



Department of Environment and Natural Resources

MIMAROPA Region

PROVINCIAL ENVIRONMENT AND NATURAL RESOURCES OFFICE Bgy. Sta. Monica, Puerto Princesa City, Palawan

relfax No. (048) 434 - 8791

Email Add: penropalawan@denr.gov.ph

DENR MIMAROPA RECORDS SECTION RECEIVED BY: DATE:

May 15, 2023

MEMORANDUM

:

FOR

The Regional Executive Director

DENR - MIMAROPA

1515 DENR by the Bay Building Roxas, Blvd., Ermita, Manila

FROM

The Provincial Environment and

Natural Resources Officer

SUBJECT

REPORT ON THE CONDUCTED EASEMENT ZONE

INSPECTION OF LOT 221, CAD 1037-D, REQUESTED BY MS. SHERYL A. OCAMPO IN SERENA CORNER RIZAL STREET,

BARANGAY BUENA SUERTE, EL NIDO, PALAWAN

Forwarded is the Memorandum from CENRO Taytay, Palawan dated May 2, 2023 along with the inspection report of Engr. Marian B. Lachica and FR Richard M. Pariñas.

Report disclosed that Lot 221, Cad 1037-D is within the forty (40) meters easement zone pursuant to DAO 2021-07 for Protected Area and is also within the urban zone of the Municipality of El Nido wherein the easement is three (3) meter per Article 51 of Presidential Decree 1067.

In view hereof, may we seek your legal opinion on the matter since this is a case where a review of the IRR on ENIPAS is deemed needed to harmonize with other laws.

Further, in relation to the issuance of certificate of compliance on allowable easement, this Office has also sought clarification per Memorandum dated April 26, 2023.

For your information and further instruction/s.

For the PENR Officer:

OIC-Chief, Technical Services Division In-Charge, Office of the PENRO

Cc:

CENRO - Taytay, Palawan

TSD/File *kkva Doc. Ref. No. 2023-4163

RELEASED

Pate: 16 MAY 2023 - 24 23 - 13 4 0



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

DENR PENRU PALAWAN RECORDS

May 2, 2023

MEMORANDUM

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FOR

The Provincial Environment and

Natural Resources Officer- Palawan

Sta. Monica, Puerto Princesa City

FROM

The Community Environment and Natural Resources Officer

SUBJECT :

REPORT THE **CONDUCTED** ON **EASEMENT** ZONE INSPECTION OF LOT 221, CAD 1037-D, REQUESTED BY MS. SHERYL A. OCAMPO IN SERENA CORNER, RIZAL STREET,

BARANGAY BUENA SUERTE, EL NIDO, PALAWAN

Respectfully forwarded is the Memorandum dated April 20, 2023 of Engineer II Marian B. Lachica and Forest Ranger Richard M. Pariñas concerning the above subject.

This is a case where a review of the IRR on ENIPAS is deemed needed to harmonize with the other laws. The establishment is particularly on Lot 221, Cad 1037-D and within the forty (40) meters easement zone pursuant to DAO 2021-07 for protected area. On the other hand, it is also within alienable and disposable zone per Project 5, Land Classification Map No. 473 classified as such since January 24, 1925. Barangay Buena Suerte is also an urban zone of the Municipality of El Nido where easement is three (3) meters pursuant to Article 51 of Presidential Decree 1067.

We seek legal opinion hereon. Thank you.

For and in the absence of the CENRO:

MARIANO P. LILANG. JR.

Development Management Officer IV

Per DAO-2022-09, page 3

Cc:

Easement Inspection Team PAMO-ENMRPA



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

April 20, 2023

MEMORANDUM

FOR

The Community Environment and

Natural Resources Officer

THRU

The Chief RPS

FROM

The Easement Inspection Team

SUBJECT

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REPORT ON THE CONDUCTED EASEMENT ZONE INSPECTION OF LOT 221, CAD 1037-D, REQUESTED BY SHERYL A. OCAMPO IN SERENA CORNER RIZAL STREET,

BARANGAY BUENA SUERTE, EL NIDO, PALAWAN

Respectfuly submitting is the above mentioned report in relation to the easement certification request of Sheryl A. Ocampo in behalf of MMX Asia Inc, for Gusto Gelato located in Serena corner Rizal Street, Barangay Buena Suerte, El Nido, Palawan.

Please be informed that on April 18, 2023, the undersigned conducted easement inspection of the area described in Tax Declaration No. 18-13-007-0385, hereunder are the findings, to wit:

- 1. That the area is within Alienable and Disposable (A&D) land as per Project No. 5, LC Map No. 473 dated January 24, 1925;
- 2. That the above requester is a lessee of the property with an area of Forty-Seven and Eighty Hundredths (47.80) square meters (attached Contract of Lease);
- 3. That the area is inside of El Nido Taytay Managed Resource Protected Area (ENTMRPA);
- 4. That the Gusto Gelato establishment on Lot 221, Cad 1037-D, is found inside of the forty-meter easement zone for Protected Areas pursuant to DAO 2021-07 (Guidelines on the Establishment of Legal Easements along the Seas, Rivers, Lakes, Estero).

In view hereof, the undersigned respectfully recommends a letter informing the above requester, that the area being requested for easement certification is within the forty-meter easement zone for Protected Area.

Attached herewith are the geotagged photos, GIS generated map for reference, and other documents pertinent to this report.

For information and record.

MARIAN B. LACHICA Engineer II/ Team Leader RICHARD M. PARINAS Forest Ranger / Member



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

PHOTO DOCUMENTATION

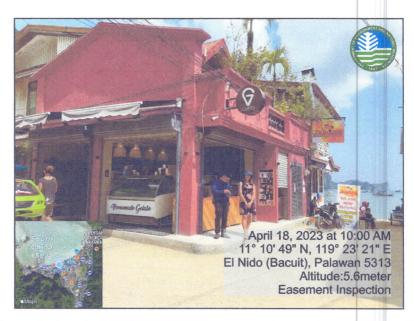


Photo during the conducted easement zone inspection of Gusto Gelato establishment together with its authorized representative Ms. Jacquelyn Batac.

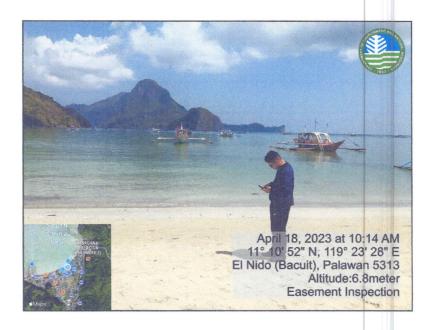


Photo showing Bacuit Bay.



April 11, 2023

MR. CONRADO M. CORPUZ CENRO TAYTAY, PALAWAN

RE: EASEMENT CERTIFICATION APPLICATION

T A-11-25 2370

Dear Madame:

Greetings!

I am writing in behalf of MXX Asia Inc, the project proponent for Gusto Gelato in Serena St. corner Rizal, Barangay Buena Suerte, located in El Nido, Palawan.

May I please request a CENRO certification stating that the project has already complied with the three-meter easement requirement for urban areas. The Gusto Gelato building is not on the beachfront side of Serena st, and as such is well beyond the three-meter easement clearance that applies to the beachfront side of the street.

It is to my understanding that your good office has already inspected the said project last April 5, 2023 and this letter of request is thereby submitted to complete our request for the easement certification.

Thank you very much for your time and attention.

Sincerely,

Sheryl A. Ocampo

MXX ASIA Inc

Wollanking Daw gmail com

09072283152 -Jacquelya

glanyavier algmail.com - Gusto Email

TAX DECLARATION OF REAL PROPERTY

TD No 18-13-007-03	185		Property	Indentification N	066-13-	007-09-012	
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REVISED PURSUANT TO SE	CTION 219 OF RA 71	160 AND SE	CTION 24 OF PI	ROVINCIAL ORDIN	VANCE NO. 191	4-2018 SERIES	OF 2018
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Note: This declaration is for real property taxation purposes only and the valuation indicated herein are based on the schedule of unit market values prepared for the purpose and duly exected into an Ordinance by the Sanggureening Partialaution under Ordinance No. 1914-2018 dated March 26, 2018 it does not and cannot by itself atone confer any ownership or legal title to the property.

SWORN STATEMENT Date

Machine Validation Printed by Karsen M. Gebayani 11.4217 AM

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Republic of the Philippines
Department of Environment and Natural Resources
MIMAROPA Region
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE

5312 Taytay, Palawan
by the National Highway, Poblacion, Taytay, Palawan 5312
email add: cenrotaytay@denr.gov.ph
Contact No. 0912-171-3889 (TNT)/0926-505-9335 (TM)

CERTIFICATION

TO WHOM IT MAY CONCERN:

THIS IS TO CERTIFY that, as per records of this Office, Lot 221, Cad 1037-D, El Nido Cadástre, situated in Barangay Buena Suerte, El Nido, Palawan, containing an area of One Hundred Twenty-five (125) square meters was surveyed for Jose Dangan and covered by Residential Free Patent Application No. 045312-101 of Estelito Ramirez filed on October 10, 2011. It appears further that this lot forms part of Lot 15, BL. II-10956.

Issued this 14th day of November 2022 upon request of Estelito B. Ramirez dated November 7, 2022.

Prepared by:

Verified by:

AIBIE A. BARDA
Administrative Aide VI/
OIC, Records Unit

ALEXANDER E. MANCIO SEMS/Chief, RPS

Attested by:

RELEASED

DATE: NUV 79 7077 EN 355

CONRADO M. CORPUZ CENRO

Note: This certification is invalid when it is not marked officially released and when not paid off the corresponding fee/s.

Certification Fee Paid (Php 20.00)

O.R. No.

639162

Date

NOV 2 9 2022

SPECIAL POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS:

That I, SHERYL A. OCAMPO, of legal age, Filipino, single and a resident of Brgy. Villa Libertad, El Nido, Palawan, do by these presents hereby NAME, CONSTITUTE and APPOINT, JACQUELYN R. BATAC, of legal age, Filipino, single and a resident of Brgy. Buena Suerte, El Nido, Palawan, to be my true and lawful ATTORNEY-IN-FACT, for me and in my name, place, and stead, to do and perform the following acts and things, namely:

- 1. To transact, process, follow up, sign, claim and receive the Easement Certification and any document/s from the DENR-CENRO, Taytay, Palawan, necessary for and in relation to the issuance of our Building Permit/s; and
- 2. To sign any document/s and perform such other act/s necessary for and in relation to the accomplishment of the above-mentioned authority.

HEREBY GIVING AND GRANTING unto my said Attorney-In-Fact full power and authority as are necessary requisite and proper to carry out the objectives of this instrument, as fully to all intents and purposes as I might or could lawfully do if and when present in person, and HEREBY CONFIRMING AND RATIFYING all that my said Attorney-In-Fact shall do or cause to be done under and by virtue of these presents.

IN WITNESS WHEREOF, I have hereunto set my hand at El Nido, Palawan, Philippines, on this 10th day of April 2023.

SHERYL A. OCKMPO

JACQUELYN R. BATAC Attorney-in-fact

Signed in the presence of:

ACKNOWLEDGMENT

Republic of the Philippines)
Province of Palawan) s.s.
Municipality of El Nido)
X -----X

Personally came and appeared before me: SHERYL A. OCAMPO with ________, known to me to be the same persons who executed the foregoing instrument, and acknowledged that the same is his/her free act and voluntary deed.

WITNESS MY HAND AND SEAL on the date and place first above written.

Doc. No. 4427 Page No. 90; Book No. 19; Series of 2023.



ATTY. RONELO C. CALUGAS

FOR THE PROVINCE OF PALAWAN COMM. REG. NO.: NPL ROX No. 2023-001 Valid Until December 31, 2024

CONTRACT OF LEASE

KNOW ALL MEN BY THESE PRESENTS:

This CONTRACT OF LEASE is made and entered into by and between:

Estelito B. Ramirez of legal age, Filipino, father of Sheila D. Ramirez, with residence at Barangay Buena Suerte, El Nido, Palawan, Philippines, hereinafter referred to as LESSOR;

and

F

MXXASIA INC., a corporation duly registered in the Republic of the Philippines with the office address of Hama Street. Barangay Masagana, El Nido, Palawan, represented by its duly authorized representative by virtue of Board Reso. _____series 2022, Xavier Georges Joseph Van Borm of legal age, Belgian, single, with residence at Balinsasayaw Road, Barangay Maligaya, El Nido, Palawan born on 20th of October 1978 in Bruges, belgium hereinafter referred to as LESSEE,

(LESSOR and LESSEE are collectively referred to as PARTIES)

WITNESSETH

WHEREAS, the LESSOR is, the absolute and registered owner of a parcel of land and building with an area of forty seven and 80/100 square meters (47.80 sqm) situated at Lot No. 221 (Survey No. CAD 1037-D) located in Serena Street corner Rizal Street Barangay Buena Suerte, El Nido Palawan, and embraced and covered by Tax Declaration 18-13-007-0385 (Property Identification No. 066-13-007-09-012) and Tax Declaration 18-13-007-0386 (Property Identification No. 066-13-007-09-1001) with technical description attached to this contract.

WHEREAS, the LESSEE desires to lease a portion of more or less Forty square meters (40 sqm) afore-mentioned "Lease Premises" for his/her commercial operation and other business partners; and the LESSOR agrees to lease the subject "Lease Premises" under his/her complete ownership and possession;

NOW, THEREFORE, for and in consideration of the foregoing premises, the LESSOR, by these presents, hereby leases the foregoing "Lease Premises" unto the LESSEE, and the latter hereby accepts the lease subject to the following terms and conditions:

DURATION

3

 This Contract shall have a period of seven years (7 years) years which shall commence on 1st of July 2022 and ends on the 1st of July 2029; and upon expiration thereof, the same maybe renewed subject to the mutual agreement of both Parties;

RENTAL, DEPOSIT, AND ADVANCE RENTAL PAYMENT

2. The LESSEE shall pay the LESSOR a MONTLY RENTAL, in Philippine Currency, including Value Added Tax (VAT), which is payable every First (1st) day of the month without the necessity of notice and demand by the herein LESSOR.

The LESSEE shall give a One Hundred Twenty Thousand (PHP 120,000), as an advance rental payment, equal to 6 months rental of the first 6 months of this contract, upon signing of this Contract;

The LESSOR is obligated to pay and remit the corresponding Withholding Tax/Value Added Tax pertinent to this Contract;

RENTAL RATE / ESCALATION CLAUSE

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1 st September 2022	PHP 20,000	Paid in advance upon		
1st October 2022	PHP 20,000	Paid in advance upon		
1st November 2022	PHP 20,000	Paid in advance upon		
1st December 2022	PHP 20,000	Paid in advance upor signing		
1 st January 2023	PHP 60,000	Monthly payment		
1st February 2023	PHP 60,000	Monthly payment		
I st March 2023	PHP 60,000	Monthly payment		
1 st April 2023	PHP 60,000	Monthly payment		
1st May 2023	PHP 60,000	Monthly payment		
1st June2023	PHP 60,000	Monthly payment		
1 st July 2023 to 1 st June 2025	PHP 60,000/month	Monthly payment		
1 st July 2025 to 1 st June 2027	PHP 63,000/month	Monthly payment		
1 st July 2027 to 1 st June 2029	PHP 66,150/month	Monthly payment		

PO

POSSESSION / TURN-OVER OF THE LEASED PREMISES

- 5. Upon signing of this Contract and payment of ADVANCE RENTAL by the LESSEE under Section 2 of this Contract, the LESSOR shall absolutely and completely turn-over the subject "Lease Premises" in favor of the LESSEE free from any claim or disturbance of any third party;
- The LESSOR hereby warrant they are the rightful owner and guarantee peaceful possession of the LESSEE on the subject leased property; and further agreed to protect, defend, and assist the LESSEE from any legal claim or disturbance of any third party;

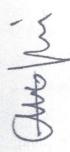
ELECTRIC, WATER, CABLE TV, AND TELEPHONE

- 7. That during the term of the LEASE, the LESSEE shall pay and defray any and all of the costs of electric bill, telephone, cable tv, and other services connected with the use and possession of the subject "Lease Premises";
- 8. That the LESSEE shall pay his/her monthly water bill on the subject "Lease Premises" based upon the consumption registered on the water meter at the rate designated by the water supplier;

TERMINATION, PRE-TERMINATION, AND RENEWAL

The LESSEE shall expressly notify the LESSOR in writing prior to two (2) months
of the expiration/termination of the lease should the LESSEE desires to renew the







That except in case of "Breach of Contract", the LESSOR cannot Pre-Terminate this Contract of Lease, however, in case of Pre-Termination of the Contract of Lease by the LESSEE, the advance rental and deposit indicated above shall be forfeited in favor of the LESSOR;

MPROVEMENTS AND MODIFICATIONS

11. The LESSEE shall have the right to plan and arrange the layout of improvements, modifications, designs, and renovations in the leased premises without the necessity of LESSOR'S consent;

REMOVAL OF IMPROVEMENTS

12. In case of Pre-Termination, Termination, Expiration, and Non-Extension of this Contract of Lease, the LESSEE is allowed and permitted to remove or take all its movable and personal improvements on the subject leased premises;

RESTRICTION / RIGHT OF FIRST REFUSAL

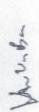
- 13. In the event that the LESSOR is willing to sell the subject lease premises through the duration of this Contract, the LESSEE shall have the priority to buy and acquire the same by providing Sixty (60) days notices or period to decide on the subject acquisition;
- 14. Further, the LESSOR is prohibited SELL, TRANSFER, and CONVEY the subject leased premises during the efficacy of this Contract without the new buyer/owner expressly acknowledging, recognizing, or honoring the terms and conditions of this Contract of Lease:

ASSIGNMENT / SUB-LEASE

- 15. The LESSEE is authorized to sublease the said "Lease Premises" and/or assign the same to any person, firm or corporation without the consent of the LESSOR; as long as Xavier Georges joseph van Borm, MXXASIA INC.
- 16. is part of those corporations or firms.
- 17. The LESSEE may enter into any form of business, agreement or partnership with any person or business entities, and for all intents and purpose they shall be treated and considered as legitimate partners as part and parcel of the original leased premises to the LESSEE, and shall be jointly liable to pay to the LESSOR any financial obligation the LESSEE may fail to comply;
- 18. The LESSEE, its partner, assignee, or sub-lessee shall have the right to operate any form of legitimate businesses within the "Lease Premises" as latter may deem fit;

VENUE / LIQUIDATED DAMAGES

- 19. That should the enforcement of the rights of the PARTIES under this Lease Contract be brought to the Judicial Court of the Philippines, the Regional/Metropolitan Trial Court of Puerto Princesa City, Palawan shall only over the said case;
- 20. In case of breach of the terms and conditions of the LESSEE, the latter shall pay the LESSOR the amount of ONE HUNDRED THOUSAND PESOS (PHP100,000.00) as liquidated damages inclusive of attorney's fees, costs of suit and other expenses





WITNESS WHEREOF, the PARTIES have signed these presents the 6-21 day 24 LESSEE LESSOR Represented by: Xavier Georges Joseph Van Borm With the consent Sheila D. Raminez Daughter of Lessor SIGNED IN THE PRESENCE OF: (Witness) (Witness) ACKNOWLEDGMENT this 0 6 - 2day - of 2 BEFORE ME, a Notary Public of the __. personally appeared DATE AND PLACE ISSUED COMPETENT EVIDENCE OF IDENTITY Estelito B. Ramirez Sheila D. Ramirez Xavier Georges Joseph Van Borm known to me as the persons who executed the foregoing Contract of Lease which consist of Five (5) pages including this Acknowledgment.

Doc. No. 178 Page No. 37 Book No. VI Series of 2022

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ANUARY 7, 2022 / PAL JANUARY 6, 2022

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

April 26, 2023

MEMORANDUM

FOR

The Regional Executive Director

DENR - MIMAROPA Region 1515 DENR by the Bay Building Roxas Boulevard, Barangay 668,

Ermita, Manila

ATTENTION:

The OIC, Assistant Regional Director

For Technical Services

FROM

The Provincial Environment and

Natural Resources Officer

SUBJECT

REQUEST FOR EASEMENT CERTIFICATION OF MARK FRIEDRICH M. FANKHAUSER COVERING PORTION OF

TALACANEN ISLAND LOCATED AT BARANGAY

BUSYBEES, TAYTAY, PALAWAN [P-2023-101621]

This has reference to the Memorandum from the OIC, Assistant Regional Director for Technical Services dated February 2, 2023 directing this Office to issue Certificate of Compliance on Allowable Easement to Mr. Mark Friedrich M. Fankhauser.

In view hereof, may we request for clarification whether the PENRO shall issue said certification based on the inspection report of CENRO Taytay regarding the issuance of Certificate of Compliance on Allowable Easement without validation from the Regional Office thru the Enforcement Division per Section 7 of DAO 2021-07.

For information and further instruction on the matter.

For the PENR Officer:

RONIE B. GANDEZA OIC Chief, Technical Services Division The Charge, Office of the PENRO

File *kkva Doc. Ref. No. 2023-3631