



Republic of the Philippines
Department of Environment and Natural Resources
Provincial Environment and Natural Resources Office
MIMAROPA Region
Bgy. Sta. Monica, Puerto Princesa City, Palawan
E-mail: penropalawan@denr.gov.ph
Telfax No. (048) 433-5638 / (048) 433-5638

November 4, 2021

MEMORANDUM

FOR : The Regional Executive Director
DENR-MIMAROPA Region
Roxas Boulevard, Ermita, Manila

ATT’N : The Regional Director
DENR-MGB-MIMAROPA

: The Regional Director
DENR-EMB-MIMAROPA

FROM : The PENR Officer and Concurrent Acting PMRB Chairperson
Palawan

SUBJECT : **IMPOSITION OF PENALTY AGAINST BCT TRADING AND CONSTRUCTION (NOW ONE HUNDRED PERCENT CONSTRUCTION AND DEVELOPMENT CORPORATION) AND ITS JOINT-VENTURE PARTNER, INTERNATIONAL BUILDERS CORPORATION BY THE PMRB FOR ILLEGAL HAULING OF ORDINARY EARTH/BACK FILLING MATERIALS FROM BRGY. DECALACHAO AND SO. TUBATAN, CORON, PALAWAN INSIDE BUSUANGA PASTURE RESERVE (BPR)**

This pertains to PMRB Resolution No. 75-2021 dated October 15, 2021 (herewith attached) entitled “A Resolution Imposing Penalty Against BCT Trading and Construction (Now One Hundred Percent Construction and Development Corporation) and its Joint-Venture Partner-International Builders Corporation for Illegal Hauling of Ordinary Earth Materials/Backfilling Materials from Brgy. Decalachao and Sitio Tubatan Coron, Palawan.”

Please be informed that a total amount of ₱ 4, 516,000.00 was imposed by the PMRB to the said corporation and its joint-venture partner with additional instruction to rehabilitate the affected areas upon submission and approval of a rehabilitation plan to be submitted by them.

It is worth to mention that the hauling of earth/backfilling materials were sourced inside the BPR without appropriate permit from the PMRB and used in the construction of runway embankment of Francisco B. Reyes Airport being part of the expansion/re-development of the said airport by the Civil Aviation Authority of the Philippines (CAAP) under the Department of Transportation (DOTr).

The One Hundred Percent Construction and Development Corporation is the winning bidder for the phase one (1) of the project awarded by the DOTr-CAAP. However the DOTr-CAAP has to secure tenurial instrument for the project from the DENR being located inside the BPR where under Presidential Proclamation No. 1387 is reserved exclusively for pasture purposes and withdrawn from sale, settlement or any form of disposition, exploration or exploitation. Hence,

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clearance and/or any form of authority for using the area must be secured from the DENR as well as Environmental Compliance Certificate (ECC) and other applicable permits.


The said contractor/corporation has ceased its operation/construction in the re-development of the airport until all the required permits/clearances have been secured from concerned government agencies. This office through the CENRO, BPR/Project Management Office in Coron are closely and regularly monitoring the area. Rest assured that reports will be submitted periodically on the matter.

For information, record and further instruction/s.


ERIBERTO B. SAÑOS, CESE

Cc: The Director, Forest Management Bureau

CENRO Coron, Palawan

DENR PEIRO
PALAWAN REGION
RELEASED
BY: 
DATE: *11-26-38*
NOV 11 2021



REPUBLIC OF THE PHILIPPINES
PROVINCIAL GOVERNMENT OF PALAWAN
OFFICE OF THE GOVERNOR
Provincial Mining Regulatory Board



MR. ERIBERTO SAÑOS
Chairman

MR. ROLAND TALABUCON
PENRO Permanent Alternate

ATTY. NOEL E. AQUINO
Vice – Chairman

DR. ESTELA E. DIVINAGRACIA
Small-Scale Mining Representative

MR. INOCENCIO C. MAGALLANES
NGO Representative

MR. JOSE G. VIADO
Technical Staff

MR. MARK ANJO B. ATIENZA
Monitoring Staff

MS. GILLIAN M. ATIENZA
Board Secretary

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PMRB Office Ground Flr., PEO Building,
Banca-Banco,
Puerto Princesa City, Palawan

10 November 2021

ENGR. GLENN MARCELO C. NOBLE

Regional Director Mines and Geosciences Bureau
Regional Office No. IV-B (MIMAROPA)
7/F, 1515 DENR Building, Roxas Boulevard, Ermita, Manila
Telefax: (63-2) 3101369

Sir,

Respectfully resubmitting the copy of **PMRB Resolution No. 75 Series of 2021**, rectifying the subject entitled: "A RESOLUTION IMPOSING PENALTY AGAINST BCT TRADING AND CONSTRUCTION (NOW ONE HUNDRED PERCENT CONSTRUCTION AND DEVELOPMENT CORPORATION) AND ITS JOINT-VENTURE PARTNER INTERNATIONAL BUILDERS CORPORATION FOR **AN AUTHORIZED** HAULING OF ORDINARY EARTH MATERIALS/BACKFILLING MATERIALS FROM BGY DECALACHAO AND SITIO TUBATAN CORON, PALAWAN", changing "AN AUTHORIZED" to "ILLEGAL" due to typographical error.

For your information.

Respectfully yours,


GILLIAN M. ATIENZA
Board Secretary, PMRB

CC:

Forest Management Bureau (FMB)

Community Environment and Natural Resources Office (CENRO) - Coron



REPUBLIC OF THE PHILIPPINES
PROVINCE OF PALAWAN
Provincial Mining Regulatory Board



EXCERPTS FROM THE MINUTES OF THE REGULAR MEETING OF THE PROVINCIAL MINING REGULATORY BOARD HELD ON OCTOBER 15, 2021, 2:00 PM AT DIAKOPES INN BARANGAY BANCAO-BANCAO, PUERTO PRINCESA CITY

PRESENT DURING THE MEETING:

- | | | |
|----------------------------------|---|-----------------------------------|
| 1. MR. ERIBERTO B. SAÑOS | - | PENRO, Chairman – PMRB |
| 2. ATTY. NOEL E. AQUINO | - | Governor's Representative |
| 3. DRA. ESTELA E. DIVINIGRACIA | - | Small Scale Mining Representative |
| 4. MR. ROLAND TALABUCON | - | Permanent Alternate of DENR-PENRO |
| 5. MR. INOCENCIO C. MAGALLANES | - | NGO Representative |
| 6. MR. RICHRISTOPHER C. MAGBANUA | - | Program Director, MGRP |
| 7. MR. JOSE G. VIADO | - | OIC, Technical Staff |
| 8. MR. MARK ANJO B. ATIENZA | - | OIC, Monitoring Staff |

PMRB RESOLUTION NO. 75 - 2021

A RESOLUTION IMPOSING PENALTY AGAINST BCT TRADING AND CONSTRUCTION (NOW ONE HUNDRED PERCENT CONSTRUCTION AND DEVELOPMENT CORPORATION) AND ITS JOINT-VENTURE PARTNER INTERNATIONAL BUILDERS CORPORATION FOR ILLEGAL HAULING OF ORDINARY EARTH MATERIALS/BACKFILLING MATERIALS FROM BGY DECALACHAO AND SITIO TUBATAN CORON, PALAWAN.

WHEREAS, Republic Act 7942 of the Philippine Mining Act and its implementing rules and regulations strictly prohibits the illegal extraction of materials or quarrying resources from public and private lands without valid permit;

WHEREAS, the Provincial Mining and Regulatory Board (PMRB) also penalizes the illegal transport of quarry resources including sand and gravel without any existing permit from the board or from any government agency as the case may be;

WHEREAS, based on the report submitted by PMRB Coron through its team leader Ms. Ma. Teresa J. Casareno dated October 12, 2021, One Hundred Percent Construction and Development Corporation and its joint venture partner international Builders Corporation had extracted a total of 220.800 cu.m. from Barangay Decalachao, Coron from July 2019 – December 2020, and the same was used in the embankment of Francisco B. Reyes airport in the same municipality;

WHEREAS, report from the Enforcement and Monitoring Team in Coron further shows that from January 2021 – August 2021, One Hundred Percent Construction and Development Corporation utilized a total volume of 133.425 cubic meter of back filling materials taken from the waste of the road widening project, another national government project in Sitio Tubatan, Coron, Palawan;

WHEREAS, the written explanation/answer from One Hundred Percent Construction and Development Corporation submitted that they simply made use of the ordinary earth and backfilling materials from the land preparation and flattening of a proposed barangay site for schools and other buildings of Barangay Decalachao that earlier requested help from the Honorable Governor, the DENR, the municipal government, Forest Management Bureau among others to flatten the proposed site and the request was done through **Barangay Resolution NO. 25-2020**;

WHEREAS, One Hundred Percent (100%) Construction and Development Corporation submitted to the Board that the construction of the runway embankment is a project of the National Government under the **Department of Transportation** thru its attached agency the **Civil Aviation Authority of the Philippines (CAAP)** and their company is the winning bidder for the phase one (i) of the project;

WHEREAS, while it is undisputed that the ordinary earth/mountain quarry materials were used in the runway embankment project of Francisco B. Reyes airport the responsible company is still liable to pay the fine and penalties appropriate to the volume extracted and hauled;

NOW THEREFORE, upon unanimous decision of all the members present, resolved as it is hereby resolved to:

- (a) Adopt Section 1.1 of Provincial Ordinance 1398-14 but as a form of penalty and to impose a penalty jointly and solidarily against One Hundred Percent Construction and Development Corporation and its joint venture partner International Builders Corporation broken down as follows;

$$220,800 \text{ cum} \times \text{P}20 \text{ (ordinary earth)} = \text{P}4,416,000.00$$

- (b) Impose a penalty of P50,000 for violating Section 3 of PMRB Resolution No. 018-2010 for the Decalacaho hauling and an additional P50,000 for the Sitio Tubatan backfilling materials source from the road widening project in Sitio Tubatan.

(c) Both Corporations are also ordered to secure the proper Ore Transport Permit (OTP) from the Mines and Geo-Sciences Bureau (MGB) prior to any continuation of hauling activities from the two areas mentioned pursuant to Regional Memorandum Order No. 2020-07 dated 29 June 2021 on the Guidelines for the Utilization, Disposition and Transport of incidental earth materials from government projects.

- (d) Require both companies to secure an ECC for the proposed barangay site before any hauling and/or extraction activity be undertaken;
- (e) Require both companies to submit a rehabilitation plan for the Decalachao Extraction Site to be approved by this BOARD and immediately implement the same in coordination with the CENRO of Coron, the MENRO and the Provincial Mines and Regulatory Board. The local MENRO and CENRO are also directed to regularly monitor the implementation once commenced.


- (1) To require both companies and the Project Proponent Civil Aviation Authority of the Philippines (CAAP) to secure an appropriate certification from the Office of the President (OP) and the Department of Transportation (DOTr) that the project is part of the Build Build Build (BBB) Program and thus considered an urgent project.

UNANIMOUSLY ADOPTED:

DRA. ESTELA E. DIVINAGRACIA
Small-Scale Mining Representative


ATTY. NOEL E. AQUINO
Governor's Representative/
Vice-chairman


INOCENCIO MAGALLANES
NGO Representative


ROLAND TALABUCON
Permanent Alternate of DENR-PENRO

I HEREBY CERTIFY to the correctness of the foregoing RESOLUTION which was adopted by the PROVINCIAL MINING REGULATORY BOARD OF THE PROVINCE OF PALAWAN during its regular meeting held on 12 October 2021.

GILLIAN M. ATIENZA
Board Secretary