

Republic of the Philippines Department of Environment and Natural Resources ECE VE

PROVINCIAL ENVIRONMENT AND NATURAL RESOURCES OFFICE

Bgy. Sta. Monica, Puerto Princesa City, Palawan

Telfax No. (048) 434 - 8791

Email Add: penropalawan@denr.gov.ph

☐ INCOMING ☐ OUTGOING BY: PLONDATS NO.

DENR MIMAROPA

March 3, 2023

MEMORANDUM

.

FOR

The Regional Executive Director

DENR MIMAROPA Region

1515 DENR By the Bay Building, Roxas Boulevard,

Barangay 668, Ermita, Manila

THRU

The OIC, ARD for Technical Services

FROM

The Provincial Environment and

Natural Resources Officer

SUBJECT

ACCOMPLISHMENT REPORT ON ACTIVITY PER WFP (COMPLIANCE MONITORING ON FOREST LAND USE AGREEMENT FOR TOURISM (FLAGT) PURPOSE PANGULASIAN ISLAND, BARANGAY BEBELADAN, EL

NIDO, PALAWAN)

Respectfully forwarded is the memorandum of CENRO Taytay, Palawan dated February 8, 2023 and February 20, 2023 respectively relative the above subject.

CENRO Taytay conducted the compliance monitoring activity on February 2, 2023 on Forest Land Use Agreement for Tourism (FLAgT) with FLAgT No. 12302030-009 located at Pangulasian Island, Brgy. Bebeladan, El Nido, Palawan.

The proponent paid the Annual Government Share (AGS) for CY 2023 dated December 1, 2022 with O.R. No. 6391157 F amounting to Php75,000.00

For information and further instruction.

FELIZARDO B. CAYATOC

Copy Furnished: CENRO Taytay, Palawan <cenrotaytay@denr.gov.ph> KVE/MES Doc. No. 2023-1677

DENR-PALAWAN PENRO-RECORD MAR 2023

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

COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE

5312 Taytay, Palawan

by the National Highway, Poblacion, Taytay, Palawan emailad:cenrotaytay@denr.gov.ph

Contact Nos: 0912-171-3889 (Talk and Text) 0926-505-9335 (TM)

PALAWAN RECORDS

February 20, 2023

MEMORANDUM

DATE: 02-26203 EN 23: 167-7

FOR

: The Provincial and Natural Resources Officer-Palawan

FROM

The Community Environment and Natural Resources Officer

SUBJECT: ACCOMPLISHMENT REPORT ON ACTIVITY PER WFP

Activity: Compliance monitoring of tenure or permit holder

Performance Indicator: Monitoring report with recommendation/endorsed to the

Regional Office through the PENRO (FLAgT=8, SIFMA=1, and SAPA=2)

Frequency of submission: 2 FLAgT for 1st Quarter; 3 FLAgT and 1 SAPA for second

Quarter; and 3 FLAgT, 1 SIFMA, and 1 SAPA for third Quarter

Current submission: Memorandum dated February 8, 2023 of the Compliance Monitoring Team led by the Unit Chief, Forester II Donna C. Tabernilla received as CN 1065 in the eDATS with the recommendations.

Attachment: photo documentation, map, and the accomplished Compliance Monitoring

Sheet for Forestry Tenure (FLAgT)

Gender and	Male = 1 Fen	nale - 2 LGF	BTQ+=0 Prefer	r not to say = 0
Development (GaD)	Note: The team	was joined, he	owever, by the C	CENRO, and two
data	representatives	of Regional O	office who were	male and female.
Age Grouping	60 and above	18-59	17 and below	TOTAL
	1	5	0	6
Environmental	✓ Compliant 1	to 5S organiz	ation techniques	s (SORT – keep
Management System	only necessa	ary items, SE	Γ IN ORDER -	- arrange items to
(EMS Compliance	promote eff	icient workflo	w, SHINE - cle	ean the work area
	so it is neat	and tidy, ST.	ANDARDIZE,	and SUSTAIN -
	maintain and	d review stand	lard)	
	✓ No single-us	se plastic wast	e during the who	ole activity

This is our **Means of Verification** (MoV) on the activity. Please confirm your receipt hereof. Thank you.

DENR CENRO
TAYTAY, PALAWAN
RELEASED
BY:
DAIL: FEB 71 2003 6: 787

CONRADO M. CORPUZ



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 ™ 0912-171-3889 TNT

Email: cenrotaytay@denr.gov.ph

February 8, 2023

MEMORANDUM

FOR

The Community Environment and

Natural Resources Officer

Taytay, Palawan

FROM

Compliance Monitoring Team

SUBJECT

COMPLIANCE MONITORING ON FOREST LAND USE AGREEMENT FOR TOURISM (FLAGT) PURPOSE IN PANGULASIAN ISLAND, BARANGAY BEBELADAN, EL NIDO,

PALAWAN

This pertains to the target for monitoring and evaluation of the implementation of ENR programs and projects including compliance with the existing policies and agreements under formulation and monitoring of ENR sector policies, plans, programs, and projects including the monitoring of existing Forest Land Use Agreement For Tourism (FLAgT) Purposes of this Office.

In view hereof, please be informed that on February 2, 2023 the personnel of this Office with the assistance of the representatives of tenure holder Ten Knots Philippines Incorporated monitored and evaluated the performance and effectiveness of management on Forest Land Use Agreement for Tourism (FLAgT) No. 12302030-009 located in Pangulasian Island, Barangay Bebeladan, El Nido, Palawan based on the terms and conditions stipulated in the agreement and performance evaluation sheet for forestry tenure at Pangulasian Island, Barangay Bebeladan, El Nido, Palawan. Hereunder are the findings and observations of the team, as follows:

- 1. That pursuant to DENR Administrative Order No. 2004-28 dated August 25, 2004 and other related laws and regulations, the Forest Land Use Agreement for Tourism (FLAgT) No. 12302030-0009 (Bathing Establishment was approved and awarded to Ten Knots Philippines Inc. on December 27, 2005 to be expired on December 30, 2030 covering an area of 50,000 square meters located at Pangulasian Island, Bebeladan, El Nido, Palawan.
- 2. That as per Memorandum dated July 27, 2021 of the Regional Executive Director, this Office was instructed to implement the New Annual Government Share of FLAgT No. DENR IV-MIMAROPA-12302030-009 amounting to Php 2,375,000.00 based on the reevaluated user's fee in accordance with DAO 2004-28.
- 3. That due to advent of COVID-19 Pandemic, the Office of the Secretary through Memorandum dated March 4, 2022 suspended the implementation of New Annual Government Share and directed to apply the previous appraisal value or rate in the collection of fees and charges to all tenure instrument holders involved in tourism/ecotourism development projects and other tourism-dependent business
- 4. That holder is compliant in paying the annual government share. Based on records, the corporation paid the rental fee for Calendar Year 2023 dated December 1, 2022 with OR No. 6391157 F amounting to 75,000 Pesos. (*see Annex A*).
- 5. That, as to perfomance and effectiveness of management of the tenure holder, the following were strictly observed and implemented, to wit:

- a. Ecological Solid Waste Management and Hazardous Waste the holder observed proper waste disposal. Hazardous waste such as used cooking oil and engine used oil is collected regularly by Bantay Kalikasan for proper disposal.
- b. Sewage Treatment Plant (STP) is operational treating wastewater from lavatories and kitchens for re-use in lavatories.
- c. Desalination Facility is operational for daily water needs other than drinking.
- d. Energy Source the holder has four (4) set of generators but using two (2) sets at a time. For environmental compliance, an air scrubber were employed to minimize if not to eliminate the emission.
- e. Corporate Responsibility and Sustainability Program the holder maintains conservation and protection over their approved area by cleanup and patrolling and tree planting. As evidence of these Corporate Social Responsibilty and Sustainability Program is the lush mountain surrounding the area that being enjoyed by the tourists and the presence of wildlife, an indicator of rich biodiversity.

6. That, as to facillities, finding were following:

a. That per site inspection, the villas, hotels and other structures are within the 40 meters easement zone which is prohibited under Article No. 51 of Presidential Decree 1067 also known as the Water Code of the Philippines that states "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."

However, the approved area has not yet subject to relocation and delineation survey to identify which structures fall on within the easement.

7. Other findings:

- a. The holder failed to delineate, mark and preserve the monuments and other landmarks indicating corners and outlines along the boundaries of the approved area.
- b. Establishment of trail, water storage facility and view deck outside the approved area which is prohibited under Section 17.1.3 of DAO 2004-28 that provides "FLAgT may be suspended or canceled for occupation by FLAgT holder of an area greater or other than that covered by the management agreement".
- c. The FLAgT holder failed to present its annual report CY 2022 as to its compliance with the approved Comprehensive Development Management Plan (CDMP) as stipulated in section 15 of DAO 2004-28.

Recommendation

In view of the above findings and circumstances, the Compliance Monitoring Team respectfully recommends the following to wit;

1. Conduct a joint relocation and delineation survey in compliance with the memorandum dated May 19, 2021 of Regional Executive Director Maria Lourdes G. Ferrer. Subsequently, the identification of structures falls within the easement.

- 2. The Office to issue to Show Cause Order why should not the suspension or cancellation of FLAgT be imposed on FLAgT No. 12302030-009 based on Section 17.1.3 of DAO 2004-28 "occupation of FLAgT Holder of an area greater or the than that covered by the management agreement"?
- 3. Reiteration of the letter dated February 26, 2021 of this Office regarding application for appropriate tenurial instrument on the area occupied outside the approved FLAgT area and not covered by the management agreement.
- 4. Advise the tenure holder to submit their Annual Report for 2022.

Attached herewith are the accomplished performance evaluation form for forestry tenure, map, and photo documentation of the monitoring activity.

For information and further instruction.

FOR. RICHARD M. PARIÑAS Forest Ranger

Land Management Officer II

FOR. DONNA C. TABERNILLA

Forester II/ Chief, Compliance & Monitoring Unit

PHOTO DOCUMENTATION

a) Review of Documents





b) Site inspection









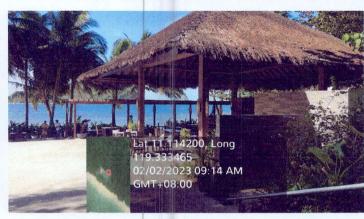








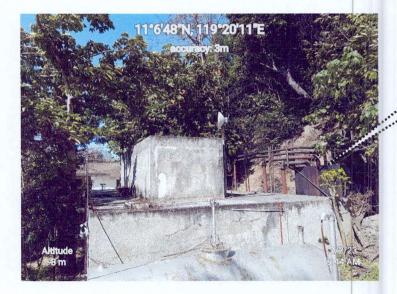




c. Generator sets







Air Scrubber

c. Sewage Treatment Plant (STP)









Storage of used engine oil and cooking oil







COMPLIANCE MONITORING SHEET FOR FORESTRY TENURE (FLAgT)

Monitoring Date: February 2, 2022 Monitoring Time: 9:00 AM

A. BASIC INFORMATION:

Name of Company: Ten Knots Philippines Incorporated (TKPI)	
Location of Area (Sitio, Brgy, Mun): Pangulasian Island, Bebeladan, El Nido	Area in Sq. Meter: 50,000
Business Address: (email, messenger acct. & contact number) mlaririt@tenle	knots.com
Amount of Annual Government Share: 75,000	Date Paid/OR No. 12/1/2022/ 6391157 F
Year of last evaluation (Per Section 16 of DAO 2002-28): 2022	
Nature of Land-use (Per Section 4 of DAO 2004-28: Bathing Establishment	
Tenure Instrument Number: DENR 4B-MIMAROPA-12302030-0009	Date of Issuance: 12/27/2005
Kind of Tenure Instrument: FLAgT	Expiry Date: 12/30/2030
Contact Person/Designation: Mariglo Laririt, Executive Director	
Name of Pollution Control Officer (PCO): JEFFREY MONROID	
PCO Accreditation No. COA No. 2021R4B00664	Effectivity: May 26, 2024
Contact No. 09159230857	Email: jmonroid@elnidoresorts.com

B. COMPLIANCE TO EXISTING ENR LAWS, RULES AND REGULATIONS:

Conditions	Yes	No	Remarks
NCIP/Cert. of Pre-Condition/ Date Issued		1	
2. Free and Prior Informed Consent/ Date Issued		1	
1. Compliant to ECC – PD 1586, Philippine Environmental Impact Assessment/ DAO 2003-30	/		
 Compliant to RA 6969, Toxic and Hazardous Waste Act of 1999/ DAO 1992-29 	/		
3. Compliant to RA 8749, Clean Air Act of 1999/ DAO 2000-81	/		
4. Compliant to RA 9003, Ecological Solid Waste Management Act of 2000/ DAO 2001-34	/		
5. Compliant to RA 9275 Clean Water Act of 2004/ DAO 2005- 10	/		
6. Compliant to PD 705, Forestry Reform Code of the Philippines	/		
7. Compliant to Water Code of the Phil./ Article No. 51-PD 1067 (No Permanent Structures within Easement Zones)			Hotels and Villas falls within the 40 meters easement zone.
a) Within 3 meters in Urban Areas		/	
b) Within 20 meters in Agricultural (A&D) Areas			
c) Within 40 meters in Timberland Areas		Land Wall	

C. COMPLIANCE PURSUANT TO DENR ADMINISTRATIVE ORDER NO. 2004-28

	Response		
Terms and Conditions	Yes or No	Remarks	
14.1. THE BOUNDARIES OF THE FLAGT AREA WAS DELINEATED AND MARKED ON THE GROUND WITHIN WITHIN SIX (6) MONTHS FROM THE ISSUANCE OF THE AGREEMENT?	NO		
14.2. THE FLAGT HOLDER SUBMITTED THE SITE MANAGEMENT PLAN FOR THE PROTECTION OF THE ENVIRONMENT AND CONSERVATION OF THE AREA WITHIN 3 MONTHS FROM ISSUANCE.	YES		

Terms and Conditions	Res	sponse
Terms and Conditions	Yes or No	Remarks
14.3. The holder secured the required Environmental Compliance Certificate (ECC) and other necessary permits prior the conduct of any activity in the area?	YES	
14.4. The holder utilized the area only for the purpose for which the FLAgT was granted. If the area was utilized for other purpose/s other than what was approved, is prior approval secured from the Secretary of his duly authorized representative?	YES	
14.5. In all instances, cutting of trees within the FLAgT area shall be subject to prior clearance by the DENR in accordance with existing rules and regulations. If there are cutting of trees, is prior clearance secured from DENR Secretary of his duly authorized representative?	YES	
14.6. Is the practice of Ecological Solid Waste Management properly observed and implemented? Is the Clean Water Act observed and followed (STP, Water Discharge Permit, etc)?	YES	
14.7. Is biodiversity in the area especially those identified as unique, rare and endangered species of flora and fauna strictly protected?	YES	
14.8. Is there any changes in the management, ownership or capital stock of the company or corporation or transfer of a majority of the stock or shares of the company or corporation as provided for in PD 705, as amended? If so, did the proponent immediately informed the RED or his/her duly authorized representative?	NO	No changes in the management and ownership
14.9. The holder are willing to surrender to the RED of his/ her duly authorized representative the agreement if not to be renewed on the date of expiration, or if the holder is no longer interested in the area, or in case of cancellation, immediately after the effectivity of its cancellation?	YES	
14.10. Is the holder fully aware that in case of death of individual FLAgT holder, the heir(s) may apply for the transfer of FLAgT within ninety (90) days upon his/ her death?	YES	
14.11. Is the tenure holder aware that the FLAgT shall not be construed as permit to obstruct the free navigation of any stream, creek or river or marine coastal area adjoining or flowing through the area or to prohibit or interfere with the passage of people along such streams, creeks or rivers or banks thereof? Or to impeded the flow and ebb of the tide to and from the interior of the swamps?	YES	

D. IMPROVEMENTS INTRODUCED:

Type of Improvement Introduced	Approximate Value of Improvement	STATUS (permanent or temporary)	REMARKS
A. Current Year 2022			
1. Land	No Data		
2. Buildings	No Data		
3. Infra/Machineries	No Data		
4. Plantation	N/A		
5. Other Improvements	N/A		
B. Previous Years (
1. Land	No Data		
2. Buildings	No Data		
3. Infra/Machineries	No Data		
4. Plantation	N/A		
5. Other Improvements	N/A		

E. PAYMENT OF ANNUAL GOVERNMENT SHARE/RENTAL/FOREST FEES: (O.R. copy hereto attached)

Particulars	Amount	Official Receipt No.	Date Issued	Remarks (Indicate if updated or not)
Government Share/Rental	75, 000	6391157 F	December 1, 2022	Updated
Performance Bond				
Forest Charges				
Surcharges				

F. Other environmental, social activities by the holder (e.g. tree planting, coastal clean up, gift giving etc)

The management is regularly conducting coastal clean up.

G. FINDINGS AND RECOMMENDATIONS

- a. The holder failed to delineate, mark and preserve the monuments and other landmarks indicating corners and outlines along the boundaries of the approved area.
- b. Establishment of trail, water storage facility and view deck outside the approved area which is prohibited under Section 17.1.3 of DAO 2004-28 that provides "FLAgT may be suspended or canceled for occupation by FLAgT holder of an area greater or other than that covered by the management agreement".
- c. The FLAgT holder failed to present its annual report CY 2022 as to its compliance with the approved Comprehensive Development Management Plan (CDMP) as stipulated in section 15 of DAO 2004-28.

In view of the above findings and observations, the undersigned recommends the following:

- Conduct a joint relocation and delineation survey in compliance with the memorandum dated May 19,
 2021 of Regional Executive Director Maria Lourdes G. Ferrer. Subsequently, the identification of structures falls within the easement.
- The Office to issue to Show Cause Order why should not the suspension or cancellation of FLAgT be imposed on FLAgT No. 12302030-009 based on Section 17.1.3 of DAO 2004-28 "occupation of FLAgT Holder of an area greater or other than that covered by the management agreement"?
- Reiteration of the letter dated February 26, 2021 of this Office regarding application for appropriate tenurial instrument on the area occupied outside the approved FLAgT area and not covered by the management agreement.
- Advise the tenure holder to submit their Annual Report for 2022.

H. DETAILS AND SIGNATURE OF MONITORING TEAM:

WE HEREBY CERTIFY to the correctness of the data and information as contained herein to the best of our knowledge and belief.

Name	Position/Designation/Office	Signature	
DONNA C. TABERNILLA	Forester II/Chief, Compliance and Monitoring	NRuning	
ELVIE G. BASE	Land Management Officer II	montronse	
RICHARD M. PARIÑAS	Forest Ranger	Maria	

I. ATTACHMENT/S

(See attached photo or geo-tagged/map/and other documentations)

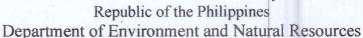
SUBSCRIBED AND SWORN to before me this 8th day of February, 2023 at Poblacion, Taytay, Palawan.

CONRADO M. CORPUZ

Authorized Person to Administer Oath



	Official Receipt of the Republic of the Philippines					
	Nº	Nº 6391157 F				
	Date	DEC 0 1 202	2			
Agency DENR.	CENDO TA	and a little state of the second				
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MIMAROPA Region

COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE

by the National Highway, Poblacion, Taytay, Palawan 5312 Mobile: 0926-505-9335 ™ 0912-171-3889 TNT

Email: cenrotaytay@denr.gov.ph

January 16, 2023

MS. MARIGLO LARIRIT

Executive Director Ten Knots Philippines, Inc. Masagana, El Nido, Palawan

Madam,

Environmental Greetings!

Please be informed that a team from Regional Office will conduct an inspection, monitoring, and performance evaluation of the areas covered by the approved Forest Land Use Agreement for Tourism (FLAgT) Purposes within the jurisdiction of this Office on February 1-3, 2023.

On the same date, the CENRO Compliance Monitoring team of this office will simultaneously inspect, monitor, and evaluate the area covered by the FLAgT areas as part of the annual target on compliance monitoring of Forest tenurial instruments. The team will be headed by Chief of Compliance, Monitoring and Investigation Section DMO III Bibiana Lyn T. Aguha along with eight (8) others.

Moreover, respectfully requests the following documents during the inspection to wit;

- 1. Approved Comprehensive Development Management Plan (CDMP)
- 2. Annual Report (CY 2022);
- 3. Name/ Accreditation No./Date of Effectivity/Contact Number/Email of assigned Pollution Control Officer;
- 4. Updated Tax Declaration; and
- 5. List of environmental and social activities by the holder.

This is a courtesy notice and we will also be glad to receive a response from you. For clarification and queries please contact Forester Donna C. Tabernilla at the numbers above.

Thank you.

Yours,

CONRADO M. CORPUZ

Community of Environment of Natural

Resources Officer

JAN 16 2023 9 107

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MIMAROPA Region

COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE

by the National Highway, Poblacion, Taytay, Palawan 5312 Mobile: 0926-505-9335 ™ 0912-171-3889 TNT

Email: cenrotaytay@denr.gov.ph

February 26, 2021

MS. MARIGLO LARIRIT

Director Ten Knots Philippines Incorporated Bgy. Masagana, El Nido, Palawan DESTRUCTION OF SHEET OF SHEET

Ma'am,

Environmental Greetings!

This pertains to the findings in the inspection and evaluation of the Compliance Monitoring Team of this Office last year 21/20 over the areas of Ten Knots Philippines Incorporated (TKPI) covered with Forest Land Use Agreement for Tourism (FLAgT) purposes.

Please be informed that the team found some structures constructed and developed by TKPI outside the approved FLAgT area namely:

- a. Approximately 761 meters trail, construction of view facility. These are outside of the area of approved MIMAROPA 1232030-0009 in Pangulasian Island, Barangay Bebeladan, EL
 —Nido, Palawan,
- Approximately 129 meters trail outside the area of the approved FLAgT No. DENR IV- MIMAROPA – 1232030-0008 in Lagen Island, Barangay Aberawan, El Nido, Palawan and
- c. Bacuit Bay Development Corporation (BBDC) subsidiary of TKPI has structures outside the area of approved FLAgT No. DENR 4B-1232029-0002 and DENR 4B-12302029-0003 such as docking facilities, pathways and 32 villas.

In view hereof, you are hereby advised to file application for Special Use Agreement in Protected Area (SAPA) for the areas in Pangulasian Island and Lagen Island, El nido and Forest Land use Agreement for Tourism (FLAgT) purposes in area located in Apulit Island, Bgy. Maytegued, Taytay, Palawan. The government, through this Office, will also require you to pay occupational fee starting from the time these structures were introduced without prejudice to other reliefs brought by iXegal occupation of the firm.

poneta Pisano 3/04/21 troi- Admi. apria, 10: Nom Community Environment and Natural Resources Officer

Copy furnish

PAMO ENTMRPA, ELNido PENRO Palawan, PPC MIMAROPA Region, Ermita, Manilo