



January 18, 2023

FOR : **LORMELYN E. CLAUDIO, CESO IV**  
Regional Executive Director  
DENR MIMAROPA Region  
1515, By the Bay Building, Roxas Blvd.,  
Barangay 668, Ermita, Manila

ATTENTION : **ATTY. GANDHI G. GAGNI-FLORES**  
Chief, Legal Division

FROM : **FELIZARDO B. CAYATOC**  
PENRO Palawan

SUBJECT : **DRAFT MEMORANDUM OF AGREEMENT (MOA) REGARDING  
THE REQUEST OF JOINT TASK FORCE MALAMPAYA (JTFM-  
WESCOM) FOR THE EXCLUSIVE AND LIMITED USE OF THE  
TWO (2) DOCKING FACILITIES CONSTRUCTED BY TEN  
KNOTS PHILIPPINES, INC. (TKPI) IN BRGY. VILLA LIBERTAD,  
EL NIDO, PALAWAN**

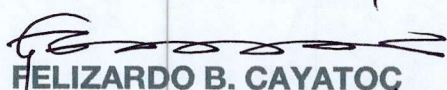
Respectfully forwarding the Memorandum dated November 28, 2022 of PASU Mildred Suza and Memorandum dated December 15, 2022 of CENRO Taytay, through Mariano P. Lilang Jr., in compliance to the Memorandum dated May 12, 2022 issued by your Office in relation to the Memorandum dated April 25, 2022 of Atty. Gandhi G. Gagni-Flores.

Attached to the said Memoranda are the following:

1. Edited Draft Memorandum of Agreement; and
2. Photocopy of the Transfer of Certificate of Title of TEN KNOTS PHILIPPINES, INC.

Please be informed that the titled area is within alienable and disposable area. Moreover, there is also an issue regarding the subject area as the NCIP assumed jurisdiction over the same and issued a Cease-and-Desist Order against the Ten Knots Philippines Inc. (TKPI) from operating the properties of TKPI in Brgy. Villa Libertad, El Nido, Palawan. The said Order of the NCIP is in relation to the claims of the Tagbanua Tandulanen Indigenous People alleging that the project and facilities are encroaching on their ancestral lands.

Further, the undersigned is forwarding the comment of Atty. Jazmin Altea regarding the above-mentioned subject for your reference.

  
**FELIZARDO B. CAYATOC**

DENR-PALAWAN  
PENRO-RECORDS  
**RELEASED**

By:   
Date: 24 JAN 2023 13-205





January 16, 2023

FOR : **FELIZARDO B. CAYATOC**  
Provincial Environment and  
Natural Resources Officer

FROM : **ATTY. JAZMIN D. ALTEA**  
Attorney III

SUBJECT : **REVIEW/COMMENT ON THE DRAFT MEMORANDUM OF  
AGREEMENT (MOA) REGARDING THE REQUEST OF JOINT  
TASK FORCE MALAMPAYA (JTFM-WESCOM) FOR THE  
EXCLUSIVE AND LIMITED USE OF THE TWO (2) DOCKING  
FACILITIES CONSTRUCTED BY TEN KNOTS PHILIPPINES,  
INC. (TKPI) IN BRGY. VILLA LIBERTAD, EL NIDO, PALAWAN**

This has reference to the your request for assistance to review the Memorandum of Agreement (MOA) between the DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES-MIMAROPA, TEN KNOTS PHILIPPINES, INC.,(TKPI) AND JOINT TASK FORCE MALAMPAYA (JTFM-WESCOM) regarding the above-mentioned subject.

Upon careful review, the undersigned is of the opinion that DENR MIMAROPA should not execute the Memorandum of Agreement with the JTFM-WESCOM considering that there is a pending issue on the said area with regard to the claim of the Tagbanua Tandulanen Indigenous People which is now pending before the jurisdiction of the NCIP and considering further that there is no forfeiture order confiscating the said docking facilities in favor of the government without violating the right to due process of TKPI.

For your information and consideration.

**ATTY. JAZMIN D. ALTEA**





Republic of the Philippines  
Department of Environment and Natural Resources  
MIMAROPA Region  
**COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE**  
Bgy. Poblacion 5, Coron, Palawan  
Contact No.09175042633  
Email Address: cenrocoron@denr.gov.ph

**DOCUMENT ACTION INFORMATION FORM**

Doc. Ref. No.: **2022-11584**

Date and Time received:

12/21/2022 04:20:19 pm

From: **MARIANO P. LILANG, JR**

Document Type: **Memorandums**

**CENRO TAYTAY, PALAWAN**

Subject: **3709 DRAFT MEMORANDUM OF AGREEMENT (MOA) REGARDING THE REQUEST OF JOINT TASK FORCE MALAMPAYA(JTFM-WESCOM) FOR THE EXCLUSIVE AND LIMITED USE OF THE TWO (2) DOCKING FACILITIES CONMSTRUCTED BY TEN KNOTS PHILIPPINES, INC. (TKPI) IN BRGY. VILLA LIBERTAD, EL N**

Attachment(s): **MEMO DATE 11-28-2022, TRANSFER CERT. OF TITLE AND PERT DOCS**

Earmarked As :

Date: <b>12/22/22</b>	From: <b>C/K-TAY</b>	To: <b>Chief</b>	
<b>Action Recommended/Required:</b> <input checked="" type="checkbox"/> For Action <input type="checkbox"/> For Approval <input type="checkbox"/> For Disbursement/ Payment <input type="checkbox"/> For Official Release <input type="checkbox"/> For Signature <input type="checkbox"/> For Review/ Recommendation <input type="checkbox"/> For Information, Record and File <input type="checkbox"/> For Indorsement to concerned Party(ies) <input type="checkbox"/> Return to Payee/Sender		<b>Processing Time:</b> <input type="checkbox"/> Urgent (w/in the day) <input type="checkbox"/> Priority (w/in 3 days) <input type="checkbox"/> Complex w/in 7 days w/in 20 days or shorter W/in ____ days or shorter	<b>Other Instruction(s):</b> <i>For further review &amp; recommendation approval of herein submitted</i> <i>10:10am 12-22-22</i>
Date: <b>12/23</b>	From: <b>CPS</b>	To: <b>My</b>	
<b>Action Recommended/Required:</b> <input checked="" type="checkbox"/> For Action <input type="checkbox"/> For Approval <input type="checkbox"/> For Disbursement/ Payment <input type="checkbox"/> For Official Release <input type="checkbox"/> For Signature <input type="checkbox"/> For Review/ Recommendation <input type="checkbox"/> For Information, Record and File <input type="checkbox"/> For Indorsement to concerned Party(ies) <input type="checkbox"/> Return to Payee/Sender		<b>Processing Time:</b> <input checked="" type="checkbox"/> Urgent (w/in the day) <input type="checkbox"/> Priority (w/in 3 days) <input type="checkbox"/> Complex w/in 7 days w/in 20 days or shorter W/in ____ days or shorter	<b>Other Instruction(s):</b> <i>pls. help find a legitimate before an endorsement to the Regional Office</i>
Date:	From:	To:	
<b>Action Recommended/Required:</b> <input type="checkbox"/> For Action <input type="checkbox"/> For Approval <input type="checkbox"/> For Disbursement/ Payment <input type="checkbox"/> For Official Release <input type="checkbox"/> For Signature <input type="checkbox"/> For Review/ Recommendation <input type="checkbox"/> For Information, Record and File <input type="checkbox"/> For Indorsement to concerned Party(ies) <input type="checkbox"/> Return to Payee/Sender		<b>Processing Time:</b> <input type="checkbox"/> Urgent (w/in the day) <input type="checkbox"/> Priority (w/in 3 days) <input type="checkbox"/> Complex w/in 7 days w/in 20 days or shorter W/in ____ days or shorter	<b>Other Instruction(s):</b>
Date:	From:	To:	
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Printed on 12/21/2022 4:25:43pm Received at: OFFICE OF THE PENR( Received by: ALMINE, ALYSSA





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

**MEMORANDUM**

**TO :** THE PENR OFFICER  
Palawan

**ATT'N. :** THE CENR OFFICER  
Taytay

**FROM :** THE REGIONAL EXECUTIVE DIRECTOR

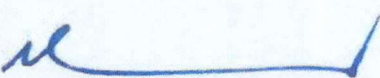
**SUBJECT :** REVIEW/COMMENT OF THE DRAFT MEMORANDUM OF AGREEMENT REGARDING THE REQUEST OF THE JOINT TASK FORCE MALAMPAYA (JTFM-WESOM) FOR THE EXCLUSIVE AND LIMITED USE OF THE TWO (2) DOCKING FACILITIES CONSTRUCTED BY TEN KNOTS PHILIPPINES, INC. (TKPI) IN BRGY. VILLA LIBERTAD, EL NIDO, PALAWAN [P-2021-66390]

**DATE :** MAY 12 2022

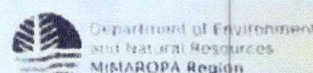
Provided is the Memorandum dated April 25, 2022 of Chief, Legal Division and its enclosures regarding the above-mentioned.

In the said Memorandum, the TKPI should not be made a party to the MOA as they already deemed to have vacated the area considering the issued Notice of Violation (NOV) and Order to Vacate (OTV) dated July 1, 2020 as well as the draft MOA lacks the following clauses: 1) Separability; 2) Assignment; 3) Duration of the agreement; and 4) Binding Effect.

In this connection, please resubmit the draft MOA following the above findings and comments including the Location/Classification Map (area subject of the MOA) overlaying the area subject of NOV/OTV and area titled to TKPI. Submit pertinent documents as proof that the area is titled to TKPI as stated in the Memorandum dated March 22, 2021 signed by PASu Mildred A. Suza, which is in conflict with the submitted CSW report of CENRO Taytay dated September 11, 2020 classified as timberland. This will serve as basis for the final review of the MOA and the next course of action by this Office.

  
**LORMELYN E. CLAUDIO, CESO IV**

CC:  
The Chief, Legal Division



Doc ID 66390

ED/MUO/4-29-2022





## MEMORANDUM

**FOR** : Assistant Regional Director for Technical Services

**THRU** : Assistant Regional Director for Management Services *gagni*

**FROM** : The Chief, Legal Division

**SUBJECT** : **REVIEW OF THE DRAFT MEMORANDUM OF AGREEMENT REGARDING THE REQUEST OF THE JOINT TASK FORCE MALAMPAYA (JTFM-WESCOM) FOR THE EXCLUSIVE AND LIMITED USE OF THE TWO (2) DOCKING FACILITIES CONSTRUCTED BY TEN KNOTS PHILIPPINES, INC. (TKPI) IN BRGY. VILLA LIBERTAD, EL NIDO, PALAWAN**

**DATE** : **APR 25 2022**

This pertains to your Memorandum dated July 30, 2021 requesting a review of the draft Memorandum of Agreement (MOA) for the use of the docking facilities constructed by TKPI by the JTFM-WESCOM.

The following are the comments of this Office:

1. The TKPI should not be made a party to this MOA as they are already deemed to have vacated the area in compliance with the Notice of Violation and Order to Vacate dated July 1, 2020, and considering that the area is classified as timberland;
2. Further, the Agreement lacks the following clauses:
  - a. Separability - This means that if any part of the Agreement is declared as unconstitutional, the rest of the agreement shall remain in full force and effect;
  - b. Assignment - This clause provides that the agreement may not be assigned without prior written consent of the parties;
  - c. Duration of the Agreement; and,
  - d. Binding Effect - The agreement shall be binding on the parties and their successors-in-interest.

*(Note: We would like to be clarified regarding the status of the area whether it is titled in the name of TKPI as stated in the Memorandum dated March 22, 2021 signed by Protected Area Superintendent (PASu) Mildred A. Suza, in relation to what is stated in the Memorandum dated September 11, 2020 on the Completed Staff Work (CSW) which states that the subject area is within timberland.)*

For your consideration.

*gagni*  
**ATTY. GANDHI G. GAGNI-FLORES**





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 <sup>TM</sup> 0912-171-3889 <sup>TNT</sup>  
Email: [cenrotaytay@denr.gov.ph](mailto:cenrotaytay@denr.gov.ph)

December 15, 2022

MEMORANDUM

TO : The Provincial Environment and  
Natural Resources Officer  
Sta. Monica, Puerto Princesa City

FROM : The Community Environment and  
Natural Resources Officer

SUBJECT : **DRAFT MEMORANDUM OF AGREEMENT (MOA) REGARDING  
THE REQUEST OF JOINT TASK FORCE MALAMPAYA (JTFM-  
WESCOM) FOR THE EXCLUSIVE AND LIMITED USE OF THE  
TWO (2) DOCKING FACILITIES CONSTRUCTED BY TEN  
KNOTS PHILIPPINES, INC. (TKPI) IN BRGY. VILLA LIBERTAD,  
EL NIDO, PALAWAN**

Respectfully forwarding is the memorandum dated November 28, 2022 of Protected Area Superintendent Mildred A. Suza pertaining to the above subject. It is submitted for the review of the Legal officer. Accordingly, the facilities are within the area registered in the name of Ten Knots Philippines, Incorporated under Transfer Certificate of Title (TCT) No. 10549.

Please confirm your receipt hereof. Thank you.

For and in the absence of the CENRO

**DENR CENRO  
TAYTAY, PALAWAN  
RELEASED**  
BY:                       
DATE: DEC 15 2022 3709

12.15  
**MARIANO P. LILANG JR.**  
Development Management Officer IV  
In-charge of office

Copy furnished:  
PAMO-ENTMRPA





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 <sup>TM</sup> 0912-171-3889 <sup>TNT</sup>  
Email: [cenrotaytay@denr.gov.ph](mailto:cenrotaytay@denr.gov.ph)

December 15, 2022

MEMORANDUM

TO : The Provincial Environment and  
Natural Resources Officer  
Sta. Monica, Puerto Princesa City

FROM : The Community Environment and  
Natural Resources Officer

SUBJECT : **DRAFT MEMORANDUM OF AGREEMENT (MOA) REGARDING  
THE REQUEST OF JOINT TASK FORCE MALAMPAYA (JTFM-  
WESCOM) FOR THE EXCLUSIVE AND LIMITED USE OF THE  
TWO (2) DOCKING FACILITIES CONSTRUCTED BY TEN  
KNOTS PHILIPPINES, INC. (TKPI) IN BRGY. VILLA LIBERTAD,  
EL NIDO, PALAWAN**

**DENR PENRO  
PALAWAN RECORDS  
RECEIVED**  
BY: \_\_\_\_\_  
DATE: \_\_\_\_\_ CN \_\_\_\_\_

Respectfully forwarding is the memorandum dated November 28, 2022 of Protected Area Superintendent Mildred A. Suza pertaining to the above subject. It is submitted for the review of the Legal officer. Accordingly, the facilities are within the area registered in the name of Ten Knots Philippines, Incorporated under Transfer Certificate of Title (TCT) No. 10549.

Please confirm your receipt hereof. Thank you.

For and in the absence of the CENRO

**DENR CENRO  
TAYTAY, PALAWAN  
RELEASED**  
BY: \_\_\_\_\_  
DATE: DEC 15 2022 3709

**MARIANO P. LILANG JR.**  
Development Management Officer IV  
In-charge of office

Copy furnished:  
PAMO-ENTMRPA





Republic of the Philippines  
Department of Environment and Natural Resources  
**MIMAROPA Region**  
Community Environment and Natural Resources  
**EL NIDO-TAYTAY MANAGED RESOURCE PROTECTED AREA**  
Calle Real, Barangay Masagana, El Nido, Palawan, 5313  
Contact No. GLOBE (0917-1103-262)  
Email: [denrpao\\_elnidopal@yahoo.com](mailto:denrpao_elnidopal@yahoo.com) / [entmrpa@gmail.com](mailto:entmrpa@gmail.com)

November 28, 2022

MEMORANDUM

FOR : The Community Environment and  
Natural Resources Officer  
Taytay, Palawan

FROM : The Protected Area Superintendent  
El Nido-Taytay Manage Resource Protected Area

SUBJECT : **REVIEW ON THE DRAFT MEMORANDUM OF AGREEMENT  
(MOA) REGARDING THE REQUEST OF JOINT TASK FORCE  
MALAMPAYA (JTFM-WESCOM) FOR THE EXCLUSIVE  
AND LIMITED USE OF THE TWO (2) DOCKING FACILITIES  
CONSTRUCTED BY TEN KNOTS PHILIPPINES, INC. (TKPI)  
IN BRGY. VILLA LIBERTAD, EL NIDO, PALAWAN**

DENR CENRO  
TAYTAY, PALAWAN  
RECEIVED  
BY: *[Signature]*  
DATE: 12-01-22 CN 7015

In compliance to the memorandum from the DENR MIMAROPA Chief of Legal Division pertaining to the above-mentioned subject. Please be informed that this, office included the lacking clauses to the said Memorandum of Agreement (MOA) such as the separability clause, assignment, duration of the agreement and its binding effect.

This office would also like to clarify that the two (2) docking facilities which were constructed by Ten Knots Philippines Inc. (TKPI) are inside the Transfer Certificate of Title (TCT) No. T-10549 and registered under the TKPI. In view hereof, the TKPI should also be a part of the said MOA since the subject area is covered by their land title.

This office recommends for thorough review from the legal officers assigned at the Provincial Environment and Natural Resources Office (PENRO) before finally submitting this to the regional office.

Please be informed that the MOA is deemed necessary for the Joint Task Force Malampaya (JTFM) to continue their mandate to protect the Malampaya Natural Gas-To-Power Project (MNGPP).

Attached herewith is the edited draft MOA for review of PENRO legal team and DENR-MIMAROPA Legal Division. Attached also is the photocopy of TCT No. T-10549 for reference.

For information and further instruction.

DENR - PAO  
ENTMRPA,  
El Nido, Palawan  
**RELEASED**  
By: Cavation  
Date: 11-29-22  
C.N.: 1112

*[Signature]*  
MILDRED A. SUZA



SN No. 463031

REPUBLIC OF THE PHILIPPINES  
DEPARTMENT OF JUSTICE  
Land Registration Authority  
QUEZON CITY

REGISTRY OF DEEDS FOR THE PROVINCE OF PALAWAN

Transfer Certificate of Title

No. T-10549

IT IS HEREBY CERTIFIED that certain land situated in the Barrio of Lio, Municipality  
of Settlement of Bacuit, Province of Palawan, more particularly bounded and described as follows:

Beginning at a point marked "1" on plan P1-1353 which is identical with B.L.B.M. No. 2 thence

N. 62 deg. 08'E., 281.44 m. to point 2;

N. 55 deg. 41'E., 120.77 m. to point 3;

S. 24 deg. 16'E., 172.4 m. to point 4; (SEE PAGE A)

is registered in accordance with the provisions of section 103 of the Property Registration Decree in the name of\*

TEN KNOTS PHILIPPINES, INC., represented by ADREA I. YANSUAN,  
Acting President of the corporation, located at Manila Garden  
Hotel, Makati, Metro Manila.

subject to the provisions of the said Property Registration Decree and the Public Land Act, as well as to those of the Mining Laws, if the land is mineral, and subject, further, to such conditions contained in the original title as may be subsisting, and to

IT IS FURTHER CERTIFIED that said land was originally registered on the 26th day  
of December in the year nineteen hundred and thirty  
in Registration Book No. 5, page 5, of the Office of the Register of Deeds  
of PALAWAN as Original Certificate of Title No. 5, pursuant to  
a SALES patent, in the name of FAUSTA PAREDES, granted by the President of the  
Philippines, on the 21st day of November, in the year nineteen  
hundred and thirty, under Act No. P.D. 1529.

This certificate is a transfer from TRANSFER Certificate of Title No. T-10548  
which is cancelled by virtue hereof in so far as the above described land is concerned.



Entered at Puerto Princessa City  
Philippines, on the 19th day of August,  
in the year nineteen hundred and Ninety-two,  
at 8:30 A.M.

Antonio I. Justo  
(Register of Deeds)

Manila Garden Hotel, Makati, M. M.  
(Owner's Postal Address)

\*State the civil status, name of spouse if married, age if a minor, citizenship and residence of the registered owner. If the owner is a married woman, state also the citizenship of her husband. If the land is registered in the name of the conjugal partnership, state the citizenship of both spouses.



# MEMORANDUM OF ENCUMBRANCES

(When necessary use this page for the continuation of the technical description)

Entry No. (Continuation of the technical description)

S. 1 deg. 42'W., 46.85 m. to point 5;  
S. 37 deg. 41'E., 43.26 m. to point 6;  
S. 24 deg. 17'E., 128.99 m. to point 7;  
S. 65 deg. 43'W., 339.56 m. to point 8;  
N. 23 deg. 34'W., 256.95 m. to point 9;  
N. 54 deg. 45'W., 104.36 m. to point 1;  
point of beginning.

Containing an area of 12.6496 hectares. Points 2, 3, 6, 7 and 8, P.L.S./E.L. concrete monument; point 4, by hub; point 5, by tree; point 1, 2 and 3, on shore of China Sea; point 4, 5 and 6, on bank of Calalinday River; points 8 and 9, on bank of Lio River.

Bounded on the Northeast, by Calalinday River and property claimed by Abdulia Tejada; on the Southeast, by Property claimed by Abdulia Tejada; on the Southwest, by Lio River; and on the Northwest, by China Sea.

Bearings true. Variation 1 deg. 26'E., Points referred to marked on plan P1-1353.

Surveyed under authority of section Act No. 2874 and in accordance with existing regulation of the Bureau of Lands, by I.D. Cobb, Surveyor, Bureau of Lands, on April 15-16, 1914 and approved on December 19, 1914.

Description written in the Bureau of Lands Office by A.V. and rewritten by A.R. Villaroel on November 11, 1930.

X-X-X-X-X-X-X-X-X-X-X-X-X-X-X-X

*Antonio B. Justo*  
ANTONIETO B. JUSTO  
Register of Deeds II  
tpf/

## NOTE:

This title is subject to two (2) years period pursuant to the provisions of Section 4, Rule 74 of the New Rules of Court in favor of any possible heirs, creditors or any other person who might be deprived of their lawful participation in the estate of the decedent.

(SGD.) ANTONIETO B. JUSTO  
Register of Deeds II

(Memorandum of Encumbrances continued on Page ..... tpf/ -B)  
(Technical Description continued on Additional Sheet ..... Page ..... -)

Register of Deeds



## MEMORANDUM OF AGREEMENT

### KNOW ALL MEN BY THESE PRESENTS:

This Memorandum of Agreement made and entered in to and between:

The **DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES-MIMAROPA**, a government entity duly organized and existing under the laws of the Republic of the Philippines, herein represented by **LORMELYN E. CLAUDIO**, Regional Executive Director, DENR-MIMAROPA Region, herein referred to as DENR-MIMAROPA;

The **TEN KNOTS PHILIPPINES, INC (TKPI)**, a subsidiary of the group of companies owned by Ayala Land Inc. having business and facilities in El Nido, Palawan, herein represented by **JAVIER D. HERNANDEZ**, President, TKPI, herein referred to as TKPI;

and

The **JOINT TASK FORCE MALAMPAYA**, a Western Command, Armed Forces of the Philippines with office address at Headquarters Joint Task Force Malampaya, Brgy. Villa Libertad, El Nido, Palawan, herein represented by **BGEN ROBERT I. VELASCO PN (M)**, Commander, Joint Task Force Malampaya, herein referred to as JTFM-WESCOM.

### WITNESSETH that:

**WHEREAS**, the **TEN KNOTS PHILIPPINES, INC. (TKPI)** has constructed several facilities within the 40-meter easement zone of Lio River or relatively located South of Lio Airport Runway, Sitio Landing, Brgy. Villa Libertad, El Nido, Palawan which is classified by the statute as timberland/mangrove area but covered by Transfer Certificate of Title (TCT) No. T-10549 registered in the name of **TEN KNOTS PHILIPPINES, INC. (TKPI)**.

**WHEREAS**, the facilities constructed is specifically in violation of Article 51 of the Presidential Decree Number 1067 dated December 1976, also known as "The Water Code of the Philippines", and the TKPI has no approval, whatsoever, from DENR-MIMAROPA to build such facilities;

**WHEREAS**, the said facilities have strategic importance to JTFM-WESCOM in accomplishing its mandate to protect and ensure the unimpeded operation of the Malampaya Natural Gas-To-Power Project (MNGPP) throughout its lifetime;

**WHEREAS**, the TKPI has been issued with Notice of Violation dated July 1, 2020 for violating the provision of Article 51 of Presidential Decree (PD) 1067 or the Water Code of the Philippines.

**WHEREAS**, the use of said facilities by the JTFM-WESCOM shall surely facilitate the operational capability of JTFM-WESCOM in its holistic protection of MNGPP;



**WHEREAS**, the DENR-MIMAROPA and TKPI have agreed in principle that the facilities constructed by the former within the 40-meter easement zone of Lio River, which is by statute classified as timberland/mangrove area but covered by TCT No. T-10549, be used by JTFM-WESCOM to enhance its operational capability in protecting and securing the MNGPP.

**NOW, THEREFORE**, for and in consideration of the foregoing, the DENR-MIMAROPA, TKPI and JTFM-WESCOM have agreed and stipulated the following:

1. That all parties, the DENR MIMAROPA, TKPI and JTFM-WESCOM agreed to maintain the subject facilities which were constructed within the 40-meter easement zone of Lio River, and shall allow the use of such facilities to JTFM-WESCOM;
2. That all parties, come to an agreement that the facilities covered by issued NOV dated July 1, 2020 for purposes of national interest will not be demolished and that the JTFM-WESCOM shall occupy and use the said facilities for its operational and administrative functions;
3. That JTFM-WESCOM shall maintain the cleanliness and upkeep of the said facilities; and
4. That the JTFM-WESCOM shall not construct any additional facilities within the said parcel of land and shall vacate the said facilities/land upon termination of this agreement.
5. That all parties may conduct periodic monitoring on the subject facilities.

#### **ASSIGNMENT**

No Party may assign its interest under this MOA to any other person or entity without the written consent of the other party.

#### **DURATION OF THE AGREEMENT**

This Memorandum of Agreement shall take effect upon signing of the involved parties and shall remain in effect for period of ten (10) years.

#### **BINDING EFFECT**

This agreement shall be binding on the parties and their successors-in-interest.



**SEPARABILITY CLAUSE**

If any provision contained herein is invalid, illegal or unenforceable in any respect under any applicable law or decisions, the validity, legality and enforceability of the remaining provisions shall not be affected or impaired in any way.

IN WITNESS WHEREOF, the parties hereunto affix their signature this \_\_\_\_\_ day  
of \_\_\_\_\_ 2021, in El Nido, Palawan.

**LORMELYN E. CLAUDIO**  
Executive Director  
DENR-MIMAROPA Region

**JAVIER D. HERNANDEZ**  
President, Ten Knots Philippines Inc.

**ROBERT I. VELASCO PN**  
Brigadier General, PN  
Commander, Joint Task Force Malampaya





Republic of the Philippines  
Department of Environment and Natural Resources  
**MIMAROPA Region**  
Community Environment and Natural Resources  
**EL NIDO-TAYTAY MANAGED RESOURCE PROTECTED AREA**  
Calle Real, Barangay Masagana, El Nido, Palawan, 5313  
Contact No. GLOBE (0917-1103-262)  
Email: [denrpao\\_elnidopal@yahoo.com](mailto:denrpao_elnidopal@yahoo.com) / [entmrpa@gmail.com](mailto:entmrpa@gmail.com)

November 28, 2022

MEMORANDUM

FOR : The Community Environment and  
Natural Resources Officer  
Taytay, Palawan

FROM : The Protected Area Superintendent  
El Nido-Taytay Manage Resource Protected Area

SUBJECT : **REVIEW ON THE DRAFT MEMORANDUM OF AGREEMENT  
(MOA) REGARDING THE REQUEST OF JOINT TASK FORCE  
MALAMPAYA (JTFM-WESCOM) FOR THE EXCLUSIVE  
AND LIMITED USE OF THE TWO (2) DOCKING FACILITIES  
CONSTRUCTED BY TEN KNOTS PHILIPPINES, INC. (TKPI)  
IN BRGY. VILLA LIBERTAD, EL NIDO, PALAWAN**

DENR CENRO  
TAYTAY, PALAWAN  
RECEIVED  
BY: *[Signature]*  
DATE: 12-01-22 CN 7015

In compliance to the memorandum from the DENR MIMAROPA Chief of Legal Division pertaining to the above-mentioned subject. Please be informed that this, office included the lacking clauses to the said Memorandum of Agreement (MOA) such as the separability clause, assignment, duration of the agreement and its binding effect.

This office would also like to clarify that the two (2) docking facilities which were constructed by Ten Knots Philippines Inc. (TKPI) are inside the Transfer Certificate of Title (TCT) No. T-10549 and registered under the TKPI. In view hereof, the TKPI should also be a part of the said MOA since the subject area is covered by their land title.

This office recommends for thorough review from the legal officers assigned at the Provincial Environment and Natural Resources Office (PENRO) before finally submitting this to the regional office.

Please be informed that the MOA is deemed necessary for the Joint Task Force Malampaya (JTFM) to continue their mandate to protect the Malampaya Natural Gas-To-Power Project (MNGPP).

Attached herewith is the edited draft MOA for review of PENRO legal team and DENR-MIMAROPA Legal Division. Attached also is the photocopy of TCT No. T-10549 for reference.

For information and further instruction.

DENR - PAO  
ENTMRPA,  
El Nido, Palawan  
**RELEASED**  
By: *[Signature]*  
Date: 11-29-22  
C.N.: 1112

*[Signature]*  
MILDRED A. SUZA



SN No. 463031

REPUBLIC OF THE PHILIPPINES  
DEPARTMENT OF JUSTICE  
Land Registration Authority  
QUEZON CITY

REGISTRY OF DEEDS FOR THE PROVINCE OF PALAWAN

Transfer Certificate of Title

No. T-10549

IT IS HEREBY CERTIFIED that certain land situated in the Barrio of Ido, Municipality  
of Settlement of Bacuit, Province of Palawan, more particularly bounded and described as follows:

Beginning at a point marked "1" on plan PI-1353 which is identical with B.L.S.M. No. 2 thence

N. 62 deg. 08'E., 281.44 m. to point 2;

N. 55 deg. 41'E., 120.77 m. to point 3;

S. 24 deg. 16'E., 172.4 m. to point 4; (SEE PAGE A)

is registered in accordance with the provisions of section 103 of the Property Registration Decree in the name of\*

TEN KNOTS PHILIPPINES, INC., represented by ADREA I. YAMSUAN,  
Acting President of the corporation, located at Manila Garden  
Hotel, Makati, Metro Manila.

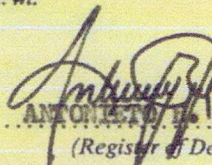
subject to the provisions of the said Property Registration Decree and the Public Land Act, as well as to those of the Mining Laws, if the land is mineral, and subject, further, to such conditions contained in the original title as may be subsisting, and to

IT IS FURTHER CERTIFIED that said land was originally registered on the 26th day  
of December in the year nineteen hundred and thirty  
in Registration Book No. 3, page 3, of the Office of the Register of Deeds  
of PALAWAN as Original Certificate of Title No. 3, pursuant to  
a SALES patent, in the name of FAUSTA PAREDES, granted by the President of the  
Philippines, on the 21st day of November, in the year nineteen  
hundred and thirty, under Act No. P.D. 1529.

This certificate is a transfer from TRANSFER Certificate of Title No. T-10548  
which is cancelled by virtue hereof in so far as the above described land is concerned.



Entered at Puerto Princesa City  
Philippines, on the 12th day of August,  
in the year nineteen hundred and ninety-two,  
at 8:30 A.M.

  
ANTONIO I. JUSTO  
(Register of Deeds)

Manila Garden Hotel, Makati, M. M.

(Owner's Postal Address)

\*State the civil status, name of spouse if married, age if a minor, citizenship and residence of the registered owner. If the owner is a married woman, state also the citizenship of her husband. If the land is registered in the name of the conjugal partnership, state the citizenship of both spouses.



MEMORANDUM OF ENCUMBRANCES  
(When necessary use this page for the continuation of the technical description)

Entry No. (Continuation of the technical description)

S. 1 deg. 42'W., 46.85 m. to point 5;  
S. 37 deg. 41'E., 43.26 m. to point 6;  
S. 24 deg. 17'E., 128.99 m. to point 7;  
S. 65 deg. 43'W., 339.56 m. to point 8;  
N. 23 deg. 34'W., 256.95 m. to point 9;  
N. 54 deg. 45'W., 104.36 m. to point 1;  
point of beginning.

Containing an area of 12.6496 hectares. Points 2, 3, 6, 7 and 8, P.L.S./B.L. concrete monument; point 4, by hub; point 5, by tree; point 1, 2 and 3, on shore of China Sea; point 4, 5 and 6, on bank of Calalinday River; points 8 and 9, on bank of Lio River.

Bounded on the Northeast, by Calalinday River and property claimed by Abdulia Tejada; on the Southeast, by Property claimed by Abdulia Tejada; on the Southwest, by Lio River; and on the Northwest, by China Sea.

Bearings true. Variation 1 deg. 26'E., Points referred to marked on plan P1-1353.

Surveyed under authority of section Act No. 2874 and in accordance with existing regulation of the Bureau of Lands, by I.D. Cobb, Surveyor, Bureau of Lands, on April 15-16, 1914 and approved on December 19, 1914.

Description written in the Bureau of Lands Office by A.V. and rewritten by A.R. Villaroel on November 11, 1930.

X-X-X-X-X-X-X-X-X-X-X-X-X-X-X-X

ANTONIO E. JUSTO  
Register of Deeds IV  
tpf/

N O T E:

This title is subject to two (2) years period pursuant to the provisions of Section 4, Rule 74 of the New Rules of Court in favor of any possible heirs, creditors or any other person who might be deprived of their lawful participation in the estate of the decedent.

(SGD.) ANTONIETO B. JUSTO  
Register of Deeds II

(Memorandum of Encumbrances continued on Page ..... tpf/-B)  
(Technical Description continued on Additional Sheet ..... Page ..... -)

Register of Deeds



## MEMORANDUM OF AGREEMENT

### KNOW ALL MEN BY THESE PRESENTS:

This Memorandum of Agreement made and entered in to and between:

The **DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES-MIMAROPA**, a government entity duly organized and existing under the laws of the Republic of the Philippines, herein represented by **LORMELYN E. CLAUDIO**, Regional Executive Director, DENR-MIMAROPA Region, herein referred to as DENR-MIMAROPA;

The **TEN KNOTS PHILIPPINES, INC (TKPI)**, a subsidiary of the group of companies owned by Ayala Land Inc. having business and facilities in El Nido, Palawan, herein represented by **JAVIER D. HERNANDEZ**, President, TKPI, herein referred to as TKPI;

and

The **JOINT TASK FORCE MALAMPAYA**, a Western Command, Armed Forces of the Philippines with office address at Headquarters Joint Task Force Malampaya, Brgy. Villa Libertad, El Nido, Palawan, herein represented by **BGEN ROBERT I. VELASCO PN (M)**, Commander, Joint Task Force Malampaya, herein referred to as JTFM-WESCOM.

### WITNESSETH that:

**WHEREAS**, the TEN KNOTS PHILIPPINES, INC. (TKPI) has constructed several facilities within the 40-meter easement zone of Lio River or relatively located South of Lio Airport Runway, Sitio Landing, Brgy. Villa Libertad, El Nido, Palawan which is classified by the statute as timberland/mangrove area but covered by Transfer Certificate of Title (TCT) No. T-10549 registered in the name of TEN KNOTS PHILIPPINES, INC. (TKPI).

**WHEREAS**, the facilities constructed is specifically in violation of Article 51 of the Presidential Decree Number 1067 dated December 1976, also known as "The Water Code of the Philippines", and the TKPI has no approval, whatsoever, from DENR-MIMAROPA to build such facilities;

**WHEREAS**, the said facilities have strategic importance to JTFM-WESCOM in accomplishing its mandate to protect and ensure the unimpeded operation of the Malampaya Natural Gas-To-Power Project (MNGPP) throughout its lifetime;

**WHEREAS**, the TKPI has been issued with Notice of Violation dated July 1, 2020 for violating the provision of Article 51 of Presidential Decree (PD) 1067 or the Water Code of the Philippines.

**WHEREAS**, the use of said facilities by the JTFM-WESCOM shall surely facilitate the operational capability of JTFM-WESCOM in its holistic protection of MNGPP;



**WHEREAS**, the DENR-MIMAROPA and TKPI have agreed in principle that the facilities constructed by the former within the 40-meter easement zone of Lio River, which is by statute classified as timberland/mangrove area but covered by TCT No. T-10549, be used by JTFM-WESCOM to enhance its operational capability in protecting and securing the MNGPP.

**NOW, THEREFORE**, for and in consideration of the foregoing, the DENR-MIMAROPA, TKPI and JTFM-WESCOM have agreed and stipulated the following:

1. That all parties, the DENR MIMAROPA, TKPI and JTFM-WESCOM agreed to maintain the subject facilities which were constructed within the 40-meter easement zone of Lio River, and shall allow the use of such facilities to JTFM-WESCOM;
2. That all parties, come to an agreement that the facilities covered by issued NOV dated July 1, 2020 for purposes of national interest will not be demolished and that the JTFM-WESCOM shall occupy and use the said facilities for its operational and administrative functions;
3. That JTFM-WESCOM shall maintain the cleanliness and upkeep of the said facilities; and
4. That the JTFM-WESCOM shall not construct any additional facilities within the said parcel of land and shall vacate the said facilities/land upon termination of this agreement.
5. That all parties may conduct periodic monitoring on the subject facilities.

#### **ASSIGNMENT**

No Party may assign its interest under this MOA to any other person or entity without the written consent of the other party.

#### **DURATION OF THE AGREEMENT**

This Memorandum of Agreement shall take effect upon signing of the involved parties and shall remain in effect for period of ten (10) years.

#### **BINDING EFFECT**

This agreement shall be binding on the parties and their successors-in-interest.



### **SEPARABILITY CLAUSE**

If any provision contained herein is invalid, illegal or unenforceable in any respect under any applicable law or decisions, the validity, legality and enforceability of the remaining provisions shall not be affected or impaired in any way.

IN WITNESS WHEREOF, the parties hereunto affix their signature this \_\_\_\_\_ day  
of \_\_\_\_\_ 2021, in El Nido, Palawan.

**LORMELYN E. CLAUDIO**  
Executive Director  
DENR-MIMAROPA Region

**JAVIER D. HERNANDEZ**  
President, Ten Knots Philippines Inc.

**ROBERT I. VELASCO PN**  
Brigadier General, PN  
Commander, Joint Task Force Malampaya