherwise known as The Water Code of the Philippines*, c) *Sec. 20 of the Republic Act No. 7586, otherwise known as the National Integrated Protected Areas System Act of 1992* and d) *Proclamation No. 32, Series of 1998, declaring the El Nido Marine Reserve as a Protected Area to be known as El Nido Managed Resource Protected Area*. Further, based on the inspection made by the team of CENRO Taytay dated July 30, 2020, it was disclosed that said company has not complied with the said order. Again, the CENRO Taytay issued Notice to Vacate on August 4, 2020, however despite of the orders, the company still has not complied therein.

Moreover, after a careful review and evaluation of the submitted reports by the CENRO Taytay, citing detailed comments and recommendations, you are directed to file a criminal complaint against the president of the Cauayan Island Resort before the Prosecutors Office for defying/charging a series of Legal Orders/Notice to Vacate issued, in violation of the E-NIPAS Act and other existing Environmental Natural Resources (ENR) laws and policies.

Premises considered, you are directed to act accordingly and submit report of your action on the matter.

For compliance.


MARIA LOURDES G. FERRER, CESO IV

The Assistant Secretary
Field Operation - Luzon

Armie Conclora Evans
Blk. 2 Lot 6 Shibuya Drive Tokyo Mansion
South Foreb, Golf City, Inchinican
Silang Cavite

 Department of Environment
and Natural Resources
MINDANAO Region



Doc ID: 37777

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January 29, 2021

Honorable Mayor Edna Gacot-Lim
Office of the Municipal Mayor
El Nido Municipal Hall,
Barangay Buena Suerte,
El Nido, Palawan

**Re: INQUIRY ON THE ISSUANCE OF DEMOLITION ORDER AND NON
ISSUANCE/RENEWAL OF THE BUSINESS PERMIT TO CAUAYAN ISLAND
RESORT**

I am writing this letter to inquire about the progress of my prior correspondence addressed to your good office on the execution of the letter from the Department of Environment and Natural Resources, MIMAROPA Region - PROVINCIAL ENVIRONMENT AND NATURAL RESOURCES (Sta. Monica, Puerto Princesa City) dated September 21, 2020. The said letter stated, among others, that CENRO Taytay has sent a written request to your Honorable Office as Municipal Mayor of El Nido, Palawan for the issuance of demolition order and non-issuance/renewal of the business permit until the supposed operators of Cauayan Island Resort have complied and satisfied all the requirements for issuance of appropriate tenurial instrument.

(A copy of Department of Environment and Natural Resources, MIMAROPA Region - PROVINCIAL ENVIRONMENT AND NATURAL RESOURCES letter dated September 21, 2020 is attached as Annex "1", for your perusal)

Recently, we (Mrs. Armie Evans, et al.) received another letter from Department of Environment and Natural Resources, MIMAROPA Region (DENR-MIMAROPA) dated November 19, 2020, regarding "updated staff work on the issue in Cauayan Island, Barangay Buena Suerte, El Nido, Palawan".

As embodied in said letter, DENR-MIMAROPA "records show that on April 3, 2018, the Regional Office issued Notice to Vacate to Cauayan Island Resort in violation of the following provisions of law: a) Sec. 20 and Sec. 78 of Presidential Decree No. 705, as amended, otherwise known as the Revised Forestry Code of the Philippines, b) Article 51 of the Presidential Decree No. 1067, otherwise known as The Water Code of the Philippines, (c) Sec. 20 of the Republic Act No. 7586, otherwise known as the National Integrated Protected Areas System Act of 1992 and d) Proclamation No. 32, Series of 1998, declaring the El Nido Marine Reserve as a Protected Area to be known as El Nido Managed Resource Protected Area. Further, based on the inspection made by the team of CENRO Taytay dated July 30, 2020, it was disclosed that said company has not complied

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with the said order. Again, the CENRO Taytay issued Notice to Vacate on August 4, 2020, however despite of the orders/the company still has not complied therein".

Moreover, the Regional Director of PENRO-Palawan is directed to file criminal charges against appropriate individuals before the Prosecutors Office for defying/charging a series of Legal Orders/Notice to Vacate issued, in violation of the E-NIPAS Act and other existing Environmental Natural Resources (DENR) laws and policies.

(A copy of the letter from Department of Environment and Natural Resources, MIMAROPA Region (DENR-MIMAROPA) dated November 19, 2020 is attached as Annex "2", for your perusal)

Hence, the true and legitimate members of the Board of Directors of CAUAYAN ISLAND RESORT PHILIPPINES INC. are once again asking your good office to do the needful action, most especially in the enforcement of the DENR letter dated September 21, 2020, for the issuance of demolition order and non-issuance/non-renewal of the business permit of Cauayan Island Resort, as this is required by the laws of the Philippines and your own local ordinances.

Should you need any more information, please do not hesitate to communicate with me at the contact details written above. Nevertheless, I would highly appreciate to receive an official written answer/reply from your Honorable Office.

Thank you for your time, Honorable Mayor.

Sincerely,


ATTY. REMEGIO C. DAYANDAYAN, JR.

Copy furnished:

ERIBERTO B. SANOS CESE
Department of Environment and Natural Resources
MIMAROPA Region-PROVINCIAL ENVIRONMENT AND NATURAL RESOURCES
Sta. Monica, Puerto Princesa City