



August 12, 2021

MEMORANDUM

FOR : The Regional Executive Director
DENR-MIMAROPA Region

THRU : The Assistant Regional Director for Technical Services

FROM : The OIC-PENR Officer

SUBJECT : **ISSUANCE OF NOTICE TO VACATE TO MARCOPPER MINING CORPORATION (MMC) RELATIVE TO THE EXPIRED OLPLA NO. 002 (BODEGA AND PORT FACILITIES) SITUATED IN BRGY. BALOGO, STA. CRUZ, MARINDUQUE**

Relative to the above subject and pursuant to the provisions of DAO 2020-09 dated June 05, 2020 entitled: ***"GUIDELINES ON THE MANAGEMENT OF CANCELLED OR TERMINATED, EXPIRING, AND EXPIRED TENURIAL INSTRUMENT"***, we would like to inform you that this Office issued the necessary Notice To Vacate to Marcopper Mining Corporation in relation to the expired OLPLA No. 002 (Bodega and Port Facilities) covering an area of 17.655 hectares situated in Brgy. Balogo, Sta. Cruz, Marinduque.

Based on the records from the Forest Management Bureau (FMB), the said OLPLA No. 002 had expired way back on June 30, 1994. Records also revealed that an application for renewal was filed on September 9, 1993, but the FMB is bereft of any record of its approval, hence, they presumed disapproved. Assuming however that said application for renewal was approved, the another period of twenty five (25) years to complete the maximum of fifty (50) years as allowed by the Constitution, has already been lapsed last December 31, 2020.

Relative thereto, on August 09, 2021, OIC- PENR Officer Imelda M. Diaz and her staff, together with the representatives from the Provincial Government of Marinduque, Atty. Rommel Fernandez and from the Philippine National Police – Marinduque proceeded to the site in order to serve the Notice to Vacate duly signed by PENRO Diaz dated August 06, 2021. The Team requested the presence of Barangay Balogo Officials in the person of Punong Barangay Rizal Redogerio and Kagawad Reynaldo M. Peregrin.

The Notice was properly served by PENRO Diaz and was received peacefully by certain Jessie Nacion, the security guard on duty. The company was given thirty (30) days within which to vacate the area and to remove improvements, structures and equipment they installed thereon. Thereafter, physical takeover and final assessment of the previously leased area will be undertaken by this Office to be initiated by the Asset Management Team (AMT).

Please find attached copy of Notice to Vacate duly received by Mr. Nacion as well as the photographs taken during the event.

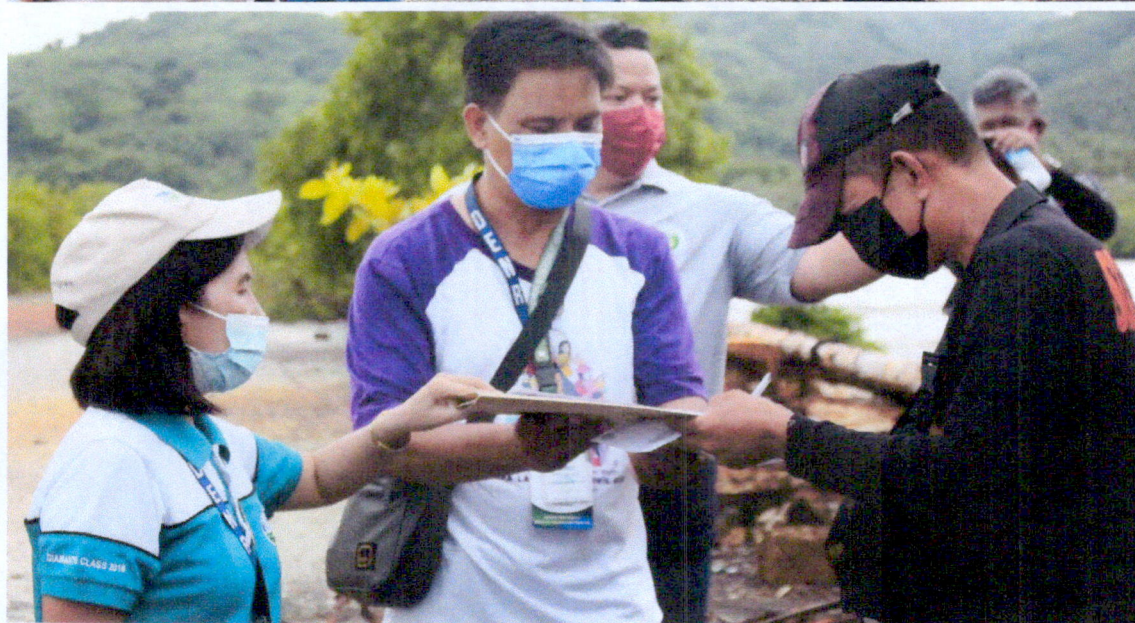
For information, record and further instruction.


IMELDA M. DIAZ

Cf: *The Undersecretary for Field Operations, DENR*
The Director, Forest Management Bureau



Pictures showing PENRO Imelda M. Diaz and her staff while installing the DENR signage in front of the gate of Bodega and Port Facilities of Marcopper Mining Corporation located in Brgy. Balogo, Sta. Cruz, Marinduque.



Pictures showing PENRO Diaz assisted by Engr. Henry Gervacio of MGB and Atty. Rommel Fernandez of the Provincial Government while serving the Notice To Vacate letter to Mr. Jessie Nacion, Security Guard on duty at Balogo Port and Bodega Facilities.



Another picture showing PENRO Diaz and Atty. Rommel Fernandez together with PNP members of the Provincial Government of Marinduque while on their way to the Balogo Port to serve the Notice To Vacate (Upper photo).



These pictures show Bodega Facility and some heavy equipment of Marcopper Mining Corporation located inside the Port Facilities covered by expired OLPA No. 002.



Republic of the Philippines
Department of Environment and Natural Resources
PENRO Marinduque

August 6, 2021

MR. TEODORO G. BERNARDINO
President
MARCOPPER MINING CORPORATION (MMC)
Andrews Avenue, General Aviation Area
Domestic Airport Road, Pasay City

Sir:

We would like to inform you that pursuant to the provisions of **DENR Administrative Order (DAO) No. 2020-09**, specifically, **Section 7** thereof which states, in part, that:

Section 7. Procedures for the Management of Areas Covered with Cancelled/Terminated, Expiring, and Expired Tenurial Instruments.

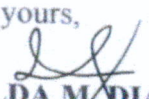
Section 7.1 xxx a **notice** shall be issued to the tenurial instrument holder to **vacate** the area upon the expiration.

Based on records, the lease contract, **OTHER LAWFUL PURPOSES LEASE AGREEMENT – FMB No. 2**, covering a 17.655-hectare public land in Balogo, Sta. Cruz, Marinduque, of which your company was the lessee, expired on **December 31, 2020**.

In view thereof, we are giving you a period of thirty (30) days upon receipt of this notice, to vacate the area, and thereafter, the Asset Management Team (AMT) of our Office, pursuant to Section 7.3 of DAO No. 2020-09, will start to secure the area, prepare and implement a protection and management plan, and conduct a comprehensive assessment to determine the best land use in accordance with prevailing laws, rules and regulations.

We are hoping that you will give this matter your preferential and utmost attention and we expect your cooperation in the smooth transition hereof. Otherwise, we will be constrained to file appropriate charges against you in court to protect the interests of the government.

Truly yours,


IMELDA M. DIAZ
OIC – PENRO Officer

Copy furnished:

The Honorable Secretary, DENR

The Undersecretary for Field Operations, DENR

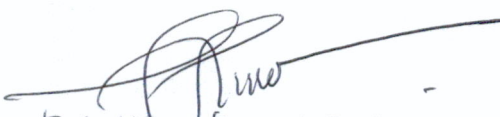
The Regional Executive Director, DENR MIMAROPA Region

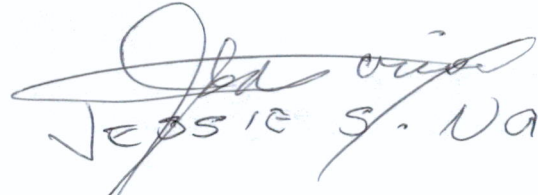
The Director, Forest Management Bureau

The Regional Director, Mines and Geosciences Bureau - MIMAROPA Region

The Governor, Provincial Government of Marinduque

The Honorable Speaker, House of Representatives


RIZAL REDUEERIO
8-9-21
d


JESSIE S. NACION
Aug. 9-2021