



Republic of the Philippines
Department of Environment and Natural Resources
Region IV- MIMAROPA

COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE

Barangay III (Poblacion), Roxas, Palawan
Contact No. 09171606578 / 09175028647
Email address: cenroroxaspalawan@denr.gov.ph

November 19, 2021

MEMORANDUM

FOR : The PENRO
(Chairman PMRB)

FROM : The OIC Community Environment and Natural Resources Officer

SUBJECT : **REPORT ON THE APPREHENDED TWO CONVEYANCES
OWNED BY BCT TRADING AND CONSTRUCTION
LOADED WITH SAND AND GRAVEL MATERIAL WITH AN
INVALID DELIVERY RECEIPT IN BGY. DUMARAO, ROXAS,
PALAWAN**

Respectfully endorsing is the memorandum report dated 19 November 2021 regarding the above-cited subject.

Attached is a copy of the report mentioned above.

For your information and further instruction on the matter.


RONIE B. GANDEZA

Cc: **The Regional Director**
Mines and Geosciences Bureau-MIMAROPA Region

The Regional Executive Director
Department of Environment & Natural Resources

The Provincial Mining Regulatory Board
Province of Palawan

DENR-CENRO ROXAS
RELEASED
DATE: NOV 19 2021
BY: Mr
DOC. NO. 21-11 1408



Republic of the Philippines
Department of Environment and Natural Resources
Region IV- MIMAROPA
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Contact No. 09171606578 / 09175028647
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November 19, 2021

MEMORANDUM

FOR : The CENR Officer
Community Environment and Natural Resources Office
Roxas, Palawan

FROM : The Undersigned


SUBJECT : **REPORT ON THE APPREHENDED TWO CONVEYANCES OWNED BY *BCT TRADING AND CONSTRUCTION* LOADED WITH SAND AND GRAVEL MATERIAL WITH AN INVALID DELIVERY RECEIPT IN BRGY DUMARAO, ROXAS, PALAWAN**

Background Information

On 18th November 2021, The undersigned, together with Forest Ranger Charlie A. Rabang, Forest Ranger Marco Angelo M. Marquez, and Forest Ranger Alonso A. Tabangay conducted a monitoring checkpoint in Brgy Dumarao. The team intercepted two (2) 10-wheeler dump trucks loaded with Sand and Gravel (SAG) material with an invalid delivery receipt in Brgy. Dumarao.

Findings and Observation

1. At 6:21 in the morning, the team spotted two (2) dump trucks, a white HOWO with 'BCT Trading and Construction' inscription on the truck driven by Mr. Lode Peregrino Bachine and a white HOWO with the inscription 'ONE HUNDRED PERCENT' driven by Jayson Rublico Esplana and helper John Philip Elep. The team immediately intercepted the said dump trucks and introduced the identity of the team.

2. The team requested for a copy of their Delivery Receipt (DR) or any legal documents pertaining to their transport. Mr. Bachine and Mr. Esplana presented their respective delivery receipts (Figure 5 and 6).
3. Reflected on the Delivery Receipt is a certain Joel Macabutas as the Permittee of the transported SAG materials. Mr. Sherwin Jagmis, time keeper of the BCT then arrived at the apprehension area. The undersigned then asked Mr. Jagmis if the team could speak to any their supervisors.
4. The undersigned then interviewed the company representative, Mr. Alfred Batol. During the phone interview. Mr Batol provided a copy of the issuance of a Barangay Certification addressed to the proponent, signed by Punong Barangay Roel R. Gruspe. Mr. Batol also forwarded a copy of the "Resolution Granting Renewal of Commercial Sand and Gravel..." (Annex)
5. According to Mr. Batol, their application for permit *renewal* is still on-process to be submitted to the PENRO. He mentioned that since the SAG material is intended for a government project, the PMRB issued a Special Delivery Receipt (SDR).
6. PMRB-Head Atty. Noel Aquino affirmed he himself did not provide issuance of Special Delivery Receipts. The PMRB Board also does not sanction SDR. SDRs are only given to Permittees whose permit expired with existing stockpiles to be transported that is still within the total volume allowed in the permit. Atty Aquino then forwarded the concern to Mr. Bijado, Secretariat of PMRB.
7. Upon validation, Atty. Aquino recognized that Mr. Macabutas is a new applicant for the SSMP, thus have no previous permit. Atty Aquino emphasized that the SDR presented to the team is not legitimate.
8. With these evidences, the undersigned then explained their violation and read them the MIRANDA rights. (Figure 7)
9. A seizure receipt was then issued/given to the drivers of the company BCT Construction and the two (2) 10-wheeler dump truck was left in custody of the CENRO-Roxas.
10. Engr. Ranford Villegas of the Provincial Engineers Office then contacted the undersigned. He stated that the aggregates were intended for a government project, specifically, *upgrading of* the Salban-Culasian-Magsaysay FMR located in Dumaran, Palawan. 

11. Upon verification with the MGB Regional Office, BCT's Certificate of Accreditation is valid only until 10 September 2021 and failed to secure another certification for renewal.

Comments and Recommendations

1. It is advised that the PMRB investigate the invalid Delivery Receipts given to non-permit holder.

It is noteworthy to mention that a valid DR stems from a *valid permit*. Without a valid permit, no DR can be obtained by any person desiring to transport materials.

2. Based on the field findings, BCT Trading was found to be in violation of *Section 110 of Chapter XIX of RA 7942*, which states that

Other Violations. Transport of Minerals, Mineral Products, By Products without permits/s or authority.

Any other violation of this Act and its implementing rules and regulations shall constitute punishable with a fine not exceeding Five thousand pesos (P5,000.00)

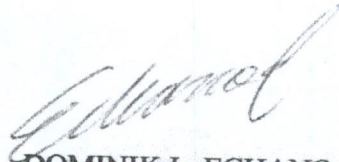
3. BCT Trading failed to secure renewal for Certificate of Accreditation, henceforth violates *Section 128 Chapter XIII of DAO-2010-21*, which provides that

No person shall engage in trading of minerals/mineral products and by-products either locally or internationally, unless registered with the DTI and accredited by the Department, with a copy of said registration and accreditation submitted to the Bureau.

The traders, dealers and retailers of minerals/mineral products/by-products who are not Contractor/Permit Holders/Mining rights are henceforth required to be accredited by the Department.

4. Furthermore, Joel Macabutas is advised to *cease and desist* from further conducting quarry extraction until the necessary requirements and documents for application of mining permit are approved by the Regional Office and the PMRB. Without an existing valid permit, Mr. Macabutas does not have a right to extract quarry materials.
5. Strengthen monitoring of construction projects that utilizes quarried materials.
6. Lastly, the Undersigned recommends close coordination between MGB Embedded Personnel and PMRB in matters pertaining mining.

For the CENRO's consideration and further instruction.



DOMINIK L. ECHANO
Science Research Specialist I



CHARLIE A. RABANG
Forest Ranger



MARCO ANGELO M. MARQUEZ
Forest Ranger



ALONSO A. TABANGAY
Forest Ranger

PHOTO DOCUMENTATION



Figure 1. Apprehended dump trucks of BCT Trading and Construction



Figure 2. Loaded SAG in Truck labelled with 'BCT Trading and Construction'



Figure 3. Loaded SAG in Truck labelled with ‘ONE HUNDRED PERCENT’



Figure 4. Undersigned discussing with Mr. Esplana (right) and Time Keeper Mr. Jagmis (second to the right)

10°26'48"N, 119°22'17"E
accuracy: 4m

Republic of the Philippines
Provincial Government of Palawan
OFFICE OF THE GOVERNOR
Puerto Princesa City

SAND AND GRAVEL DELIVERY RECEIPT

Date: 11-18-21

Sold to: BCT CONSTRUCTION
Destination: DURANGO TRDP PROJ.
Truck Plate No.: DT 58 REGATES
Kind of Materials Sold: 16 cum
Volume (Cubic Meter): 16 cum
Value (in Pesos): 10000 20000 P=1
Origin: Bay: 10000 20000 P=1
Name of Permittee: JULI ANONBUTAS
Commercial Foreperson/Individual: 0/4
Permit No.: 0/4
Date Granted: 0/4
Treasury's Official Receipt No.: 0/4
Date: 0/4
Total Volume Allowed Under Permit (Cu.M.): 1600
Total Volume Extracted To Date (Cu.M.): 208
Remaining Volume Allowed To Be Extracted To Date (Cu.M.): 1392

No. 503993 By: [Signature] Representative

Not valid unless countersigned at the back by the Provincial Governor or his duly authorized representative.

Altitude 57 m 11/18/21 6:23 AM

10°26'48"N, 119°22'17"E
accuracy: 2m

Republic of the Philippines
Provincial Government of Palawan
OFFICE OF THE GOVERNOR
Puerto Princesa City

SAND AND GRAVEL DELIVERY RECEIPT

Date: 11-18-2021

Sold to: BCT CONSTRUCTION
Destination: DURANGO TRDP PROJ.
Truck Plate No.: AGGREGATES
Kind of Materials Sold: 16 cum
Volume (Cubic Meter): 16 cum
Value (in Pesos): 10000 20000 P=1
Origin: Bay: 10000 20000 P=1
Name of Permittee: JULI ANONBUTAS
Commercial Foreperson/Individual: 0/4
Permit No.: 0/4
Date Granted: 0/4
Treasury's Official Receipt No.: 0/4
Date: 0/4
Total Volume Allowed Under Permit (Cu.M.): 1600
Total Volume Extracted To Date (Cu.M.): 240
Remaining Volume Allowed To Be Extracted To Date (Cu.M.): 1360

No. 503995 By: [Signature] Representative

Not valid unless countersigned at the back by the Provincial Governor or his duly authorized representative.

Altitude 57 m 11/18/21 6:24 AM

Figure 5 and 6. Delivery Receipt issued to BCT dated 18 November 2021



Figure 7. Undersigned reading the MIRANDA rights and explaining the violation



Figure 8 and 9. IDs of the drivers of BCT

ANNEX

Republic of the Philippines
Province of Palawan
Municipality of Roxas
Barangay Iraan

September 13, 2021

HON ROEL R. GRUSPE
Punong Barangay
Iraan, Roxas, Palawan

Sir,


May I have the honor to request from your good office the issuance of Barangay Certification regarding my Renewal application of Sand and Gravel quarry permit in the area of Sitio Iraan River located at Sitio Macalan-calan, Barangay Iraan (Sto. Tomas), Roxas, Palawan.

Likewise I am also requesting from your Barangay Council endorsement granting my application for renewal be approved.

Hoping your favorable action and approval.

God Bless and More Power!!!

Respectfully Your's,


JOEL A. MACABUTAS
Proponent



REPUBLIC OF THE PHILIPPINES
PROVINCE OF PALAWAN
MUNICIPALITY OF ROXAS
BARANGAY IRAAN
OFFICE OF THE PUNONG BARANGAY



CERTIFICATION


TO WHOM IT MAY CONCERN:

THIS IS TO CERTIFY that Mr. Joel A. Macabutas is a holder of Environmental Compliance Certificate (ECC) NO. 4B-073-PAL-303-2002 covering an area of Nine Thousand Eight Hundred Ninety Three Square Meters (9,893 sq. m) for Gravel and Sand extraction project located at Sitio Macalan-calan, Iraan River, Barangay Iraan (Sto. Tomas) Roxas, Palawan.

It further certifies that he is complying with conditions stipulated in his ECC and willing to undertake mitigating measures embodied in his initial environmental examination as the need arises.

Furthermore, that he is pledge to completely abide to all existing mining laws, rules and regulations related to quarrying Strategic Environmental Plan and other environmental laws.

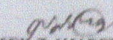
Issued this 15th day of September 2021 at Barangay Iraan, Roxas, Palawan.

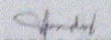

ROEL R. GRUSPE
Punong Barangay

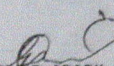
Paid under:
Cert. fee: 50.00
Sec. fee: 50.00
O.R No. _____
Issued on: _____

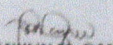
Page 2 of Res. No.12 s-2021


Attested and Concurred:



EDIL T. VALDEZ
Kagawad



MARILON C. SALVADOR
Kagawad

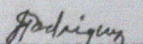

ELVIRO B. ABARIL
Kagawad

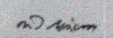

FRANKLIN M. DANGUE
Kagawad


HERMINIO B. SOLOMON
Kagawad


EDNA E. CATAIN
Kagawad


SARAN R. GATCHALIAN
Kagawad


FELIPE P. RODRIGUEZ
Kagawad/IPMR


VICTOR D. VINCUA
SK Chairman



REPUBLIC OF THE PHILIPPINES
PROVINCE OF PALAWAN
MUNICIPALITY OF ROXAS
BARANGAY IRAAN
OFFICE OF THE SANGGUNIANG BARANGAY



Excerpts from the minutes of the 74th Regular Session of the Sangguniang Barangay of Iraan, Roxas, Palawan held at the Barangay Hall on Septemebr 20, 2021.

Present:

Hon. Roel R. Gruspe
Hon. Edli T. Valdez
Hon. Marilou C Salvador
Hon. Elviro B. Abaril
Hon. Franklin M. Dangue
Hon. Herminio B. Solomon
Hon. Edna E. Catain
Hon. Saran R. Gatchalian
Hon. Felipe P. Rodriguez
Hon. Victor D Vincua

Punong Barangay/Presiding Officer
Barangay Kagawad
Barangay Kagawad
Barangay Kagawad
Barangay Kagawad
Barangay Kagawad
Barangay Kagawad
Barangay Kagawad/IPMR
SK Chairman

Absent:

None
XXXXX

XXXXX
RESOLUTION NO. 12
Series of 2021

XXXXX

" A RESOLUTION GRANTING RENEWAL OF COMERCIAL SAND AND GRAVEL OF MR. JOEL A. MACABUTAS UNDER ENVIRONMENTAL COMPLIANCE CERTIFICATE (ECC) NO. 4B-073-PAL-303-2002 LOCATED AT SITIO MACALAN-CALAN, IRAAN RIVER BEDS, BARANGAY IRAAN (STO.TOMAS), ROXAS, PALAWAN."

WHEREAS, the Sangguniang Barangay of Iraan issued this Resolution upon request of the above-name person as pre-requisite in the issuance of renewal of a commercial permit to operate Sand and Gravel in this Barangay;

WHEREAS, this Resolution is being issued provided that the applicant shall not violate the existing rules and regulations pertaining thereto;

WHEREAS, that the above-name applicant shall pay all corresponding taxes due to government before starting the operation strictly of the said business;

WHEREAS, any violation pertaining to this Barangay Resolution and the contract itself shall been suspension of the operation;

NOW THEREFORE, on motion of Kagawad Herminio B. Solomon and duly seconded by Kagawad Elviro B. Abaril be it;

RESOLVED AS IT IS HEREBY RESOLVED, to grant the Resolution to the applicant Mr. Joel A. Macabutas for a commercial permit to quarry Sand and Gravel in this barangay;

RESOLVED FURTHER, that the rights and previledges over the quarry area as stated is hereby considered and approved;

RESOLVED FINALLY, that copies of this Resolution be furnished to the Offices concerned for their information and reference.

I HEREBY CERTIFY to the correctness of the foregoing Resolution rendered during the 74th Regular Session of the Sangguniang Barangay of Barangay Iraan, Roxas, Palawan.

JUDITH M. GATCHALIAN
Barangay Secretary

Attested and Approved:

ROEL R. GRUSPE
Punong Barangay



Republic of the Philippines
Department of Environment and Natural Resources
MINES & GEOSCIENCES BUREAU
MIMAROPA Region
7/F DENR Bldg., 1515 Roxas Blvd., Ermita, Manila
Telefax: (632) 536-0215; e-mail: region4b@mgb.gov.ph

CERTIFICATE OF ACCREDITATION

No. CA-2019-003-MIMAROPA

This is to certify that **BCT TRADING AND CONSTRUCTION,** with business address at National Highway, Barangay San Pedro, Puerto Princesa City, is an accredited DEALER, TRADER and RETAILER of Minerals, Mineral Products and/or By-Products pursuant to Section 54 of Republic Act No. 7942, otherwise known as the *Philippine Mining Act of 1995*, and Section 128 of DENR Administrative Order No. 2010-21, the Implementing Rules and Regulations of the said Act.

This Certification shall be valid until 10 September 2021.

Issued this 10th day of September 2019.


ROLAND A. DE JESUS, CESO V
Regional Director



Fees paid:

O. R. No. : 6704102
Amount : Php5,000.00
Date : 23 August 2019



**"MINING SHALL BE PRO-PEOPLE AND PRO-ENVIRONMENT
SUSTAINING WEALTH CREATION AND IMPROVED QUALITY OF LIFE"**

ANNEX III



Republic of the Philippines
Department of Environment and Natural Resources
MINES AND GEOSCIENCES BUREAU
Regional Office No. IV - MIMAROPA
7/F DENR By The Bay Bldg., 1515 Roxas Blvd., Ermita, M. M.
Tel. No. (02) 536-0214 • Telefax No. (02) 302-1352



SEIZURE RECEIPT

**RECEIPT FOR CONFISCATED/SEIZED MINERALS/MINERAL PRODUCTS,
TOOLS, EQUIPMENT AND CONVEYANCES PURSUANT TO DAO 96-40**

Important: Confiscated or seized articles found in the possession of Apprehending Officers not listed in this form shall be deemed illegally-possessed and shall subject the possessor to criminal and administrative action.

QUANTITY	UNIT	DESCRIPTION	ESTIMATED VALUE
1	truck	White HOWO (as plate number) BCT Trading and Construction	
16	cu. m	Aggregates	

We certify that the above-cited articles were seized and/or confiscated in
Bray. Dumarao at 6:21 am
(Place of Apprehension) (Time)
on November 18, 2021
(Date)

Owner's Name: BCT Construction
Signature :
Address :

Driver: Bachine, Lode Peregrino

WITNESSES:

CHARLES A. RABANG
Forest Ranger

ALONSO A. TABANGAY
Forest Ranger

Eduardo Dominik L.
SAs I
Investigating/Apprehending Officer

MARCO RICARDO MARQUEZ
FOREST RANGER

ANNEX III



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7/E DENR By The Bay Bldg., 1515 Roxas Blvd., Ermita, M.M.
Tel. No. (02) 536-0214 • Telefax No. (02) 302-1352



SEIZURE RECEIPT

**RECEIPT FOR CONFISCATED/SEIZED MINERALS/MINERAL PRODUCTS,
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Important: Confiscated or seized articles found in the possession of Apprehending Officers not listed in this form shall be deemed illegally-possessed and shall subject the possessor to criminal and administrative action.

QUANTITY	UNIT	DESCRIPTION	ESTIMATED VALUE
1	Truck	White Howo 1301-00001249695 (One Hundred Percent)	
14	Can. 100	Aggregates	

We certify that the above-cited articles were seized and/or confiscated in
Brgy. Dumarao at 6:21 am
(Place of Apprehension) (Time)
on November 18, 2021
(Date)

Owner's Name: BCT Construction
Signature: _____
Address: _____

Driver: Esplana, Jayson Rubilo
Helper: John Philip Ekep

WITNESSES:

CHARLIE A. RABANG
JAMES F. RABANG

Investigating/Apprehending Officer

MARCO ANTONIO MARQUEZ
FOREST WARDEN

ALONSO A. TABANDANG
Forest Ranger