



Republic of the Philippines
Department of Environment and Natural Resources
MIMAROPA Region
PROVINCIAL ENVIRONMENT AND NATURAL RESOURCES OFFICE
Bgy. Sta. Monica, Puerto Princesa City, Palawan
Telfax No. (048) 434 - 8791
Email Add: penropalawan@denr.gov.ph

DENR MIMAROPA RECORDS SECTION	
RECEIVED	
BY:	
DATE:	
TIME:	

March 15, 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 : COMPLIANCE MONITORING OF APPROVED FOREST LAND
USE AGREEMENT FOR TOURISM (FLAgT) PURPOSES OF TEN
KNOTS PHILIPPINES INCORPORATED (TKPI) LOCATED AT
APULIT ISLAND, BARANGAY MAYTEGUED, TAYTAY,
PALAWAN

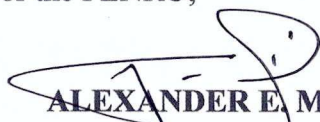
Respectfully forwarded is the memorandum of CENRO Taytay, Palawan dated March 8, 2023 relative the above subject.

Per memorandum, CENRO Taytay conducted the compliance monitoring activity on February 3, 2023 on Forest Land Use Agreement for Tourism (FLAgT) with FLAgT No. 12312029-2 (Bathing Establishment), FLAgT No. 12312029-0003 (Hotel Site), FLAgT No. 12312029-0004 (Camp Site) located at Brgy. Maytegued, Taytay, Palawan.

The proponent paid the Annual Government Share (AGS) for CY 2023 dated December 1, 2022 with O.R. No. 6391156 F amounting to Php172,500.00, O.R. No. 6391154 F amounting to Php90,000.00 and O.R. No. 6391155 F amounting to Php27,150.00.

For information and further instruction.

For the PENRO;


ALEXANDER E. MANCIO
Supervising ECOMS/ Executive Assistant of PENRO Palawan
In Charge, Office of the PENRO

Copy Furnished:
CENRO Taytay, Palawan
<cenrotaytay@denr.gov.ph>
KVE/MES Doc. No. 2023-2131

DENR-PALAWAN
PENRO-RECORDS
RELEASED
By 
Date: 15 MAR 2023 2023-686



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
email: cenrotaytay@denr.gov.ph

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

DENR PENRO
PALAWAN RECORDS
RECEIVED

March 08, 2023

MEMORANDUM

BY: [Signature]
DATE: 03-10-2023 ON 23-2131

FOR : The Provincial and Natural Resources Officer-Palawan

FROM : The Community Environment and Natural Resources Officer

SUBJECT : **ACCOMPLISHMENT REPORT ON ACTIVITY PER WFP**
Compliance Monitoring of Approved Forest Land Use Agreement
for Tourism (FLAgT) purposes of Ten Knots Philippines,
Incorporated in Apulit Island in Bgy. Maytegued, Taytay, Palawan

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 1 st 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 20, 2023 of the Compliance Monitoring Team led by the Unit Chief, Forester II Donna C. Tabernilla received as CN 1443 in the Edats with the recommendations.				
Attachment: photo documentation, and the accomplished Compliance Monitoring Sheet for Forestry Tenure (FLAgT)				
Gender and Development (GaD) data	Male = 1 Female – 2 LGBTQ+=0 Prefer not to say = 0 Note: The team was joined, however, by the CENRO, and two representatives of Regional Office who were male and female.			
Age Grouping	60 and above	18-59	17 and below	TOTAL
	1	5	0	6
Environmental Management System (EMS Compliance)	✓ Compliant to 5S organization techniques (SORT – keep only necessary items, SET IN ORDER – arrange items to promote efficient workflow, SHINE – clean the work area so it is neat and tidy, STANDARDIZE , and SUSTAIN – maintain and review standard) ✓ No single-use plastic waste during the whole activity			
Recommendations	The team recommends the following to wit: 1. Strictly observed proper waste disposal. 2. To submit their annual Report for CY 2022 and Comprehensive Development and Management Plan (CDMP). 3. To reconcile the existing law and policies to come up with defined guidelines and endorsement to NWRB for evaluation and further action in regard to the construction of permanent structures within easement			

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

DENR CENRO
TAYTAY, PALAWAN
RELEASED

BY: [Signature]
DATE: MAR 08 2023 ON 962

CONRADO M. CORPUZ
CENRO



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 TM 0912-171-3889 TNT
Email: cenrotaytay@denr.gov.ph

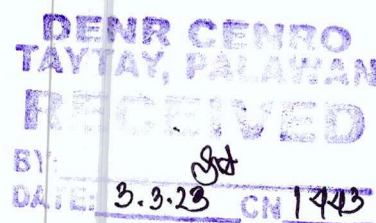
February 20, 2023

MEMORANDUM

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

FROM : Compliance Monitoring Team

SUBJECT : **COMPLIANCE MONITORING OF APPROVED FOREST LAND USE
AGREEMENT FOR TOURISM (FLAgT) PURPOSES LOCATED IN
APULIT ISLAND, BARANGAY MAYTEGUED, TAYTAY 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) Purpose of this Office.

In view hereof, please be informed that on February 3, 2023, the CENRO Taytay personnel with the assistance of the representatives of Ten Knots Philippines, Inc. (TKPI) monitored and evaluated the performance and effectiveness of the company's management over its Forest Land Use Agreement for Tourism (FLAgT) areas in Apulit Island, Barangay Maytegued, Taytay, Palawan based on the terms and conditions stipulated in the agreement and performance evaluation sheet for forestry tenure. 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. 12312029-2 (Bathing Establishment), 12312029-0003 (Hotel Site), and 12312029-0004 (Camp Site) was approved and awarded to Bacuit Bay Development Corporation (BBDC) on December 24, 2004 to be expired on December 31, 2029 covering an area of 115,000 square meters, 60,000 square meters and 18,100 square meters respectively located at Apulit Island, Barangay Maytegued, Taytay, 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. 12312029-2 (Bathing Establishment), 12312029-0003 (Hotel Site), and 12312029-0004 (Camp Site) amounting to Php 2,300,000.00, Php 1,200,000, Php 362,000.00 respectively based on the re-evaluated 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 Bacuit Bay Development Corporation (DBDC) is compliant in paying the annual government share. Based on records, the corporation paid the rental fee for CY 2023 dated December 1, 2022 with OR No. 6391156 amounting to 172,500.00 Pesos, OR No. 6391154 amounting to 90,000.00 Pesos and OR No. 6391155 amounting to 27, 150.00 Pesos.

5. That, as to the performance 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, however, some waste was observed in the bathing establishment area. Thus, the team reminded the management to maintain the cleanliness of the area even though the site is not operational.
 - b. Desalination Plant – desalination facility is operational for daily water needs other than drinking.
 - c. Energy Source – the holder has four (4) sets of generators but uses one (1) set at a time for the personnel/laborer's needs.
 - d. Corporate Social Responsibility and Sustainability Program – the holder maintains conservation and protection over their approved area by conducting regular coastal cleanup and patrolling. As evidence of these Corporate Social Responsibility and Sustainability Program is the lush mountain surrounding and the presence of wildlife like monitor lizard and long-tailed macaque spotted during the monitoring, an indicator of rich biodiversity.
6. The structures such as villas, pathways, restaurants, and other facilities fall within forty (40) meters easement which is prohibited under Article No. 51 of Presidential Decree 1067 also known as the Water Code of the Philippines states that *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.*

Based on the relocation survey conducted on March 12, 2022, it was found that sixteen (16) villas located in the eastern part of FLaGT No. 12312029-0003 (Hotel Site) fall outside the approved area which is prohibited under Section 17.1.3 of DAO 2004-28 states that the FLaGT may be suspended for occupation by FLaGT holder of an area greater or other than that covered by the management agreement. These structures were established prior to the conversion of Special Land Use Permit (SLUP) to Forest Land use Agreement for Tourism (FLaGT) purposes under the management of Santa Isabelle Corporation.

7. That the holder introduced Globe repeater tower within the FLaGT area of the Hotel Site that provides the signal and connection within the island.
8. That the holder failed to present the Comprehensive Development Management Plan (CDMP) and Annual Report.
9. That the holder maintains protection over the approved area by conducting coastal cleanup and regular patrolling.

Other finding;

1. In the meantime the FLaGT areas are under renovation, thus, the operation was stopped and is to be resumed the next year.

COMMENT AND RECOMMENDATION

Similar to other existing FLaGT areas, the structures and facilities within the easement is the remarkable one. This is the same finding every year and the Office' recommendation is also the same, to notify the tenure holder of their violation on the provision of PD 1067, an issue to be addressed whether or not it is considered a violation.

On December 15, 2021, Regional Executive Director Maria Lourdes C. Ferrer clarified the policy concerning the construction of permanent structures within the offshore areas adjacent to forestlands and protected areas.

A memorandum dated February 21, 2022 of Assistant Secretary Marcial C. Amaro, Jr. responded to the matter, to wit;

- *Section 16 of PD 705, or the Forestry Reform Code of the Philippines, states that twenty (20) meter strips of land along the edge of the normal high waterline of rivers and streams with channels of at least five (5) meters wide, and strips of mangrove or swamplands at least twenty (20) meters wide, along shorelines facing lakes are all **needed for forest purposes**. Furthermore, the Code, in Section 19, acknowledges that forest serve multiple uses but the **“numerous beneficial uses** of the timber, land, soil, water, wildlife, recreation value and grass of forest lands **shall be evaluated and weighted before allowing the utilization, exploitation, occupation or possession thereof, or the conduct of any activity therein.***
- *Article No. 51 of Presidential Decree 1067 also known as the Water Code of the Philippines which provide “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**”*
- *Article 51 vis-à-vis Article 38 of PD 1067, it may be interpreted that the construction of **any structures might be allowed in those areas as long as permits from proper offices will be obtained by the developers, and the conditions enumerated therein shall be complied with religiously.***
- *DAO 2004-28, provided guidelines on how sustainably manage forestlands for tourism purposes. With the effectivity of this regulation, some easements adjacent to forestlands nationwide are now being used as bathing establishment. Such establishments do not contravene PD 1067, Article 51, since one of the uses of water under Article 10 of the same law is recreation. To use water for recreational purposes, as defined by that law, is to utilize it “for swimming pools, bathhouses, boating, water skiing, and other similar facilities in resorts and other places of recreation”.*

The team deliberated also on the recommendation of Assistant Secretary for Policy, Planning Foreign-Assisted Special Project Marcial C. Amaro, Jr. stating that “concerned agencies who will issue permit for the use of the easement must determine through comprehensive evaluation that the said issuance is inevitable for the project and shall benefit public interest and national development.” To apply this in the case of Apulit Island, the use of easement is inevitable because its buildable area is only limited.

With this the team recommends the following:

1. The Office to issue to Show Cause Order for non compliance on the following provisions of DAO 2004-28, to wit;
 - section 17.1.3 - “occupation of FLAgT Holder of an area greater or other than that covered by the management agreement”

- Section 17.1.4 - “allowing unauthorized person/s to use the area or any portion thereof; or for using the area or any portion thereof for purposes other than what is specified in the management agreement”
2. Reconciliation of the existing laws and policies to come up with defined guidelines and endorsement to the National Water Resources Board (NWRB) for the evaluation and further action concerning the construction of permanent structures within easement/offshore areas.
 3. Advise the tenure holder to submit their Annual Report for CY 2022 and Comprehensive Development and Management Plan (CDMP).

Attached are the geotagged photos, map, and filled-out monitoring and evaluation form of the activity.

For information and record.

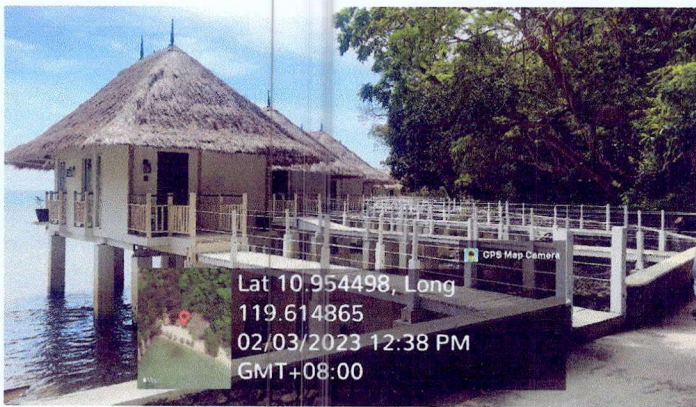
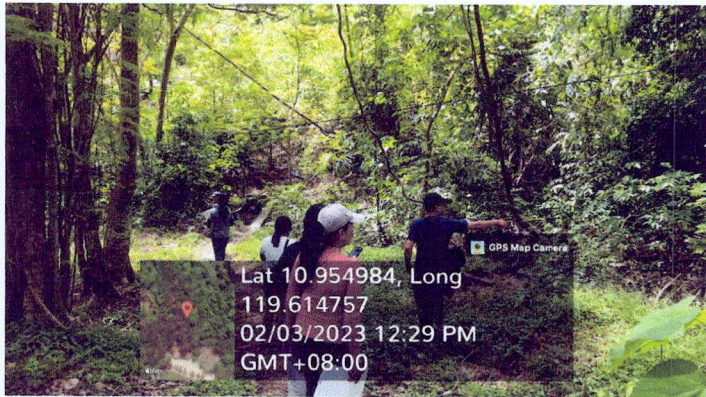
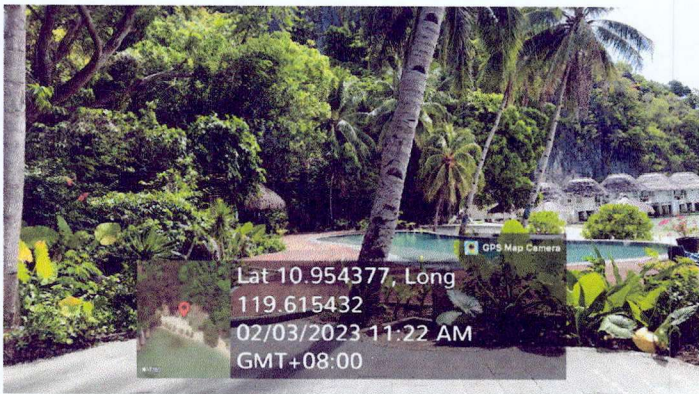
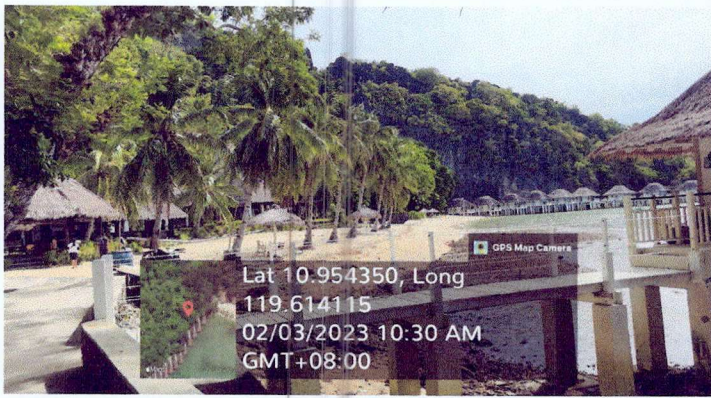
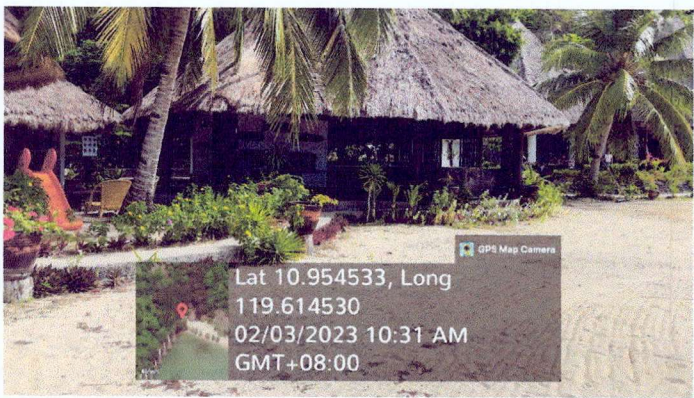
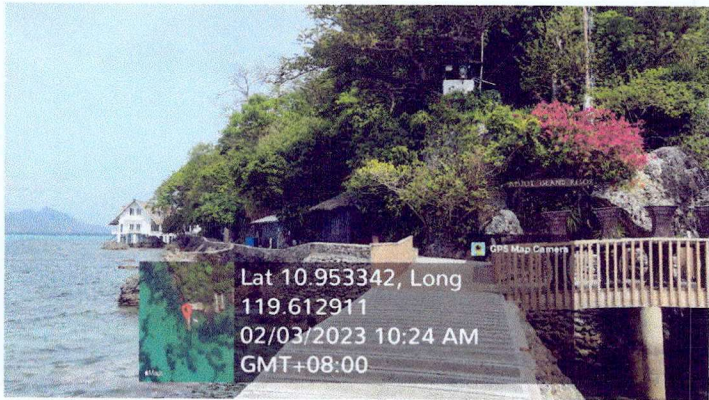

FOR. RICHARD M. PARIÑAS
Forest Ranger


ELVIE G. BASE
Land Management Officer II

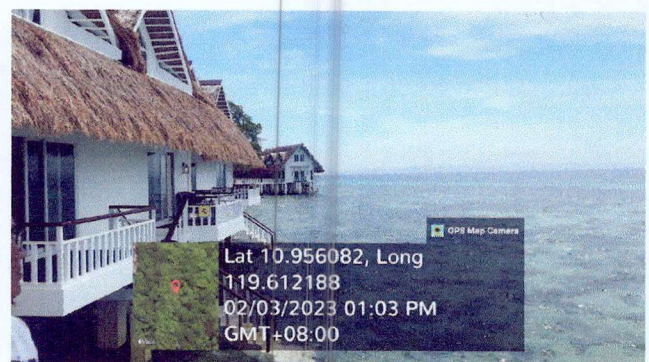
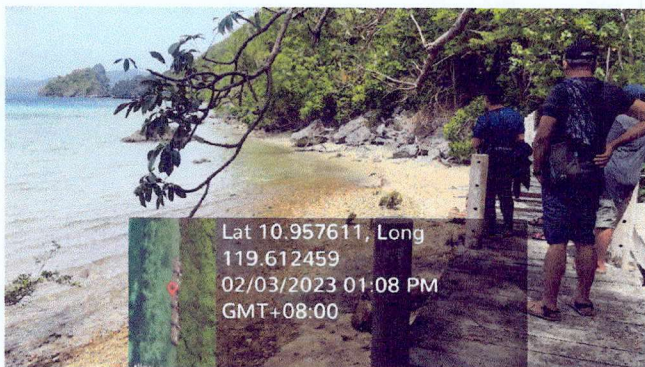
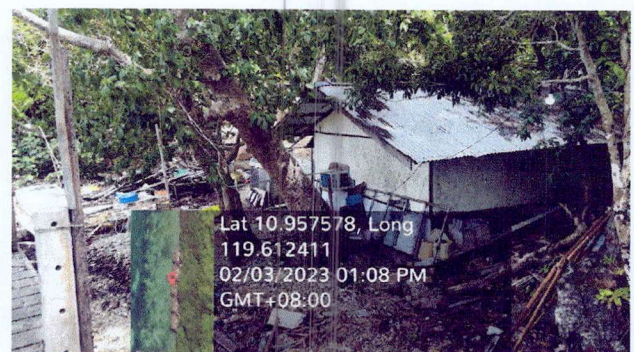
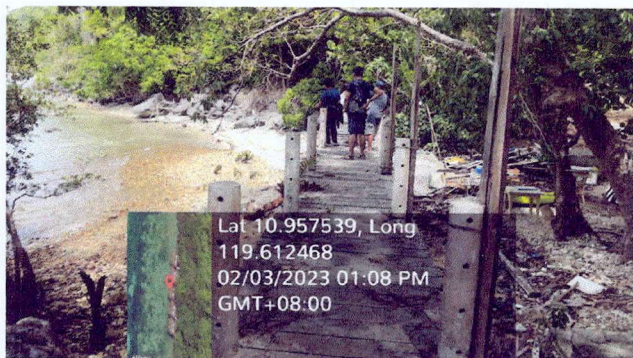

FOR. DONNA C. TABERNILLA
Forester II/ Chief, Compliance & Monitoring Unit

PHOTO DOCUMENTATION

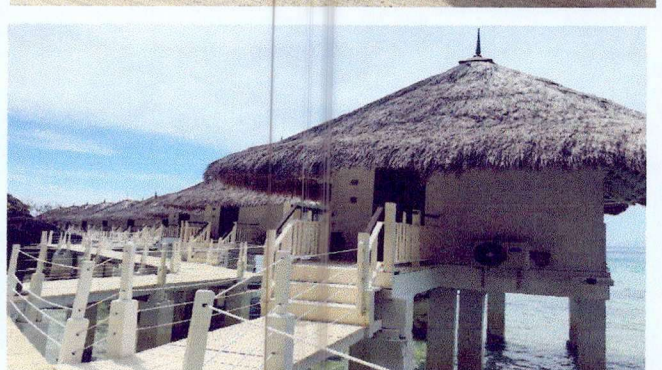
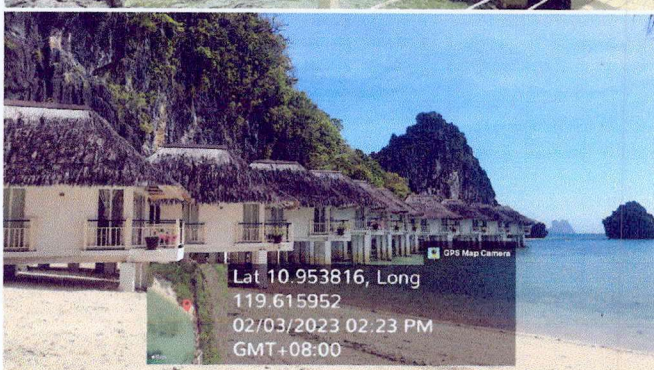
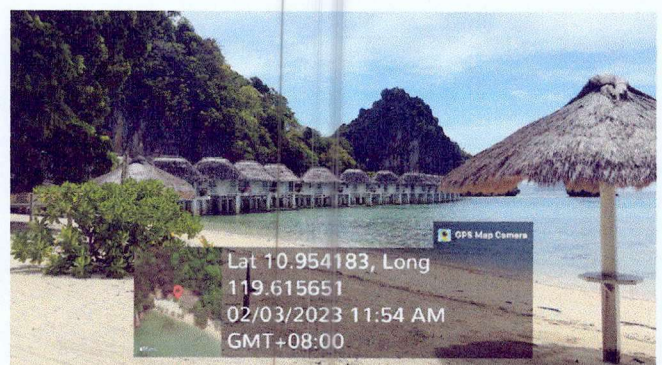
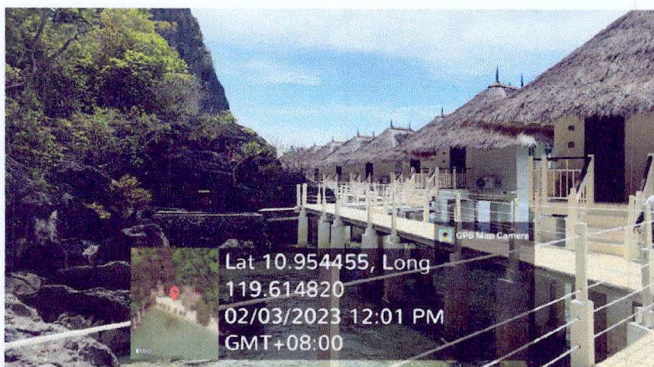
(FLAgT) No. 12312029-0003 (Hotel Site)



(FLAgT) No. 12312029-2 (Bathing Establishment)



16 villas/water cottages fall outside the approved FLAgT area



(FLAgT) No. 12312029-0004 (Camp Site)



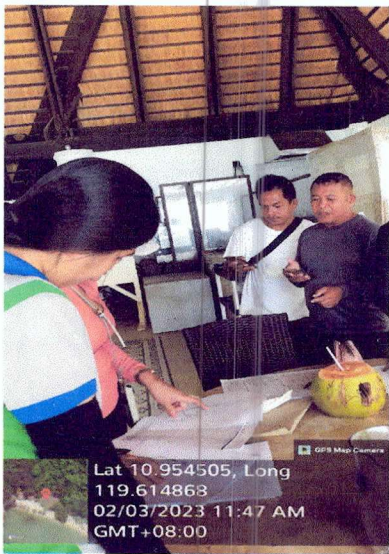
Monument/boundary inspection



Solid waste inspection



Review of the documents



COMPLIANCE MONITORING SHEET FOR FORESTRY TENURE (FLAgT)

Monitoring Date: February 3, 2023	Monitoring Time: 10:30 A.M
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A. BASIC INFORMATION:

Name of Company: Bacuit Bay Development Corporation	
Location of Area (Sitio, Brgy, Mun): Apulit Island, Mayteged, Taytay, Palawan	Area in Sq. Meter: 115,000
Business Address: (email, messenger acct. & contact number) mlaririt@tenknots.com	
Amount of Annual Government Share: 172,500.00	Date Paid/OR No. 12/01/2022/6391156 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-12312029-2	Date of Issuance: 12/24/2004
Kind of Tenure Instrument: FLAgT	Expiry Date: 12/31/2029
Contact Person/Designation: Mariglo Laririt, Executive Director	
Name of Pollution Control Officer (PCO): None	
PCO Accreditation No. COA No.	Effectivity:
Contact No.	Email:

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

Conditions	Yes	No	Remarks
1. NCIP/Cert. of Pre-Condition/ Date Issued		/	
2. Free and Prior Informed Consent/ Date Issued		/	
1. Compliant to ECC – PD 1586, Philippine Environmental Impact Assessment/ DAO 2003-30	/		
2. 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) a) Within 3 meters in Urban Areas b) Within 20 meters in Agricultural (A&D) Areas c) Within 40 meters in Timberland Areas		/	Hotels and Villas falls within the 40 meters easement zone.

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

TERMS AND CONDITIONS	Response	
	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?	YES	
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.	NO	
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 2023				
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 2022				
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	172,500.00	6391156 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)


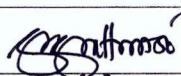
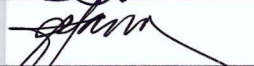
Patrolling within the FLAgT areas.	

G. FINDINGS AND RECOMMENDATIONS

FLAgT areas are under renovation, thus, the operation was stopped and is to be resumed the next year.	
The holder failed to present the Comprehensive Development Management Plan (CDMP) and Annual Report.	
Some solid waste was observed in the bathing establishment area.	
The structures such as villas, pathways, restaurants, and other facilities fall within forty (40) meters easement which is prohibited under Article No. 51 of Presidential Decree 1067 also known as the Water Code of the Philippines.	
In view of the above findings and observations, the undersigned recommends the following: <ul style="list-style-type: none">Strictly observed proper waste disposal.Advise the tenure holder to submit their Annual Report for CY 2022 and Comprehensive Development and Management Plan (CDMP).Reconciliation of the existing laws and policies to come up with defined guidelines and endorsement to the National Water Resources Board (NWRB) for the evaluation and further action concerning the construction of permanent structures within easement/offshore areas.	

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	
ELVIE G. BASE	Land Management Officer II	
RICHARD M. PARIÑAS	Forest Ranger	

I. ATTACHMENT/S

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

SUBSCRIBED AND SWORN to before me this _____ day of _____ at Taytay, Palawan.


CONRADO M. CORPUZ
CENRO
Authorized Person to Administer Oath

COMPLIANCE MONITORING SHEET FOR FORESTRY TENURE (FLAgT)

Monitoring Date: February 3, 2023	Monitoring Time: 10:30 A.M
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A. BASIC INFORMATION:

Name of Company: Bacuit Bay Development Corporation	
Location of Area (Sitio, Brgy, Mun): Apulit Island, Maytegued, Taytay, Palawan	Area in Sq. Meter: 60,000
Business Address: (email, messenger acct. & contact number) mlaririt@tenknots.com	
Amount of Annual Government Share: 90,000.00	Date Paid/OR No. 12/01/2022/6391154 F
Year of last evaluation (Per Section 16 of DAO 2002-28): 2022	
Nature of Land-use (Per Section 4 of DAO 2004-28: Hotel Site	
Tenure Instrument Number: DENR 4B-12312029-0003	Date of Issuance: 12/24/2004
Kind of Tenure Instrument: FLAgT	Expiry Date: 12/31/2029
Contact Person/Designation: Mariglo Laririt, Executive Director	
Name of Pollution Control Officer (PCO): None	
PCO Accreditation No. COA No.	Effectivity:
Contact No.	Email:

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

Conditions	Yes	No	Remarks
1. NCIP/Cert. of Pre-Condition/ Date Issued		/	
2. Free and Prior Informed Consent/ Date Issued		/	
1. Compliant to ECC – PD 1586, Philippine Environmental Impact Assessment/ DAO 2003-30	/		
2. 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) a) Within 3 meters in Urban Areas b) Within 20 meters in Agricultural (A&D) Areas c) Within 40 meters in Timberland Areas		/	Hotels and Villas falls within the 40 meters easement zone.

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

TERMS AND CONDITIONS	Response	
	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?	YES	
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.	NO	
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 2023				
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 2022				
1. Land	No data			
2. Buildings	No data			
3. Infra/Machineries	No data			
4. Plantation	N/A			
5. Other Improvements	N/A			

A. 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	90,000	6391154 F	December 1, 2022	updated
Performance Bond				
Forest Charges				
Surcharges				

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



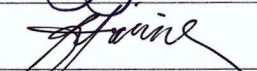
Patrolling within the FLaGT areas.

E. FINDINGS AND RECOMMENDATIONS

FLaGT areas are under renovation, thus, the operation was stopped and is to be resumed the next year.
The holder failed to present the Comprehensive Development Management Plan (CDMP) and Annual Report.
The holder introduced Globe repeater tower within the FLaGT area of the Hotel Site that provides the signal and connection within the island.
The structures such as villas, pathways, restaurants, and other facilities fall within forty (40) meters easement which is prohibited under Article No. 51 of Presidential Decree 1067 also known as the Water Code of the Philippines.
There were Sixteen (16) villas located in the eastern part of FLaGT No. 12312029-0003 (Hotel Site) fall outside the approved area
In view of the above findings and observations, the undersigned recommends the following: <ul style="list-style-type: none">Advise the tenure holder to submit their Annual Report for CY 2022 and Comprehensive Development and Management Plan (CDMP).Reconciliation of the existing laws and policies to come up with defined guidelines and endorsement to the National Water Resources Board (NWRB) for the evaluation and further action concerning the construction of permanent structures within easement/offshore areas.The Office to issue to Show Cause Order for non compliance on the following provisions of DAO 2004-28, to wit;<ul style="list-style-type: none">section 17.1.3 - "occupation of FLaGT Holder of an area greater or other than that covered by the management agreement"Section 17.1.4 - "allowing unauthorized person/s to use the area or any portion thereof; or for using the area or any portion thereof for purposes other than what is specified in the management agreement"

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	
ELVIE G. BASE	Land Management Officer II	
RICHARD M. PARIÑAS	Forest Ranger	

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

SUBSCRIBED AND SWORN to before me this _____ day of _____ at Taytay, Palawan.

CONRADO M. CORPUZ
CENRO

Authorized Person to Administer Oath

COMPLIANCE MONITORING SHEET FOR FORESTRY TENURE (FLAgT)

Monitoring Date: February 3, 2023	Monitoring Time: 10:30 A.M
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A. BASIC INFORMATION:

Name of Company: Bacuit Bay Development Corporation	
Location of Area (Sitio, Brgy, Mun): Apulit Island, Mayteged, Taytay, Palawan	Area in Sq. Meter: 18,100
Business Address: (email, messenger acct. & contact number) mlaririt@tenknots.com	
Amount of Annual Government Share: 27,150.00	Date Paid/OR No. 12/01/2022/6391155 F
Year of last evaluation (Per Section 16 of DAO 2002-28): 2022	
Nature of Land-use (Per Section 4 of DAO 2004-28: Camp Site	
Tenure Instrument Number: DENR 4B-12312029-0004	Date of Issuance: 12/24/2004
Kind of Tenure Instrument: FLAgT	Expiry Date: 12/31/2029
Contact Person/Designation: Mariglo Laririt, Executive Director	
Name of Pollution Control Officer (PCO): None	
PCO Accreditation No. COA No.	Effectivity:
Contact No.	Email:

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

Conditions	Yes	No	Remarks
1. NCIP/Cert. of Pre-Condition/ Date Issued		/	
2. Free and Prior Informed Consent/ Date Issued		/	
1. Compliant to ECC – PD 1586, Philippine Environmental Impact Assessment/ DAO 2003-30	/		
2. 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) a) Within 3 meters in Urban Areas b) Within 20 meters in Agricultural (A&D) Areas c) Within 40 meters in Timberland Areas		/	Hotels and Villas falls within the 40 meters easement zone.

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

TERMS AND CONDITIONS	Response	
	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?	YES	
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.	NO	
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 2023				
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 2022				
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	27, 150.00	6391155 F	12/01/2022	updated
Performance Bond				
Forest Charges				
Surcharges				

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



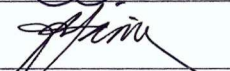
Patrolling within the FLAgT areas.	

E. FINDINGS AND RECOMMENDATIONS

FLAgT areas are under renovation, thus, the operation was stopped and is to be resumed the next year.
The holder failed to present the Comprehensive Development Management Plan (CDMP) and Annual Report.
In view of the above findings and observations, the undersigned recommends the submission of Annual Report for CY 2022 and Comprehensive Development and Management Plan (CDMP).

G. 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	
ELVIE G. BASE	Land Management Officer II	
RICHARD M. PARIÑAS	Forest Ranger	

H. ATTACHMENT/S

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

SUBSCRIBED AND SWORN to before me this _____ day of _____ at Taytay, Palawan.

CONRADO M. CORPUZ
CENRO
Authorized Person to Administer Oath

ACCOUNTABLE FORM No. 51-C
Revised January, 1992

(TRIPLICATE)



Official Receipt
of the
Republic of the Philippines

Nº **6391154** F

Date **DEC 01 2022**

Agency **DENR-CENRO TAYTAY, PALAWAN**

Payor **Bureau of Environment and Natural Resources**

Nature of Collection	Account Code	Amount
Agency Govt Share		P 2,000.00
FLAAT No. DENR-10-		
12900000-03 (P.A. 100)		
(In 17003)		
TOTAL		P 2,000.00

Amount in Words **Two Thousand pesos**

☐ Cash

Drawee
Bank

Number

Date

☐ Check

☐ Money Order

Received the amount stated above.

MARY ANN D. BULACAN

Forest Collection Officer/SCDO

NOTE: Write the number and date of this receipt on
the back of check or money order received.

ACCOUNTABLE FORM No. 51-C
Revised January, 1992

(TRIPLICATE)



Official Receipt
of the
Republic of the Philippines

Nº 6391155 F

Date DEC 01 2022

Agency DENR-CENRO TAYTAY, PALAWAN Fund

Payor Brgy. Bay P. + Sup.

Nature of Collection	Account Code	Amount
Bay P. + Sup.		P 100.00
FLAT 11. DENR 40-		
231-250-104 (1st floor)		
(for 47203)		
TOTAL		P 100.00

Amount in Words P 100.00

☒ Cash

Drawee
Bank

Number

Date

☐ Check

☐ Money Order

Received the amount stated above.

MARY ANN D. BULACAN
Forest Collecting Officer/SCDO

NOTE: Write the number and date of this receipt on
the back of check or money order received.

(TRIPLICATE)



Nº 6391156 F

Date DEC 01 2022

Agency **DENR-CENRO TAYTAY, PALAWAN**

Payor City of Boston

Nature of Collection	Account Code	Amount
Paid by Cash		P 100.00
PAID No. 6220 - 40-		
1282029 - (in Tugues)		
(in 7220)		
TOTAL		P 100.00

[illegible]☐ Cash

Drawee
Bank

Number

Date _____

☐ Check☐ Money Order

Received the amount stated above.

MARY ANN D. BULAGAN
Forest Collecting Officer / SCDO

NOTE: Write the number and date of this receipt on the back of check or money order received.