



Republic of the Philippines  
Department of Environment and Natural Resources  
**MINES AND GEOSCIENCES BUREAU**  
**MIMAROPA Region**

7/F DENR Building, 1515 Roxas Boulevard, Ermita, Manila  
Telefax No. (+632) 536-0215 / (+632) 310-1369  
Email: region4b@mgb.gov.ph



25 October 2021

**MEMORANDUM**

**FOR :** **The Director**  
Mines and Geosciences Bureau  
North Avenue, Diliman, Quezon City

**FROM :** **The Regional Director**  
This Office

**SUBJECT :** **Sangguniang Panlalawigan of Oriental Mindoro Provincial Resolution No. 5607-2021**

This respectfully refers to the Memorandum dated 07 October 2021, which was received by this Office on 13 October 2021, requesting for updates and actions taken on the above subject.

Please be informed that on 05 October 2021, MGB MIMAROPA received the investigation report (copy attached) of the technical personnel of this Office stationed in PENRO Oriental Mindoro with the following findings:

1. The extraction site of the following Commercial Sand and Gravel (CSAG) Permit Holders were all outside the one (1) kilometer radius of the Pula RIS Dam: (1) Dennis P. Guitterez, (2) Ferrimyl C. Talagtag and (3) Agapita A. Evangelista;
2. The following CSAG Permit Holders extracted outside of their permit areas: (1) Dennis P. Guitterez and (2) Ferrimyl C. Talagtag; and

MGB MIMAROPA issued Cease and Desist Orders dated 11 October 2021 (copy attached) to Mr. Dennis P. Guitterez and Ms. Ferrimyl C. Talagtag in violation of Section 103 of Republic Act No. 7942.

3. The ocular inspection conducted is not sufficient to provide the necessary data in determining the reason behind the damage of the dam as there are many factors that may contribute to its deterioration.

For the Director's information and further instruction.

  
**GLENN MARCELO C. NOBLE**

Encl: As stated



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



October 05, 2021

**MEMORANDUM**

**FOR** : The PENR Officer

**FROM** : The Undersigned

**SUBJECT** : **INVESTIGATION REPORT RE: MONITORING OF SAND AND GRAVEL OPERATIONS IN THE VICINITY OF PULA AND BANSUD RIVER IRRIGATION SYSTEM (RIS) DAMS IN THE MUNICIPALITIES OF PINAMALAYAN AND BANSUD, ORIENTAL MINDORO**

Pursuant to Travel Orders Nos. 393 and 394, the undersigned conducted the above activity on 29 October 2021 and was joined by the Chief of the Conservation and Development Section of CENRO Socorro as per instruction from the Provincial Environmental Natural Resources (PENR) Officer in response to the memorandum dated 20 September 2021 from the office of Mines and Geosciences Bureau (MGB) MIMAROPA Region and to the letter dated 23 September 2021 with attached Provincial Resolution No. 5607-2021 from the *Sangguniang Panlalawigan* (SP) of Oriental Mindoro.

The undersigned were accompanied by representatives from the PULA RIS Federation of Irrigator's Association: (1) Ruben M. Dimaandal, (2) Alven Mattheos M. Yang, (3) Yolando L. Vicenal and personnel from the National Irrigation Administration (NIA): (4) Zeus M. Dolor - Senior Water Resources Facilities Technician (SWRFT), (5) Dante L. Murillo - Water Resources Facilities Operator (WRFO), (6) Donnie C. Jawili - Water Resources Facilities Technician (WRFT), (7) Joel C. Aruino - NIA Staff.

**BACKGROUND INFORMATION**

On a letter dated 04 August 2021 from Gen. Ricardo R. Siaya (Ret), Administrator of NIA – Central Office (CO), addressed to DENR Secretary Roy A. Cimatu, Mr. Siaya expresses his concern for the NIA infrastructures nationwide that is detrimentally affected by the excessive sand and gravel operations from which the province of Oriental Mindoro is included. The province caters to two (2) River Irrigation System (RIS) dams, the Pula RIS dam and Bansud RIS dam located in the municipalities of Pinamalayan and Bansud respectively. As per submitted annexes of the letter, quarrying activities were reported in nearby vicinities of both dams.

In a memorandum dated 23 September 2021 from MGB MIMAROPA, close monitoring of all the sand and gravel operations in areas with nearby irrigation infrastructures was directed to the PENR Officer. Moreover, a letter dated 23 September 2021 with attached Provincial Resolution No. 5607-2021 from the SP addressed to the Provincial Mining Regulatory Board



(PMRB) chairman also mandated for the immediate investigation of the quarry operations in the Pula RIS Dam. Hence, in response from this office, the undersigned conducted the above undertaking.

### **PURPOSE AND SCOPE**

This undertaking is for the purpose of inspecting all the sand and gravel operations in the vicinities of Pula RIS dam located in Barangay Inclanay in the municipality of Pinamalayan and Bansud RIS dam located in Barangay Conrazon in the municipality of Bansud and to monitor the compliance of all the neighboring Commercial Sand and Gravel (CSAG) permittees as per issued permit/s and clearance/s.

### **FINDING/S AND OBSERVATION/S**

#### **Pula RIS Dam**

1. The Pula RIS dam is centered at 13.002678 N latitude & 121.398431 E longitude under the World Geodetic System (WGS) 1984 and is located in Barangay Inclanay in the Municipality of Pinamalayan. The dam is accessible thru the local road connected to the National Highway.
2. Upon site visit, there was an observable damage to the upper apron of the dam as shown in *photo 1*. According to Mr. Alven Mattheos M. Yang, one of the representatives from the PULA RIS Federation of Irrigators Association, the end seal and concrete blocks of the dam are getting eroded due to continued lowering of the riverbed attributed to sand and gravel operations which causes the spillway to crack and disintegrate.
3. As per dialogue with the *Punong Barangay* of Pambisan-Malaki, Hon. Loreto E. Flores, he mentioned that the Pula RIS dam was constructed in the late 1960s. According to Mr. Flores, NIA engineers conducted regular inspection regarding the condition of the dam for its maintenance and that there was a NIA personnel assigned in the field to oversee the dam. He added that for the whole history of the Pula RIS dam only when quarry activities became prominent that the dam showed observable damage.
4. Hereunder are the following Commercial Sand and Gravel (CSAG) permits issued within the vicinity of Pula RIS dam:
  - a. Permit area of Agapita A. Evangelista (CSAG Permit No. CP-ORM-248)
    - Was approved on 02 September 2021 and is valid until 02 September 2022
    - Located in Barangay Pambisan-Malaki in the municipality of Pinamalayan
    - Has a total area of 49,438 sq. meters



- Was issued an Environmental Compliance Certificate (ECC) no. ECC-OL-R4B-2018-0176 on 24 November 2018
- Was issued a Barangay Resolution interposing no objection regarding renewal of CSAG permit of Ms. Agapita A. Evangelista on 02 January 2021
- Was issued a Mayor's Permit named to Ms. Agapita A. Evangelista on 12 April 2021
- During the site inspection, boundary markers were present but is not accessible due to the strong flow of the stream
- As stipulated in the ECC, extraction limit is one (1) meter equivalent to the CSAG area in cubic meters
- Has a 20,000 cu. Meters allowed for extraction as per CSAG permit
- Compliant in providing notice to the public thru a bulletin board declaring that the project was issued an ECC
- As per site inspection the extraction activity followed the 1-meter maximum depth rule of extraction stipulated in the ECC
- The extraction site as per geotagged photos is 1,160 meters away from the dam and is within the submitted survey plan as shown in figure 2.

b. Permit area of Dennis P. Guitterez (CSAG Permit No. CP-ORM-205)

- Was approved on 05 October 2020 and is valid until 05 October 2021
- Located in Barangay Inclanay in the municipality of Pinamalayan
- Has a total area of 45,002 sq. meters
- Was issued an Environmental Compliance Certificate (ECC) no. ECC-OL-R4B-2016-0062
- As per PMRB database, was issued a Barangay Resolution interposing no objection regarding renewal of CSAG permit of Mr. Dennis P. Guitterez
- As per PMRB database, was issued a Mayor's Certificate and Business Permit named to Mr. Dennis P. Guitterez
- During the site inspection, boundary markers were present but is not accessible due to the strong flow of the stream
- As stipulated in the ECC, extraction limit is one (1) meter equivalent to the CSAG area in cubic meters
- Has a 45,000 cu. Meters allowed for extraction as per CSAG permit
- Compliant in providing notice to the public thru a bulletin board declaring that the project was issued an ECC
- As per site inspection the extraction activity followed the 1-meter maximum depth rule of extraction stipulated in the ECC
- The extraction site is 1,140 meters away from the dam but is outside the permitted area of the quarry as shown in figure 2.

c. Permit area of Mr. Ferrmyl C. Talagtag (CSAG Permit No. CP-ORM-213.)

- Was approved on 24 November 2020 and is valid until 24 November 2021
- Located in Barangay Marayos in the municipality of Pinamalayan
- Has a total area of 45,002 sq. meters



- Was issued an Environmental Compliance Certificate (ECC) no. ECC-OL-R4B-2017-0010 on 21 February 2017
- As per PMRB database, was issued a Barangay Resolution interposing no objection regarding renewal of CSAG permit of Mr. Ferrimyl C. Talagtag
- As per PMRB database, was issued a Mayor's Permit named to Mr. Ferrimyl C. Talagtag
- During the site inspection, boundary markers were present but is not accessible due to the strong flow of the stream
- As stipulated in the ECC, extraction limit is one (1) meter equivalent to the CSAG area in cubic meters
- Has a 45,000 cu. Meters allowed for extraction as per CSAG permit
- Compliant in providing notice to the public thru a bulletin board declaring that the project was issued an ECC
- As per site inspection the extraction activity followed the 1-meter maximum depth rule of extraction stipulated in the ECC
- The extraction site is 1,650 meters away from the dam but is outside the permitted area of the quarry as shown in figure 2.

#### **Bansud RIS Dam**

1. The Bansud RIS dam is centered at 12.849839 N latitude & 121.428134 E longitude under the WGS 1984 Geographic Coordinate System and is located at Barangay Conrazon in the municipality of Bansud. The dam is accessible thru the local road connected to the National Highway.
2. At the time of inspection, no considerable damage was observed from the dam and no quarry operations were sighted in near proximity. However, minimal marks of extraction were observed as shown in *photo 10*.
3. According to the *Punong Barangay* of Conrazon, Hon. Wilson C. Mirano, there was a quarry activity reported by NIA personnel in nearby proximity of the Bansud RIS Dam. He added that the said quarry activity was an extraction by the municipality of Bansud for its project. However, the said quarry activity was ordered to stop, after due public hearing.
4. As per PMRB database, no CSAG permit was issued in Barangay Conrazon in the municipality of Bansud.

#### **COMMENT/S AND RECOMMENDATION/S**

1. The quarrying activity reported in the nearby vicinity of the Bansud RIS dam was already resolved and was ordered to stop after due public hearing. At the time of inspection, no sand and gravel operations were sighted. However, minimal marks of extraction were observed. Hence, the undersigned recommends that the NIA personnel assigned to oversee the dam to report and coordinate with this office should there be any quarry activities sighted within the vicinity.



2. The extraction site of the following CSAG permittees were all outside the one (1) kilometer radius of the Pula RIS Dam: (1) Dennis P. Guitterez, (2) Ferrimyl C. Talagtag and (3) Agapita A. Evangelista. Hence, it was not necessary to obligate the permittees to request for clearance from NIA prior to the approval of their CSAG permits in reference to section 79a of DAO 2010-10 also known as the “Philippine Mining Act of 1995” quoting:

*“ No extraction, removal and/or disposition of materials shall be allowed within a distance of one (1) kilometer from the boundaries of reservoirs established for public water supply, archaeological and historical sites or of any public or private works or structures, unless the prior clearance of the Government agency(ies) concerned or owner is obtained. No extraction, removal and/or disposition of materials shall likewise be allowed in offshore areas within five hundred (500) meters distance from the coast and two hundred (200) meters from the mean low tide. ”*

3. The following CSAG permittees extracted outside of their permit areas: (1) Dennis P. Guitterez and (2) Ferrimyl C. Talagtag. With this in regard, the aforementioned permittees violated the terms and conditions stipulated in their issued Environmental Compliance Certificate (ECC) and CSAG permit mentioned hereunder.

- a. Section 79b of DAO 2010-21:

*The extraction, removal and/or disposition of materials under the Permit shall be confined within the area specified therein, the boundaries of which, according to the application, are established on the ground with prominent marks;*

- b. No. 2 under Restriction section of ECC,

*That no other activities should be undertaken other than what was stipulated in the IEE Checklist Report. Should there be an expansion of the project beyond the project description, construction of other structures beyond those stated in the IEE Checklist Report, or any change in the activity or location shall be made subject to a new Environmental Impact Assessment (EIA) requirements.*

The undersigned recommends that a formal resolution by the PMRB or by the Sangguniang Panlalawigan be established to impose certain penalties on such violations. The said resolution will act as a reference should the permittee breach a condition/s stipulated in their issued permit/s or clearance/s and ensuring their compliances are met. Hereunder are the following subjects that the undersigned recommends for a formal resolution to be established:



- a. Penalties imposed on sand and gravel extraction exceeding the allowable volume for disposition stipulated in the ECC and CSAG Permit
  - b. Penalties imposed on quarry operations outside the permit area
4. The ocular inspection conducted is not sufficient to provide the necessary data in determining the reason behind the damage of the dam as there are many factors that may contribute to its deterioration. Should it be proven thru a technical study prepared by a competent person that the existing CSAG permittees damaged the Pula RIS dam the Permit Holder will be held accountable to all the damages caused by the quarry operations quoting:

- a. Section 79c of DAO 2010-21:

*The Permit Holder shall assume full responsibility and be liable for damages to private and/or public property(ies) that may be occasioned by its operations under the Permit;*

5. Quoting section 100 of DAO 2010-21 and based on the conditions of the issued CSAG permit, the authority to revoke a CSAG permit is within the power of the governor, Regional Director of MGB and the City Mayor should one deemed that the continued existence of sand and gravel operations is not any more favorable to its social and environmental setting.

- a. Section 100 of DAO 2010-21:

*The Quarry/Sand and Gravel/Gratuitous/ Guano/Gemstone Gathering Permit may be canceled/revoked/terminated, after due process, by the Regional Director/Provincial Governor/City Mayor concerned based on the following grounds:*

- Failure to comply with the terms and conditions of the Permit and ECC, if applicable;
- Violation of any provision of the Act and these implementing rules and regulations;
- Failure to pay the excise tax for two (2) consecutive years;
- Any misrepresentation in any statement made in the application or those made later in support thereof;
- If the commodity stipulated in the Permit has been exhausted before the expiry date thereof;
- *When national interest and public welfare so require or for environmental protection or ecological reasons. Upon cancellation of the Permit, the said areas shall automatically be reverted back to its original status*

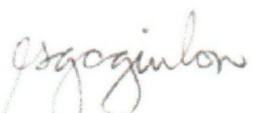


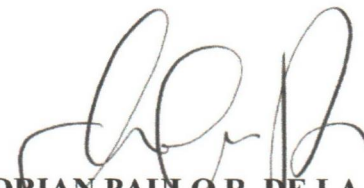
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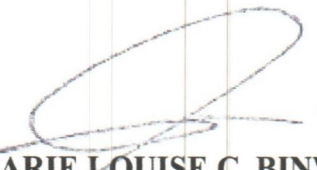
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6. The municipal and barangay level has the capacity to halt the renewal of CSAG permits should they deemed that its continued existence does not benefit their level for whatever legal purpose thru non-issuance of resolutions interposing no objection. The PMRB requires resolutions from such levels prior to the recommendation of their approval.
7. The undersigned recommends that NIA furnishes all concerned agencies regarding the locations of irrigation, dam or other pertinent infrastructures via GIS shapefiles.

For your information, reference and further instruction/s

  
**EMILY G. AGUILON**  
Forester III / Chief CDS, CENRO Socorro

  
**EDRIAN PAULO R. DE LA PEÑA**  
Science Research Specialist II

  
**MARIE LOUISE C. BINWAG**  
Science Research Specialist II

Cc: **The Regional Executive Director**  
DENR MIMAROPA

**The Regional Director**  
MGB MIMAROPA

**The CENR Officer**  
Socorro, Oriental Mindoro



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### PHOTO DOCUMENTATIONS

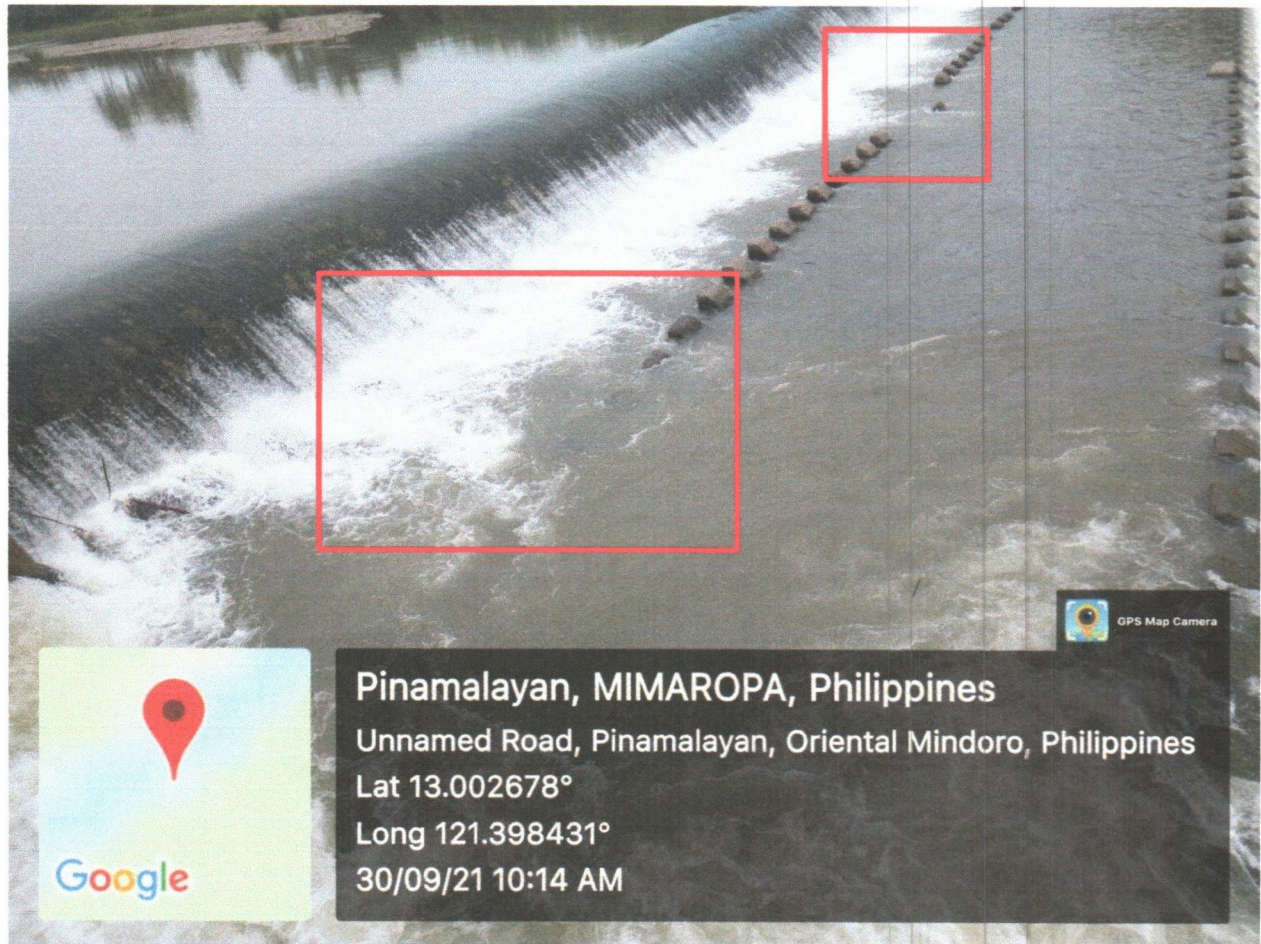


Photo 1. Degradation of the flooring of PULA RIS Dam as showed by the red boxes



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Photo 2. ECC Notice Board of Ms. Agapita A. Evangelista



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Photo 3. Sand and Gravel Site of Ms. Agapita A. Evangelista.



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Oriental Mindoro

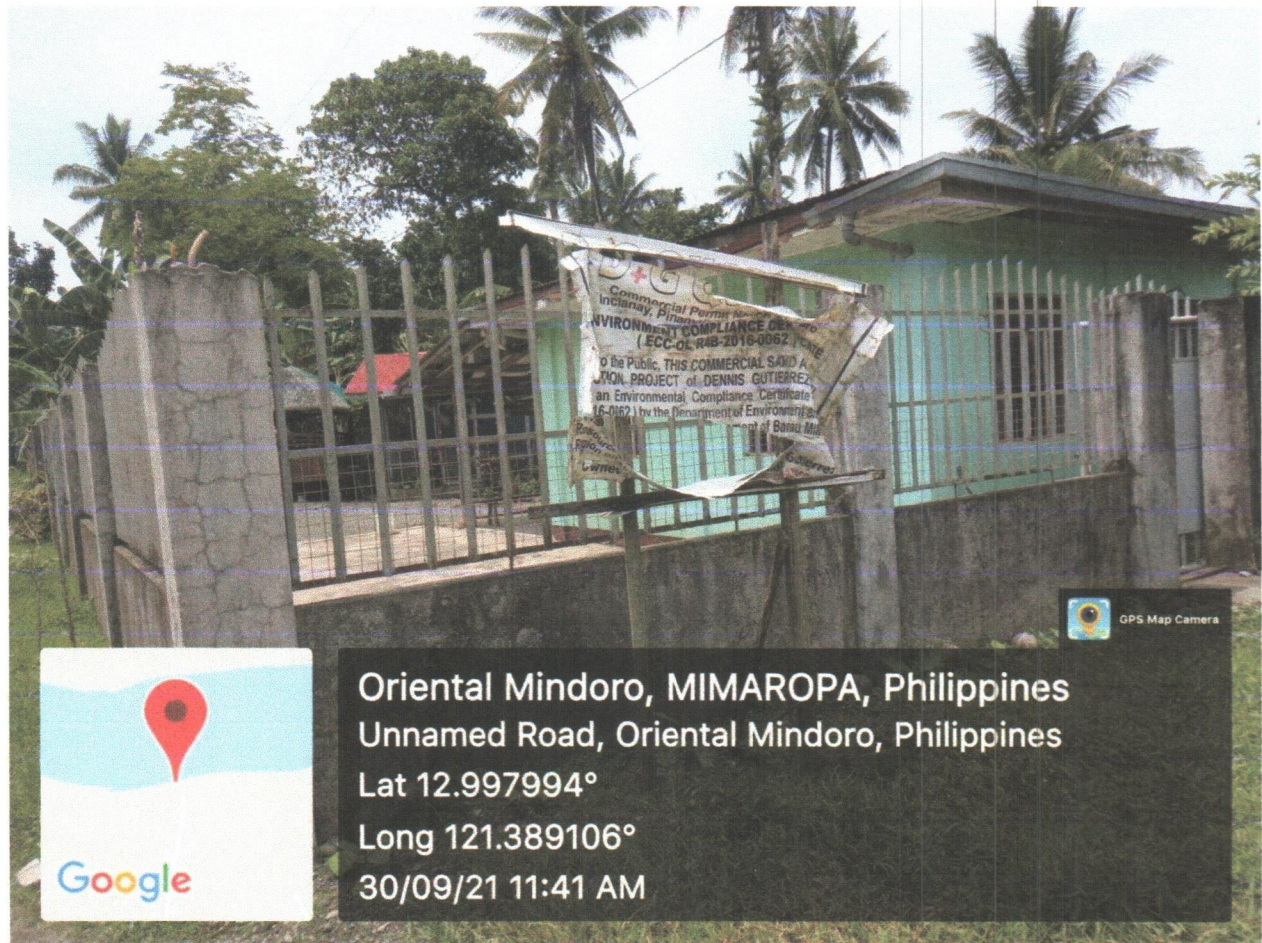


Photo 4. ECC Notice Board of Mr. Dennis P. Gutierrez



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Oriental Mindoro

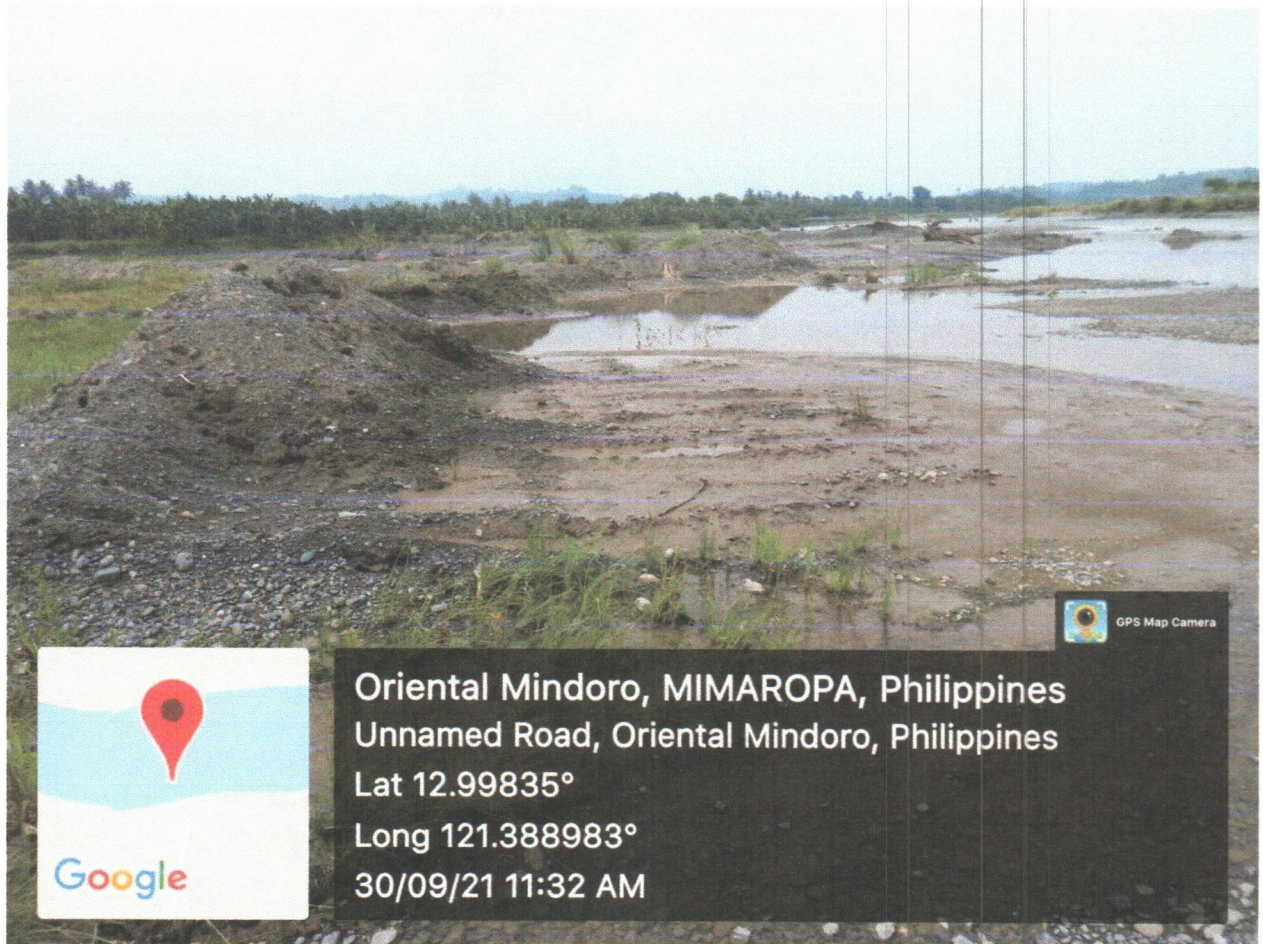


Photo 5. Extraction Site of Mr. Dennis P. Guitterez



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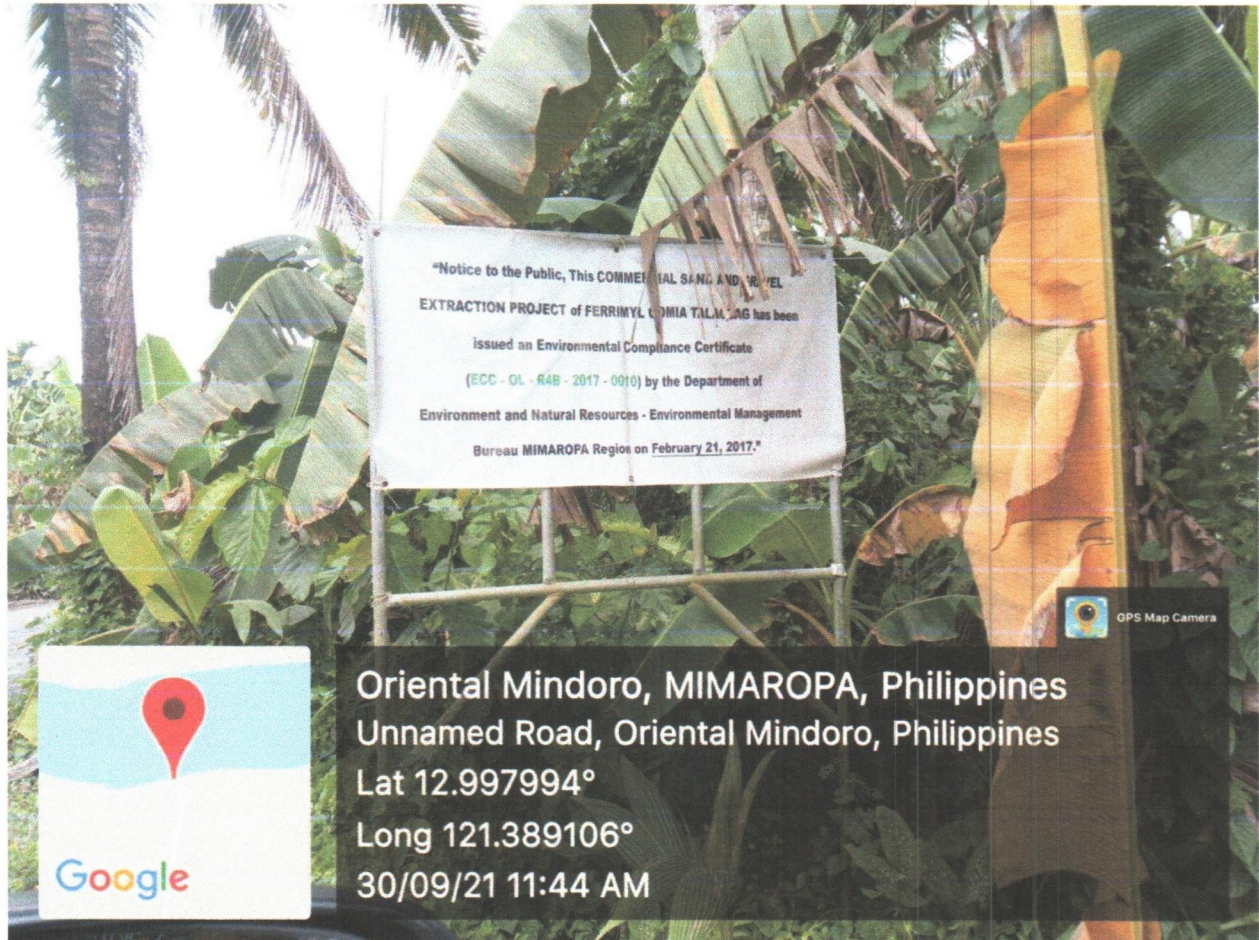


Photo 6. ECC Notice Sign of Mr. Ferrimyl C. Talagtag



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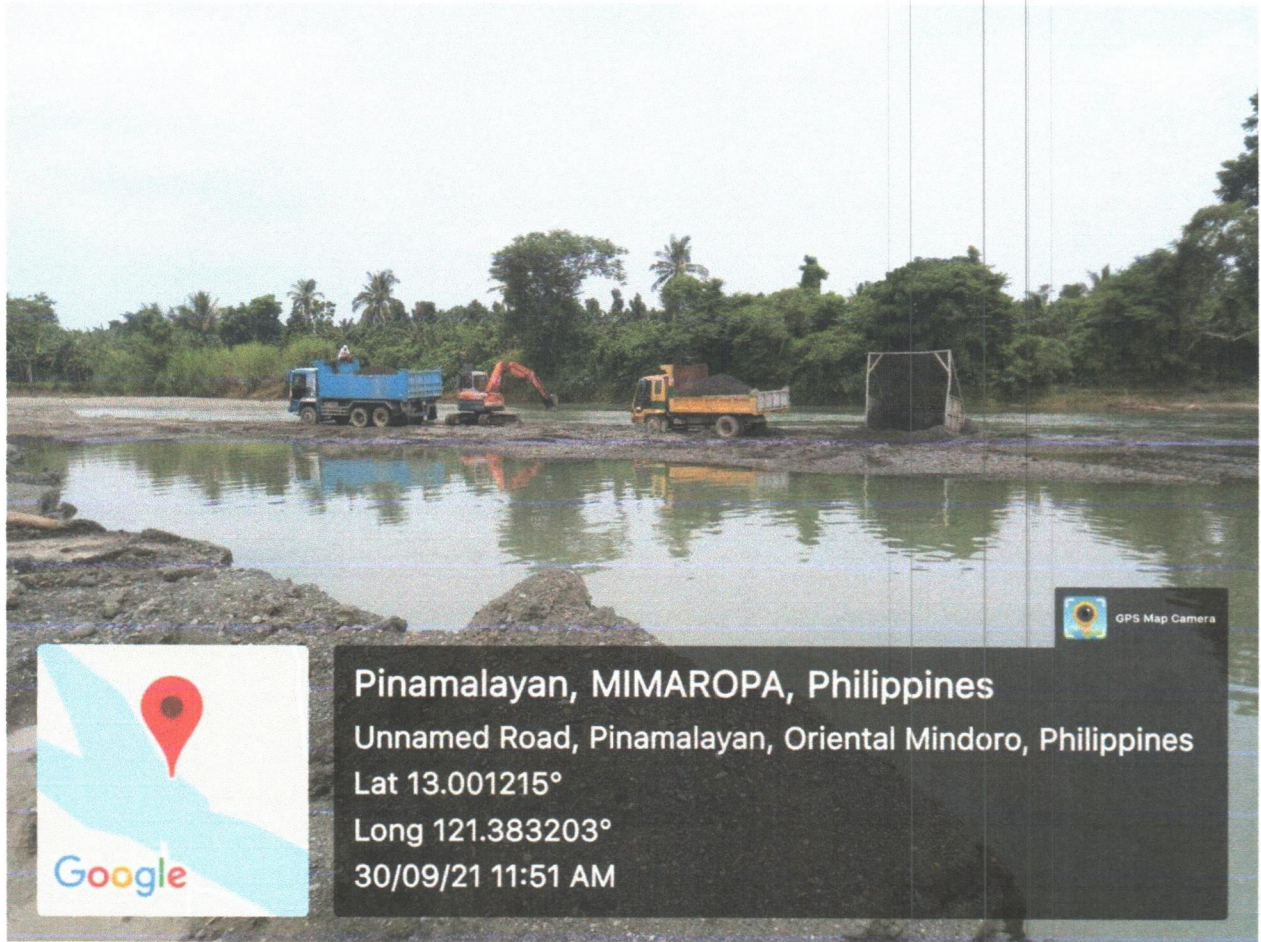


Photo 7. Extraction site of Mr. Ferrimyl C. Talagtag



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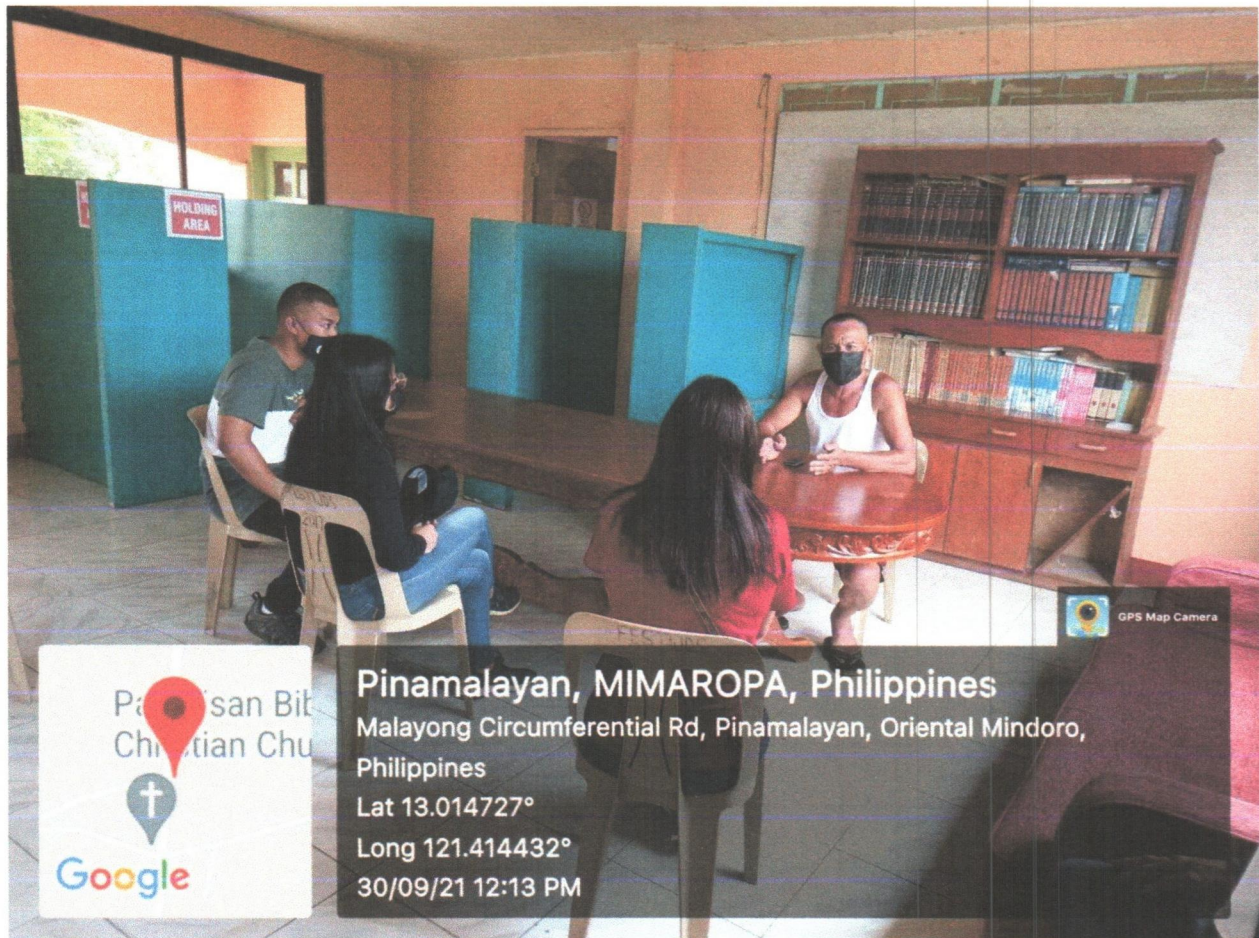


Photo 8. Dialogue with the *Punong Barangay* of Pambisan-Malaki



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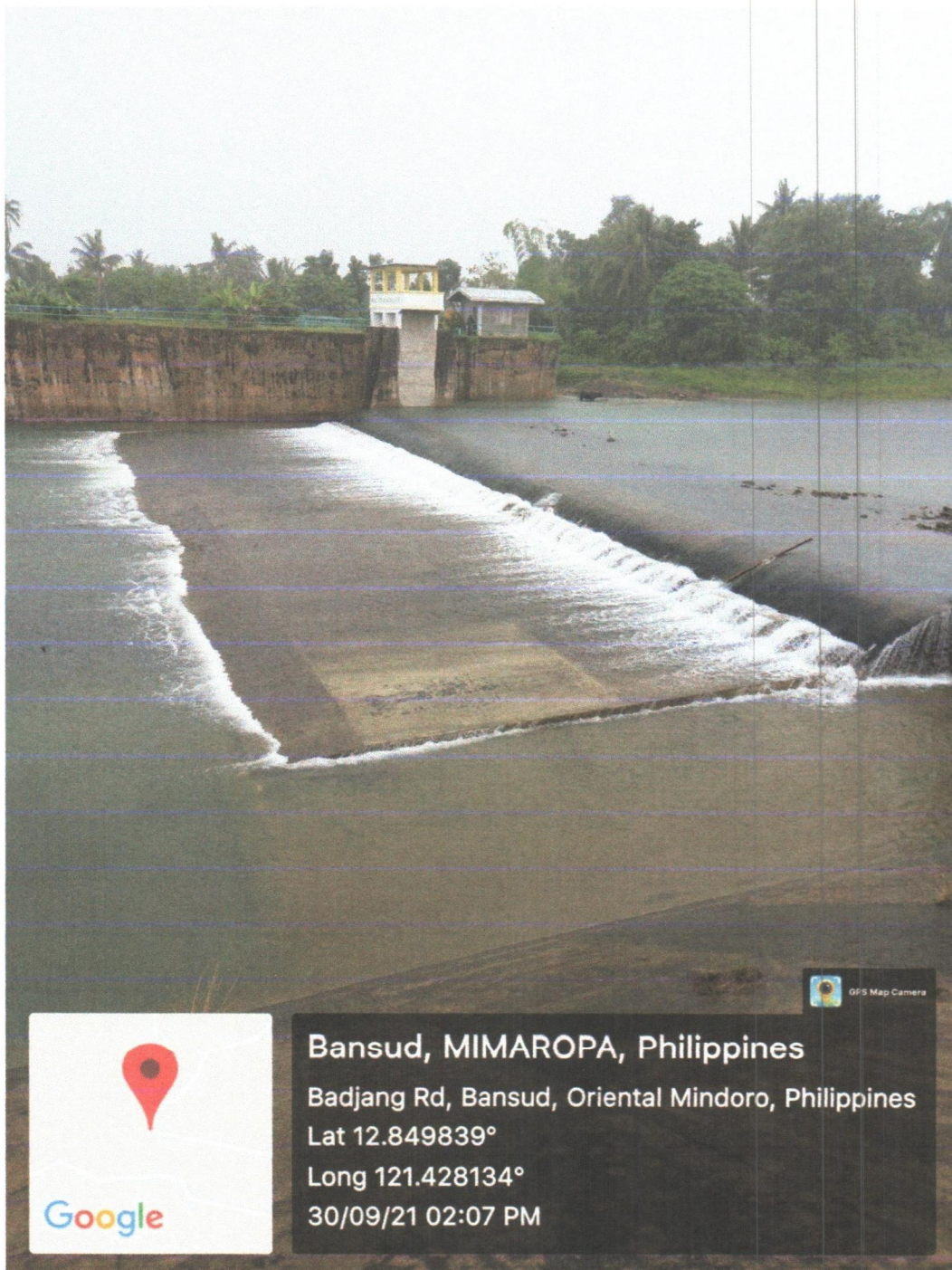


Photo 9. Bansud RIS Dam



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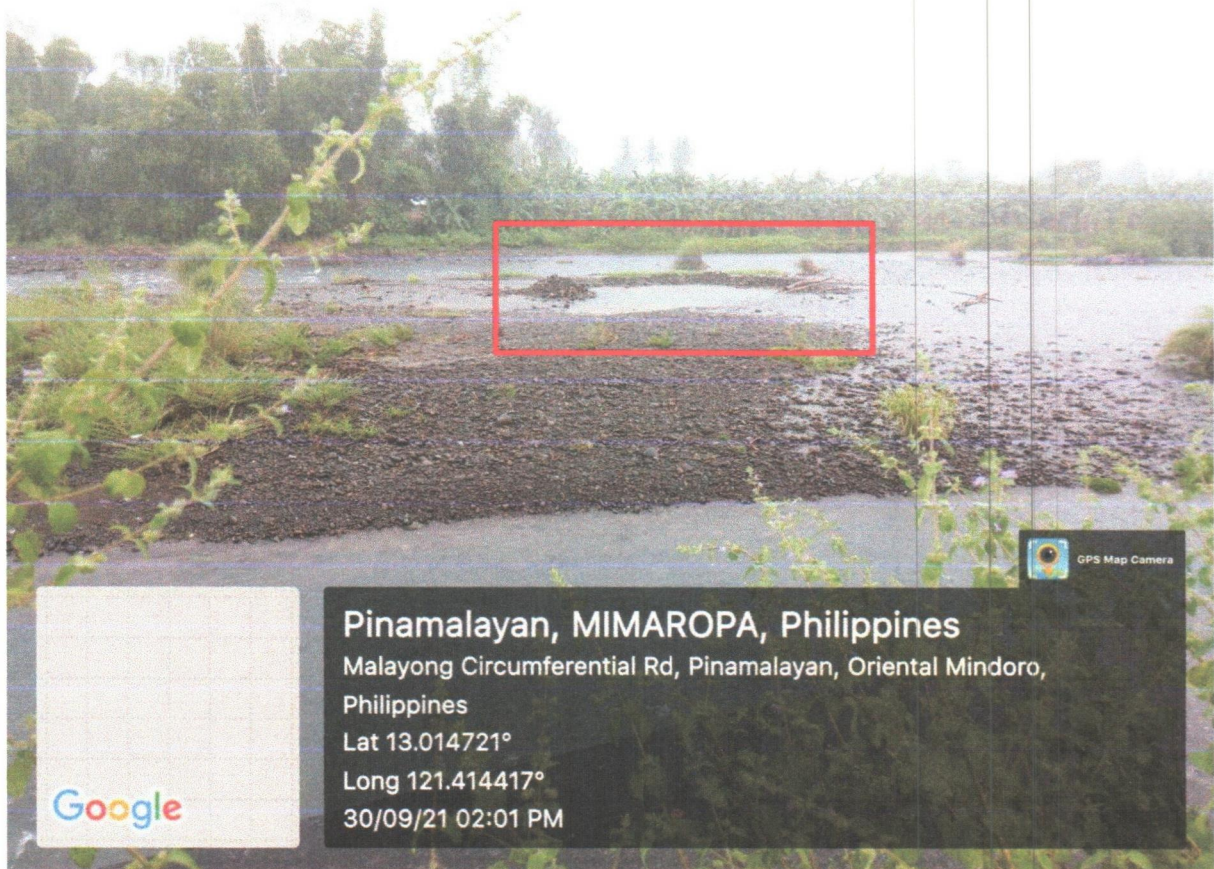


Photo 10. Bansud RIS Dam extraction marks were observed

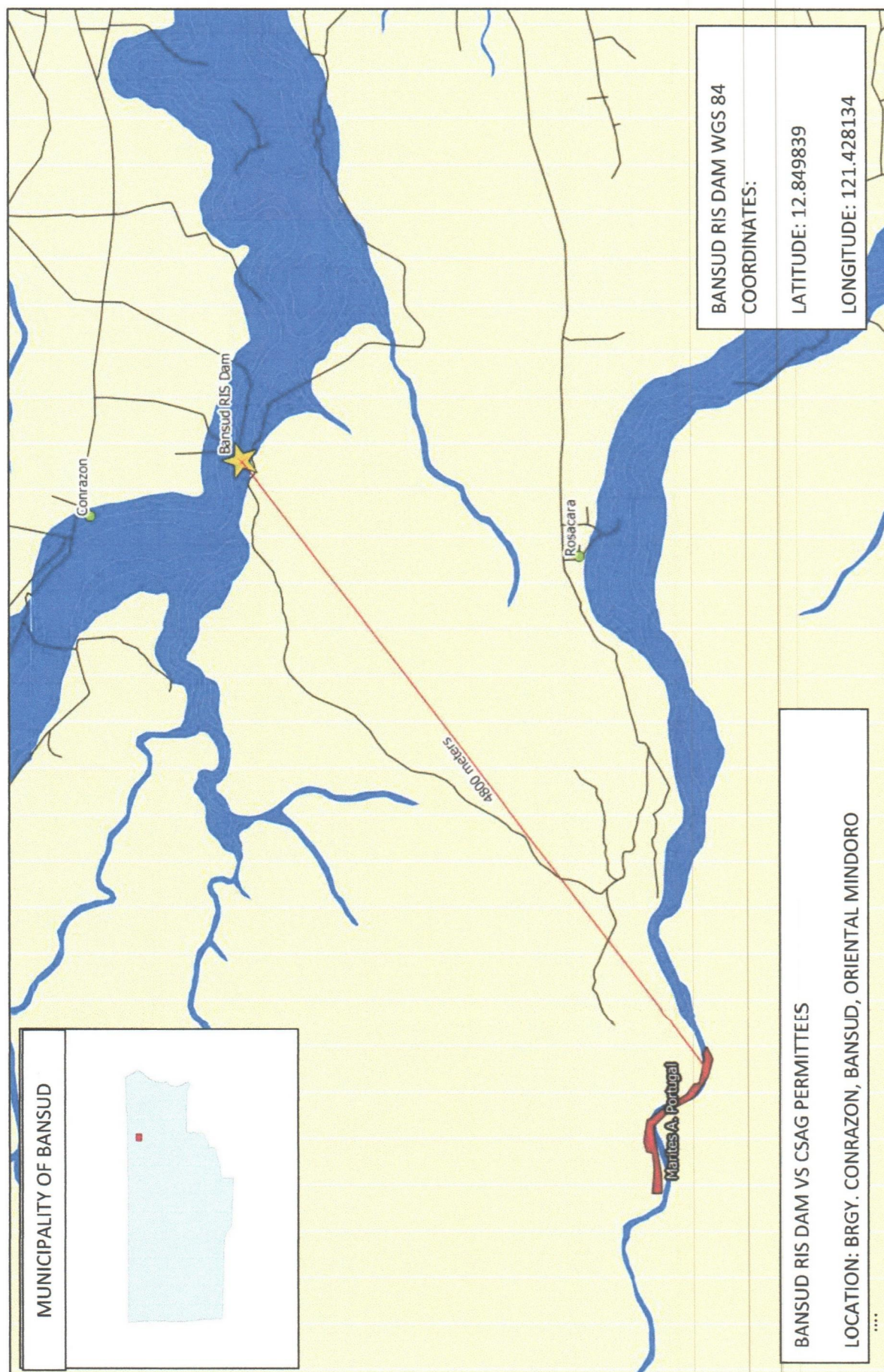


Figure 1. Bansud RIS Dam in Barangay Conrazon, Bansud, Oriental Mindoro

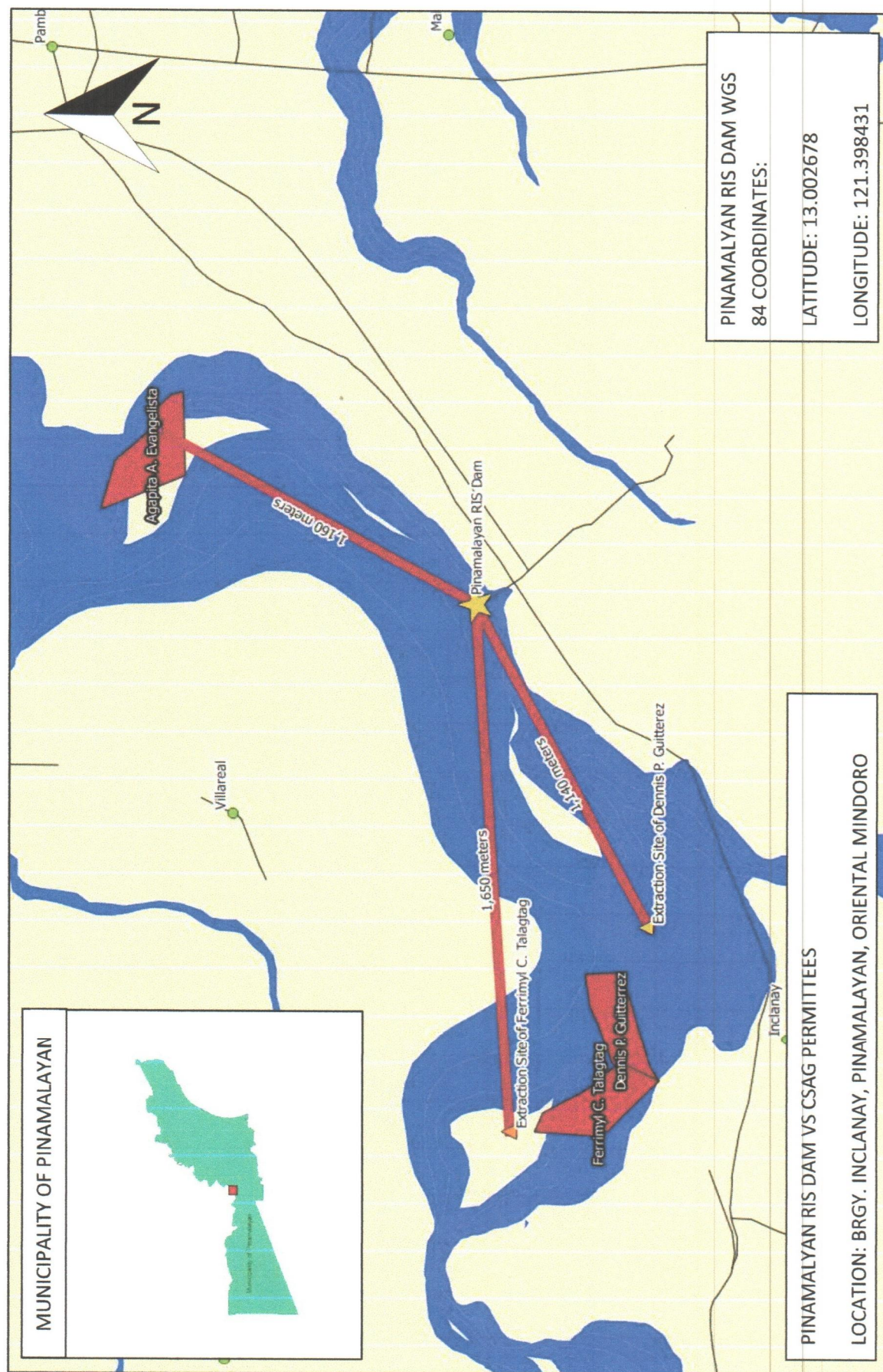


Figure 2. Pula RIS Dam in Barangay Inclanay, Pinamalyan, Oriental Mindoro



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Email: region4b@mgb.gov.ph



11 October 2021

**Mr. Dennis P. Guifferez**

Barangay Inclanay, Pinamalayan  
Oriental Mindoro

**Dear Mr. D. P. Guifferez:**

Please be informed that on 05 October 2021, the technical personnel of PENRO – Oriental Mindoro confirmed that you have been conducting sand and gravel operation outside your permit area under Commercial Sand and Gravel Permit No. CP-ORM-205.

The above-cited extraction and disposition of sand and gravel materials outside the permit is equivalent to theft of minerals pursuant to Section 103 of Republic Act (RA) No. 7942<sup>1</sup>, which provides that:

**"Theft of Minerals** – Any person extracting minerals and disposing the same without a mining agreement lease, permit, license, or steals mineral or ores or the products thereof from mines or mills or processing plants..xxx"

Hence, you are hereby ordered to immediately **CEASE AND DESIST** from conducting sand and gravel activities outside your permit area. This is without prejudice to the filing of appropriate charges against you with the proper court for violation of the applicable provisions of RA No. 4942.

Please be guided accordingly. Thank you.

Very truly yours,

  
**GLENN MARCELO C. NOBLE**  
Regional Director

cf: **The Regional Executive Director**  
Department of Environment and Natural Resources  
MIMAROPA Region

**The PENRO and Concurrent Acting PMRB Chairperson**  
Provincial Environment and Natural Resource Office  
Department of Environment and Natural Resources  
Ilang-ilang St., Sitio II, Suqui, Calapan City  
Oriental Mindoro

<sup>1</sup> The Philippine Mining Act of 1995

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Letter  
10-12-2021



MINES AND GEOSCIENCES BUREAU  
MIMAROPA Region



Republic of the Philippines  
Department of Environment and Natural Resources  
**MINES AND GEOSCIENCES BUREAU**  
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11 October 2021

**Ms. Ferrmyl C. Talagtag**

Barangay Marayos, Pinamalayan  
Oriental Mindoro

**Dear F. C. Talagtag:**

Please be informed that on 05 October 2021, the technical personnel of PENRO – Oriental Mindoro confirmed that you have been conducting sand and gravel operation outside your permit area under Commercial Sand and Gravel Permit No. CP-ORM-213.

The above-cited extraction and disposition of sand and gravel materials outside the permit is equivalent to theft of minerals pursuant to Section 103 of Republic Act (RA) No. 7942<sup>1</sup>, which provides that:

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Please be guided accordingly. Thank you.

Very truly yours,

  
**GLENN MARCELO C. NOBLE**  
Regional Director

cc: **The Regional Executive Director**  
Department of Environment and Natural Resources  
MIMAROPA Region

**The PENRO and Concurrent Acting PMRB Chairperson**  
Provincial Environment and Natural Resource Office  
Department of Environment and Natural Resources  
Ilang-Ilang St., Sitio II, Suqui, Calapan City  
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<sup>1</sup> The Philippine Mining Act of 1995

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