



Republic of the Philippines
Department of Environment and Natural Resources
Document Action Tracking System
Document Routing Slip

Document No: DENRCO - AS RMD-2023-025238

Print Date: Wednesday, January 10, 2024

Sender: ANSON M. TAGTAG

Address: DENR BMB

Subject: MEMO DTD 10/05/2023 APPLICATION FOR SPECIAL USE AGREEMENT IN PROTECTED AREAS (SAPA) OF MR. JORGE DELA TORRE FOR THE LAST PARADISE RESORT WITHIN THE EL NIDO-TAYTAY MANAGED RESOURCE PROTECTED AREA IN PALAWAN (W/ ONE FOLDER)

Addressee(s): Office of the Undersecretary for Field Operations and Environment (OUFOE)

CC Addressee(s):

Date/Time Received: 10/09/2023 02:15:00 PM

ROUTING AND ACTION INFORMATION				
FROM	DATE/TIME RECEIVED	FOR/TO	DATE/TIME RELEASED	ACCEPTANCE REMARKS/ACTION REQUIRED/TAKEN REMARKS/STATUS
	10/10/2023 09:15:50 AM	DENRCO - AS RMD		
DENRCO - AS RMD	10/11/2023 02:32:17 PM	OUFOE	10/10/2023 09:15:54 AM	RSB/BMB Date: 10/13/2023 09:40:06 AM To: From: Plopino, Irene N. Message: SIGNED MEMO DATED 10/5/23 (BMB-64) W/ 1 RED FOLDER
OUFOE	10/16/2023 02:28:08 PM	OULAHRLA	10/13/2023 09:40:16 AM	
OULAHRLA	11/08/2023 03:55:40 PM	DENRCO - LAS OD	11/07/2023 12:10:49 PM	
DENRCO - LAS OD	11/13/2023 11:25:07 AM	DENRCO LAS - LCPMD	11/08/2023 03:55:50 PM	
DENRCO LAS - LCPMD	11/22/2023 03:02:56 PM	DENRCO - LAS OD	11/20/2023 02:10:45 PM	Date: 11/22/2023 03:03:27 PM To: From: Sanay, Dina E. Message: RELEASED TO OASECLA - 11/22/2023 WITH MEMO FOR USECLA THRU ASECLA DATED 22 NOV. 2023 SIGNED BY DIR. ENERAN W/ 1 FOLDER
DENRCO - LAS OD	12/15/2023 12:55:04 PM	DENRCO - OASECLA	11/22/2023 03:04:01 PM	Date: 12/15/2023 12:56:43 PM To: From: Binag, Ronel M. Message: Release to Usec Legal with Asec Remarks oasecla494-ad2
DENRCO - OASECLA	12/15/2023 02:39:41 PM	OULAHRLA	12/15/2023 12:57:46 PM	Date: 12/18/2023 02:50:59 PM To: From: Quitoriano, Alvin G. Message: For initial.
OULAHRLA	12/29/2023 08:41:48 AM	OUFOE	12/18/2023 02:51:08 PM	RSB/BMB Date: 12/29/2023 08:42:38 AM To: From: Acebedo, Eflida A. Message: Sir per ujmtc respectfully referring back for further instruction pls.t.y
OUFOE	01/02/2024 01:48:15 PM	OULAHRLA	12/29/2023 08:43:05 AM	Date: 01/10/2024 04:37:33 PM To: From: Matias, Jacqueline R. Message: To: ASRMD Please release to BMB; memo signed to RED DENR MIMAROPA dated January 9, 2024
OULAHRLA		DENRCO - AS RMD	01/10/2024 04:37:40 PM	

BIO-2024-138-25238



Republic of the Philippines
Department of Environment and Natural Resources
Document Action Tracking System
Document Routing Slip

Document No: DENRCO - AS RMD-2023-025238

Print Date: Monday, December 18, 2023

Sender: ANSON M. TAGTAG

Address: DENR BMB

Subject: MEMO DTD 10/05/2023 APPLICATION FOR SPECIAL USE AGREEMENT IN PROTECTED AREAS (SAPA) OF MR. JORGE DELA TORRE FOR THE LAST PARADISE RESORT WITHIN THE EL NIDO-TAYTAY MANAGED RESOURCE PROTECTED AREA IN PALAWAN (W/ ONE FOLDER)

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CC Addressee(s):

Date/Time Received: 10/09/2023 02:15:00 PM

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FROM	DATE/TIME RECEIVED	FOR/TO	DATE/TIME RELEASED	ACCEPTANCE REMARKS/ACTION REQUIRED/TAKEN REMARKS/STATUS
	10/10/2023 09:15:50 AM	DENRCO - AS RMD		
DENRCO - AS RMD	10/11/2023 02:32:17 PM	OUFOE	10/10/2023 09:15:54 AM	RSB/BMB Date: 10/13/2023 09:40:06 AM To: From: Plopino, Irene N. Message: SIGNED MEMO DATED 10/5/23 (BMB-64) W/ 1 RED FOLDER
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OULAHRLA	11/08/2023 03:55:40 PM	DENRCO - LAS OD	11/07/2023 12:10:49 PM	
DENRCO - LAS OD	11/13/2023 11:25:07 AM	DENRCO LAS - LCPMD	11/08/2023 03:55:50 PM	
DENRCO LAS - LCPMD	11/22/2023 03:02:56 PM	DENRCO - LAS OD	11/20/2023 02:10:45 PM	Date: 11/22/2023 03:03:27 PM To: From: Sanay, Dina E. Message: RELEASED TO OASECLA - 11/22/2023 WITH MEMO FOR USECLA THRU ASECLA DATED 22 NOV. 2023 SIGNED BY DIR. ENERAN W/ 1 FOLDER
DENRCO - LAS OD	12/15/2023 12:55:04 PM	DENRCO - OASECLA	11/22/2023 03:04:01 PM	Date: 12/15/2023 12:56:43 PM To: From: Binag, Ronel M. Message: Release to Usec Legal with Asec Remarks oasecla494-ad2
DENRCO - OASECLA	12/15/2023 02:39:41 PM	OULAHRLA	12/15/2023 12:57:46 PM	

OULA

OUFO-LVE 12/18 Respectfully referred for initial please.

Thank you.

OULA

Sir,
per memo, respectfully referring back for
further instruction, please, thank you.

OULA

12/24
1:46

BOMB



Republic of the Philippines
Department of Environment and Natural Resources
Document Action Tracking System
Document Routing Slip

Document No: DENRCO - AS RMD-2023-025238

Print Date: Tuesday, October 10, 2023

Sender: ANSON M. TAGTAG

Address: DENR BMB

Subject: MEMO DTD 10/05/2023 APPLICATION FOR SPECIAL USE AGREEMENT IN PROTECTED AREAS (SAPA) OF MR. JORGE DELA TORRE FOR THE LAST PARADISE RESORT WITHIN THE EL NIDO-TAYTAY MANAGED RESOURCE PROTECTED AREA IN PALAWAN (W/ ONE FOLDER)

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CC Addressee(s):

Date/Time Received: 10/09/2023 02:15:00 PM

DENR LEGAL AFFAIRS SERVICE
RECEIVED Jona
DATE: 11-6-2023 3:35 PM

ROUTING AND ACTION INFORMATION				
FROM	DATE/TIME RECEIVED	FOR/TO	DATE/TIME RELEASED	ACCEPTANCE REMARKS/ACTION REQUIRED/TAKEN REMARKS/STATUS
	10/10/2023 09:15:50 AM	DENRCO - AS RMD		
DENRCO - AS RMD		OUFOE	10/10/2023 09:15:54 AM	

23

OUTFOLDER

OULA

OCT 13 2023

by
OULA

10/16/2023
9:15 AM

OULA

LAS

11/6

Respectfully referred for comments and recommendation please. Thank you.

RUSH

Received: NOV 16 2023

Emailed: NOV 17 2023

Revised: NOV 18 2023

LCPMD Nov. 8, 2023

11/22/2023

RECEIVED
NOV 13, 2023 - WMD
B6-266-2

OUTFOLDER

LX-210-3

Encoder: Vallejos, Jhosua E.

Page 1 of 1

BMB-04

OPREC-494-002 MSC# 176-339



Republic of the Philippines
Department of Environment and Natural Resources
Visayas Avenue, Diliman, Quezon City
Tel. Nos. 929-6626 to 29; 929-6633 to 35
926-7041 to 43; 929-6252; 929-1669
Website: <http://www.denr.gov.ph> / E-mail: web@denr.gov.ph

APPENDIX

A

JAN 09 2024

MEMORANDUM

TO : The Regional Executive Director
DENR MIMAROPA
DENR by the Bay, L&S Building
1515 Roxas Boulevard, Ermita, Manila

FROM : The Undersecretary for Legal and Administration and
Supervising Undersecretary for Biodiversity Management Bureau

SUBJECT : **STATUS OF THE MORATORIUM ON THE ISSUANCE OF ALL PERMITS FOR THE CONSTRUCTION OF NEW BUILDINGS AND ANY IMPROVEMENTS ON EXISTING STRUCTURES WITHIN EL NIDO, PALAWAN**

This pertains to your Memorandum dated 18 August 2023 submitting the Completed Staff Work (CSW) documents endorsing the SAPA application for the Last Paradise Resort of Mr. Jorge Dela Torre located within the El Nido-Taytay Managed Resource Protected Area (ENTMRPA) in ENTMRPA in So. Seven Commando, Brgy. Buena Suerte, El Nido, Palawan.

Pursuant to the instructions of then Secretary Roy A. Cimatu, the then RED Henry A. Adornado issued a Memorandum instructing CENRO Taytay, Palawan, and PASU of ENTMRPA to stop issuing PAMB endorsement also for new projects within the Municipality of El Nido. In compliance to the instruction, from August to December 2019, the actual Carrying Capacity Study for El Nido (mainland) and its adjacent islands was executed by the UPLB School of Environmental Science and Management (SESAM) guided by the Manual on the Computation of Carrying Capacity prepared by the ERDB. Based on the results of the study, various recommendations were provided to the PAMB and the DENR Regional and Field Offices. The same were reiterated by the BMB through its Memorandum on June 10, 2022 to continue implementing the moratorium until the recommendations are adopted and implemented.

Based on your Memorandum dated 18 August 2023, it has come to our attention that LGU El Nido has already issued Executive Order No. 22-040, "Lifting the Moratorium in the Issuance of Barangay Clearances, Certifications and Endorsements for the Project Proposals within the Municipality of El Nido". In view hereof, you are advised to evaluate the prevailing relevant circumstances in the ENTMRPA and issue an order lifting or otherwise retaining the subject moratorium.

If the findings warrant lifting of the moratorium, to ensure consistency and alignment with local initiatives, you are hereby directed to initiate the issuance of a Memorandum addressed to the concerned CENRO and PENRO, including the PAMO, regarding the lifting of the moratorium subject to the BMB's recommendations in its Memorandum dated February 21, 2022.

In view of the above, endorsement for the approval of proposed SAPA in ENTMRPA will remain on hold until the moratorium is officially lifted from your end. In this regard, kindly update also the proponent on the progress of its application.

For information and appropriate action.



ATTY. ERNESTO D. ADOBO, JR., CESO I

Copy furnished:

The Undersecretary for Field Operations
Luzon, Visayas and Environment
DENR, Visayas Ave., Quezon City



Republic of the Philippines
Department of Environment and Natural Resources
Visayas Avenue, Diliman, Quezon City
Tel. Nos. 929-6626 to 29; 929-6633 to 35
926-7041 to 43; 929-6252; 929-1669
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JAN 09 2024

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The Undersecretary for Field Operations
Luzon, Visayas and Environment
DENR, Visayas Ave., Quezon City



DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
KAGAWARAN NG KAPALIGIRAN AT LIKAS YAMAN



22 NOV 2023

MEMORANDUM

FOR : **The Undersecretary**
Legal and Administration

THRU : **The Assistant Secretary**
Legal Affairs

FROM : **The Director**
Legal Affairs Service

SUBJECT : **COMMENTS ON THE APPLICATION FOR SPECIAL
USE AGREEMENT IN PROTECTED AREAS (SAPA) OF
MR. JORGE DELA TORRE FOR THE LAST PARADISE
RESORT WITHIN THE EL NIDO-TAYTAY MANAGED
RESOURCE PROTECTED AREA IN PALAWAN.**

I concur with the recommendation of the BMB OIC-Director to return the matter to the RED to clarify the situation on the ground and the respective comments / recommendation of the DENRO, and

and DENRO. Endorsement of the SAPA application must be held in abeyance until after the submission of the completed stop work. (Palzo)

This has reference to the Memorandum¹ dated 05 October 2023, for the Undersecretary for Legal and Administration and Supervising Undersecretary for Biodiversity Management Bureau (BMB), thru the Undersecretary for Field Operations - Luzon, Visayas and Environment on the above subject Special Use Agreement Application (SAPA). Said Memorandum emanated from the Chief of the Wildlife Resource Division and In-Charge of the Office of the Director of the BMB.

The relevant facts to the above stated matter are as follows:

1. The SAPA² involves the Last Paradise Resort of Mr. Jorge Dela Torre, covering a proposed area of 5,124.60 square meters, and located within the El-Nido-Taytay Managed Resource Protected Area (ENTMRPA) in So. Seven Commando, Brgy. Buena Suerte, El Nido, Palawan;
2. In November 2018, a moratorium on the issuance of building permits for new establishments in El Nido and for the concerned Local Government Units (LGUs) to restore the clean environmental state within six months from imposition was imposed based on the instruction of then DENR Secretary Roy A. Cimatu, Department of Tourism (DoT) Secretary Bernadette Romulo-Puyat, and Department of the Interior and Local Government (DILG) Secretary Eduardo Año. Prescinding therefrom, the then Regional Executive Director (RED) of DENR-MIMAROPA and the respective Regional Directors (RDs) of DoT-MIMAROPA and DILG-MIMAROPA, through a joint Letter³ dated 19 July 2019 to Municipal Mayor Edna Gacot-Lim of El Nido, enjoined the LGU to heighten the enforcement of environmental laws and immediate declaration of moratorium on the issuance of all permits for the construction of new buildings and any improvements on existing structures until the carrying capacity study is completed;

¹ Copy attached as ANNEX "A".

² Copy attached as ANNEX "B".

³ Copy attached as ANNEX "C".

3. On 06 August 2019, the then RED of DENR-MIMAROPA issued a Memorandum⁴ instructing CENRO Taytay, Palawan, and the Protected Area Superintendent (PASu) of ENTMRPA to stop issuing PAMB endorsements for new projects within the Municipality of El Nido;
4. On 13 August 2019, Municipal Mayor Edna Gacot-Lim of El Nido instructed the Municipal Engineer of El Nido to take immediate action relative to the letter from the RDs of DoT-MIMAROPA and DILG-MIMAROPA on the declaration of the said moratorium. Thus, Memorandum Order No. 19-051,⁵ or the *"Moratorium in the Issuance of Barangay Clearance, Certification, and Endorsements for Project Applications and the Implementation of 'Tapat Ko, Linis Ko'"* was issued on 19 August 2019;
5. From August to December 2019, the actual Carrying Capacity Study for El Nido (mainland) and its adjacent islands was executed by the UPLB School of Environmental Science and Management (SESAM) guided by the Manual on the Computation of Carrying Capacity prepared by the (Ecosystems Research and Development Bureau (ERDB) of the DENR. On 25 November 2020, a face-to-face presentation was successfully undertaken before the ENTMRPA Management Board. Further, on 18 February 2021, an *En Banc* Meeting of the ENTMRPA Management Board was convened wherein majority of the members agreed and accepted the results of the said study. Hence, PAMB Resolution No. 003, series of 2021,⁶ *"A Resolution Accepting the Result of the Carrying Capacity in El Nido, Palawan"* was issued;
6. In response to the request of the RED of DENR-MIMAROPA on 14 January 2022 to lift the moratorium for the issuance of permits related to improvements and construction of new structures in the Municipality of El Nido, the BMB submitted its recommendations to the Office of the Secretary in its Memorandum⁷ dated 21 February 2022. The recommendation of the BMB was to continuously implement the moratorium until the concerned LGU, Protected Area Management Office (PAMO) and the ENTMRPA Management Board have complied and/or acted on the measures as recommended in the carrying capacity study report;
7. However, the LGU of El Nido indicated its request to update the carrying capacity study in view of their updated Comprehensive Land Use Plan (CLUP) during the Protected Area Management Board (PAMB) Meeting on 29 September 2022. Further, on 26 August 2022, the LGU of El Nido issued Executive Order 22-040,⁸ *"Lifting the Moratorium in the Issuance of the Barangay Clearances, Certifications and Endorsements for the Project Proposals Within the Municipality of El Nido"*; and
8. As of writing, the issuance of the RED of DENR-MIMAROPA and the respective RDs of DoT-MIMAROPA and DILG-MIMAROPA to the Municipal Mayor of El Nido on the immediate declaration of moratorium on the issuance of all permits has not yet been lifted. Likewise, there is no showing that the conditionalities set and recommended by the BMB per Memorandum dated 21 February 2022 were already complied with.

⁴ Copy attached as ANNEX "D".

⁵ Copy attached as ANNEX "E".

⁶ Copy attached as ANNEX "F".

⁷ Copy attached as ANNEX "G".

⁸ Copy attached as ANNEX "H".

Given the foregoing, before formulating comments and recommendations as to the legality of the SAPA, this Office joins the preliminary recommendation of the BMB that, for consistency, the DENR-MIMAROPA should first issue a Memorandum to the concerned PENRO and CENRO, including the PAMO, regarding the lifting of the moratorium subject to the compliance with the BMB's recommendations as contained in the Memorandum dated 21 February 2022. Specifically, this Office recommends that the concerned PENRO, CENRO and PAMO should ascertain the relevant prevailing circumstances in the area where the moratorium is in effect so that the decision as to whether the moratorium should be lifted or extended is based on said prevailing circumstances. Further, this Office opines that if the said moratorium is finally lifted, only then should the above subject SAPA be the subject of further endorsement to the relevant approving authority. Necessarily, endorsement for approval of the proposed SAPTA in the ENTMRPA will remain on hold until the moratorium is officially lifted.

Should the Undersecretary agree, this Office respectfully invites attention to the **Draft Memorandum⁹ to the RED drafted by the BMB**, calling for the evaluation of the relevant prevailing circumstances in the ENTMRPA to determine the propriety of the issuance of an order lifting or retaining the above mentioned moratorium. This Office respectfully endorses the draft Memorandum from BMB may be considered by the Undersecretary for approval.

For your information and guidance.


NORLITO A. ENERAN, LL.M., CESO III

⁹ Attached as APPENDIX "A".



DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
KAGAWARAN NG KAPALIGIRAN AT LIKAS YAMAN



22 NOV 2023

MEMORANDUM

FOR : **The Undersecretary**
Legal and Administration

THRU : **The Assistant Secretary**
Legal Affairs

FROM : **The Director**
Legal Affairs Service

SUBJECT : **COMMENTS ON THE APPLICATION FOR SPECIAL
USE AGREEMENT IN PROTECTED AREAS (SAPA) OF
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And
r

⁹ Attached as APPENDIX "A".



Republic of the Philippines
 Department of Environment and Natural Resources
BIODIVERSITY MANAGEMENT BUREAU
 Ninoy Aquino Parks and Wildlife Center
 Quezon Avenue, Diliman, Quezon City
 Tel. Nos.: (632) 924-6031 to 35 Fax: (632) 924-0109, (632) 920-4417
 Website: <http://www.bmb.gov.ph> E-mail: bmb@bmb.gov.ph

ANNE
A

OCT 05 2023

MEMORANDUM

FOR : The Undersecretary for Legal and Administration and
 Supervising Undersecretary for Biodiversity Management Bureau

THRU : The Undersecretary for Field Operations
 Luzon, Visayas and Environment

FROM : The Chief, Wildlife Resources Division
 In-Charge, Office of the Director

SUBJECT : **APPLICATION FOR SPECIAL USE AGREEMENT IN
 PROTECTED AREAS (SAPA) OF MR. JORGE DELA TORRE
 FOR THE LAST PARADISE RESORT WITHIN THE EL NIDO-
 TAYTAY MANAGED RESOURCE PROTECTED AREA IN
 PALAWAN**



REFERENCE

1. Memorandum dated 18 August 2023 from the Regional Executive Director, DENR MIMAROPA submitting the Completed Staff Work (CSW) documents endorsing the SAPA application for the Last Paradise Resort of Mr. Jorge Dela Torre located within the El Nido-Taytay Managed Resource Protected Area (ENTMRPA) in ENTMRPA in So. Seven Commando, Brgy. Buena Suerte, El Nido, Palawan.

LEGAL BASIS

2. The ENTMRPA is a protected area under the National Integrated Protected Areas System (NIPAS) by virtue of Presidential Proclamation No. 32 dated October 8, 1998 and is under the administrative jurisdiction of the Department of Environment and Natural Resources (DENR) pursuant to RA 7586 or the NIPAS Act of 1992, as amended by RA 11038 or the ENIPAS Act of 2018.
3. The ENTMRPA being part of the Environmentally Critical Areas Network (ECAN) in Palawan is also governed by RA 7611 or the Strategic Environmental Plan (SEP) for Palawan Act.
4. RA 7586 or the National Integrated Protected Areas System (NIPAS) of 1992, as amended by RA 11038 or the Expanded NIPAS Act of 2018 and its Implementing Rules and Regulations as provided in DENR Administrative Order No. 2019-05 require the following for the issuance of SAPA:
 - a. The Project must be located outside the Strict Protection Zones based on the Management Plan of the Protected Area;
 - b. A PAMB Clearance should be obtained in accordance with Section 12 of the NIPAS Act, as amended and Rules 12.1 and 12.2 of the DENR Adm. Or. No. 2019-05 or the IRR of the Act;
 - c. The conduct of an EIA, as provided by law, rules and regulations;

- d. Payment of user fee, the determination of which is in accordance with Rule 25.5 of the DAO No. 2019-05;
- e. Rehabilitation Plan covering the Project area; and
- f. The remittance of sufficient bond to ensure the availability of funds for the timely compensation of damages and the progressive and sustainable rehabilitation of affected areas.

BACKGROUND

- 5. The proposed project will include establishment of accommodation facilities to cater tourists visiting the area and enhancement of natural and environmental setting by vegetative contouring/landscaping.
- 6. The proposed area applied for SAPA covers 5,124.60 square meters within the Multiple Use Zone (MUZ) of ENTRMPA specifically in So. Seven Commando, Brgy. Buena Suerte. The proposed ecotourism development includes cottages, restaurant, reception area, housekeeping area, staff house, view deck, generator room, MRF, STP septic tank.
- 7. Ms. Rosalinda R. Arenas, as the duly authorized representative of Mr. Jorge Dela Torre, submitted the SAPA application with pertinent supporting requirements to CENRO Taytay on 08 July 2014 (**Annex A**) and on 14 December 2020. Ms. Arenas is also the authorized signatory of Mr. Dela Torre based on the Irrevocable Special Power of Attorney (**Annex B**).
- 8. The application was favorably endorsed by the PAMB through PAMB Resolution No. Resolution No. 019, Series of 2021 issued on 17 November 2021. It was also endorsed by the Protected Area Superintendent (PASu), CENRO Taytay, and PENRO Palawan through Memoranda dated 01 June 2022, 14 June 2022, and 22 June 2022, respectively (**Annexes C, D, and E**).
- 9. The application was thoroughly reviewed by the DENR Regional Office and provided comments and recommendations to the PENRO and ENTMRPA PA Management Office copy furnished Mr. dela Torre through Memorandum dated 30 September 2022 (**Annex F**). The said Memorandum also stipulated the latest advice of the Biodiversity Management Bureau per Memoranda dated 10 June 2022 (**Annex G**), that the "acceptance of the new applications for SAPA should be held in abeyance while the moratorium is in effect".
- 10. The moratorium on the issuance of building permits for new establishments in El Nido and for the concerned Local Government Unit (LGU) to restore its clean environmental state within six (6) months was imposed in 2018 based on the instruction of then DENR Secretary Roy A. Cimatu, DOT Secretary Bernadette Romulo-Puyat, and DILG Secretary Eduardo Año during their inspection in El Nido in November 2018.
- 11. On 19 July 2019, the then Regional Executive Director of DENR-MIMAROPA and the Regional Directors of DOT-MIMAROPA and DILG-MIMAROPA through a letter to Municipal Mayor Edna Gaot-Lim of El Nido (**Annex H**), enjoined the local government to heighten the enforcement of environmental laws and immediate declaration of moratorium on the issuance of all permits for the construction of new buildings and any improvements on existing structures until the carrying capacity study is completed and corresponding recommendations have been issued.

12. On 06 August 2019, former DENR MIMAROPA RED Henry A. Adornado issued Memorandum instructing CENRO Taytay, Palawan, and PASU of ENTMRPA to stop issuing PAMB endorsement also for new projects within the Municipality of El Nido (**Annex I**).
13. On 13 August 2019, Municipal Mayor Edna Gacot-Lim of El Nido instructed the Municipal Engineer of El Nido to take immediate action relative to the letter from the RDs of DOT-MIMAROPA and DILG MIMAROPA and RED DENR MIMAROPA on the declaration of above-mentioned moratorium (**Annex J**). Thus, a Memorandum Order No. 19-051, "Moratorium in the Issuance of Barangay Clearance, Certification, and Endorsements for Project Applications *and the Implementation of Tapat Ko, Linis Ko*" was issued on 19 August 2019 addressed to all Punong Barangays of concerned Barangay LGUs covering El Nido (**Annex K**).
14. From August to December 2019, the actual Carrying Capacity Study for El Nido (mainland) and its adjacent islands was executed by the UPLB School of Environmental Science and Management (SESAM) guided by the Manual on the Computation of Carrying Capacity prepared by the ERDB. On 25 November 2020, a face-to-face presentation was successfully undertaken to the ENTMRPA Management Board. Further, on 18 February 2021 an En Banc Meeting of the ENTMRPA Management Board was convened wherein majority of the members agreed and accepted the results of the study. Hence, *PAMB Resolution No. 003, Series of 2021, "A Resolution Accepting the Result of the Carrying Capacity in El Nido, Palawan was issued* (**Annex L**).
15. In response to the request of DENR MIMAROPA Regional Executive Director on 14 January 2022 (**Annex M**) to lift the moratorium for the issuance of permits related to improvements/construction of new structures in Municipality of El Nido, the Biodiversity Management Bureau (BMB) submitted its recommendations to the Office of the Secretary in its Memorandum dated 21 February 2022. However, to date, as per tracking and checking the whereabouts of the said documents, the same is still pending at the DENR-Environmental Law Enforcement and Protection Service (ELEPS) (**Annex N**). The recommendation of the Bureau was to continuously implement the moratorium until the concerned LGU, PA Management Office and the ENTMRPA Management Board have complied and/or acted on the measures as recommended in the carrying capacity study report.
16. However, the LGU of El Nido indicated its request to update the carrying capacity study in view of their updated CLUP during the PAMB Meeting on September 29, 2022. Further, on 26 August 2022, **the LGU of El Nido issued Executive Order No. 22-040, "Lifting the Moratorium in the Issuance of Barangay Clearances, Certifications and Endorsements for the Project Proposals within the Municipality of El Nido"** (**Annex O**).
17. On 23 May 2022, Ms. Rosalinda R. Arenas as the duly authorized representative of Jorge N. Dela Torre submitted to the PA Management Office of ENTMRPA all the requirements for SAPA application of the Last Paradise Resort (**Annex P**) based on the comments and recommendations provided by the Regional Office.

OBSERVATIONS AND FINDINGS

18. The area being applied for SAPA covering 5,124.60 square meters located at Seven Commando, Barangay Buena Suerte, El Nido, Palawan is within the ENTMRPA, a proclaimed protected area by virtue of Presidential Proclamation No. 32 dated October 8, 1998 and is managed pursuant to the NIPAS Act of 1992, amended by the ENIPAS Act of 2018.

19. The proposed project of Last Paradise Resort was favorably endorsed by the ENTMRPA Management Board on 17 November 2021 through Management Board Resolution No. 019, Series of 2021, *"A Resolution Endorsing the Special Use Agreement in Protected Area (SAPA) Application of the Last Paradise Resort located at Seven Commando, Barangay Buena Suerte, El Nido, Palawan"* (**Annex Q**).
20. The proposed area for SAPA is outside the forty (40) meters easement, hence compliant with forty (40)-meters legal easement based on the Certification of Compliance on Allowable Easement issued by DENR MIMAROPA on 22 September 2021 (**Annex R**).
21. The said proposed SAPA area falls within the Multiple-Use Zone (MUZ) based on the indicative management zoning provided in the ENTMRPA management plan and per Certification issued by the Protected Area Superintendent of ENTMRPA on March 26, 2021 (**Annex S**). The same area also falls within the Multiple Use Zone (MUZ) of the ECAN zoning pursuant to RA 7611 or SEP Law of Palawan and per SEP Clearance No. SAPA-042122-017 issued by the Palawan Council for Sustainable Development on 21 April 2022 (**Annex T**).
22. The proposed project of Last Paradise Resort was granted an Environmental Compliance Certificate (ECC-OL-R4B-2022-0812) on 29 November 2021 by Regional Director Joe Amil Salino of EMB MIMAROPA (**Annex U**).
23. Pursuant to Section 25 of the NIPAS Act, as amended, and Rule 25.5 of its Implementing Rules and Regulations (DAO 2019-05), the Annual SAPA Fee amounts to **Php 3,529,105**. The computation is based on the five (5%) of the most recent value of the commercial zone in the nearest barangay or municipality where the project area is located, multiplied by the size of the area for development and one (1%) of the value of improvement, as premium to the protected area. For this proposed project, the commercial zone used is the value of Brgy. Buena Suerte, El Nido with zonal value of 13,500zv/sq.m as set by the Bureau of Internal Revenue for RDO No. 36, Puerto Princesa City, Palawan under the Department of Finance (DOF) Department Order No. 072-2017 dated November 24, 2017 (**Annex V**).
24. An updated Indicative Development Plan (IDP), Comprehensive Development and Management Plan (CDMP) together with the Rehabilitation Plan were also submitted as part of the requirements for their SAPA application (**Annexes W, X, Y**), respectively. Further, in consideration of the need to rehabilitate the area at the end of the Project's life span, as well as in case of unforeseen circumstances during the operation phase of the Project, the submission of a Rehabilitation Plan is retained in the Terms and Conditions of the SAPA.
25. As of to date, the issuance of the former DENR-MIMAROPA Regional Executive Director and the Regional Directors of DOT-MIMAROPA and DILG-MIMAROPA to the Municipal Mayor of El Nido on the immediate declaration of moratorium on the issuance of all permits has not yet been lifted. Likewise, the conditionalities set and recommended by the Bureau per Memorandum dated 21 February 2022 were not yet complied. However, Municipal Mayor of El Nido Edna Gacot-Lim issued Executive Order No. 22-040 lifting the moratorium on the issuance of barangay clearances, certifications and endorsements for projects proposals within El Nido.

RECOMMENDATION

26. Based on the Memorandum dated 18 August 2023, the DENR MIMAROPA has yet to lift the moratorium, while the LGU El Nido has already issued Executive Order No. 22-040, "Lifting the Moratorium in the Issuance of Barangay Clearances, Certifications and Endorsements for the Project Proposals within the Municipality of El Nido". For consistency, it is recommended that the DENR MIMAROPA should issue first a Memorandum to the concerned CENRO and PENRO, including the PAMO, regarding the lifting of the moratorium subject to the Bureau's recommendations in the Memorandum dated February 21, 2022.

ACTION REQUESTED

27. Having satisfactorily complied with the requirements of the SAPA as provided for in Sections 12 and 25 of RA 7586, as amended by RA 11038, and their corresponding Rules stipulated in DAO 2019-05 or the Implementing Rules and Regulations of the Act, the Bureau is favorably endorsing the attached draft SAPA in favor of The Last Paradise Resort for approval and to be awarded to the proponent once moratorium is lifted by the DENR MIMAROPA.
28. Meanwhile, attached is the draft Memorandum to DENR-MIMAROPA regarding the status of moratorium in El Nido in order to proceed with the appropriate action on the SAPA applications in ENTMRPA for your consideration and/or signature.


ANSON M. TAGTAG

Copy furnished

The Regional Executive Director
DENR MIMAROPA Region



Republic of the Philippines
Department of Environment and Natural Resources
BIODIVERSITY MANAGEMENT BUREAU



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