



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



28 October 2021

**MEMORANDUM**

**FOR :** **The Undersecretary**  
Attached Agencies, Mining and Muslim Affairs  
Supervising Undersecretary for Forest Management Bureau  
Department of Environment and Natural Resources  
Visayas Ave. Diliman, Quezon City

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

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

This respectfully refers to the Memorandum dated 21 October 2021, which was received by this Office on 25 October 2021, for our information, comments and immediate appropriate action.

Please be informed that in a Letter dated 26 October 2021, this Office forwarded a copy of the 05 October 2021 Memorandum-Report to Hon. Antonio S. Perez, Jr., Vice Governor/Presiding Officer of the Sangguniang Panlalawigan of Oriental Mindoro (copy attached).

This Office also 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 13 of Republic Act No. 7942.

Attached are copies of our actions pertaining to the above, for your reference.

For the Undersecretary's information.

  
**GLENN MARCELO C. NOBLE**

Enc'l: **As stated**

cf: **Atty. Wilfredo G. Moncano**  
Director  
Mines and Geosciences Bureau  
North Avenue, Diliman, Quezon City

**Ms. Ma. Lourdes G. Ferrer, CESO III**  
Regional Executive Director  
DENR - MIMAROPA



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





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26 October 2021

**Hon. Antonio S. Perez, Jr.**

Vice-Governor/ Presiding Officer  
Sangguniang Panlalawigan  
Oriental Mindoro  
Calapan City, Oriental Mindoro

**Dear Hon. Vice-Governor A. S. Perez, Jr.:**

This respectfully refers to the Provincial Resolution No. 5607-2021 of the Sangguniang Panlalawigan of Oriental Mindoro re: "Provincial Resolution Urging/Requiring/Asking the Department of Environment and Natural Resources (DENR), thru Secretary Roy A. Cimat, DENR-MIMAROPA Regional Executive Director Ma. Lourdes G. Ferrer, DENR-PENRO Mary June F. Maypa, and OIC-CENROs Alma E. Gibe and/or Rodel M. Boyles; MGB Director Atty. Wilfredo G. Moncano and Division OIC Chief Engr. Marcial H. Mateo, National Irrigation Administration (NIA) Administrator Ricardo R. Visaya and NIA Regional Manager William P. Ragodon, and Provincial Government's (PGOM) Provincial Mining Regulatory Board (PMRB) Members and Provincial Government-Environment and Natural Resources Office (PG-ENRO), to Immediately: (1) Investigate and Inspect the Complained Quarry Operation Causing Damage to the Pula RIS Dam in Pinamalayan, Oriental Mindoro and Submit a Report to the Sangguniang Panlalawigan within Fifteen (15) Days from the Approval Hereof; (2) to Conduct an Annual Environmental Compliance Audit of All Existing Quarry Operations in the Province; and (3) to Implement Necessary Preventive Actions, including the Issuance of Cease and Desist and Other Proper Orders Against Violations, as Provided under Existing Laws, Rules and Regulations."

Please be informed that in a Letter dated 04 August 2021 (copy attached), MGB MIMAROPA received a similar complaint from Gen. Ricardo R. Visaya (Ret), Administrator of National Irrigation Administration, stating the adverse effects of sand and gravel operations to irrigations facilities and structures within the MIMAROPA Region.

In a Memorandum dated 20 September 2021 (copy attached), MGB MIMAROPA requested the PENRO and Concurrent Acting PMRB Chairperson – Oriental Mindoro to conduct regular monitoring on the sand and gravel operations close to irrigation structures.

In view of the above, we are forwarding a copy of the 05 October 2021 Memorandum-Report 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. Guiterrez, (2) Ferrimyl C. Talagtag and (3) Agapita A. Evangelista;

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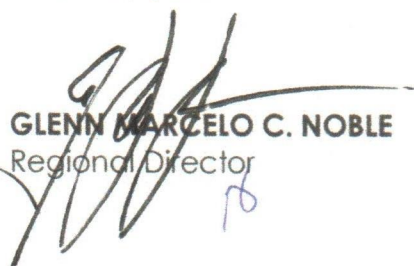
2. The following CSAG Permit Holders extracted outside of their permit areas: (1) Dennis P. Guitterez and (2) Ferrimyl C. Talagtag.

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; and

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.

Thank you.

Very truly yours,

  
**GLENN MARCELO C. NOBLE**  
Regional Director

Enc'l: As stated

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

102621-R04B-1819



10/26/2021

Letter





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  
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20 September 2021

**MEMORANDUM**

**FOR :** **The PENRO and Concurrent Acting PMRB Chairperson – Oriental Mindoro**  
Provincial Environment and Natural Resources Office  
Department of Environment and Natural Resources Office  
Brgy. Suqui, Calapan City, Oriental Mindoro

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

**SUBJECT :** **National Irrigation Administration Infrastructures Affected by Excessive Sand and Gravel Operations**

Attached is a copy of the Letter dated 04 August 2021 of Gen. Ricardo R. Visaya (Ret), Administrator of National Irrigation Administration, regarding the adverse effects of sand and gravel operations to irrigations facilities and structures.

Based on the above, it was disclosed that these adverse effects are pervasive in cases where:

1. The quarry operators have excavated more than the prescribed 1-meter extraction-depth limit;
2. Excessive quarrying, including those of river boulders which limit speed of river flow, has led to the diversion of river course and a steeper river slope resulting in rapid erosion of riverbanks; and
3. The coverage of the quarrying area is not effectively marked and delineated using high and conspicuous markers.

In this regard, please conduct regular monitoring on the sand and gravel operations close to irrigation structures within your jurisdiction and ensure that the proper guidelines for river quarrying are complied by the permit holders.

For the PENRO's action, please.

  
**GLENN MARCELO C. NOBLE**

Encl: As stated

cc: **The Administrator**  
National Irrigation Administration  
National Government Center, EDSA  
Quezon City

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

**The Environment and Natural Resources Officer - Oriental Mindoro**  
Provincial Government of Oriental Mindoro  
Provincial Capitol, Oriental Mindoro

**The Undersecretary**  
Mining and Muslim Affairs  
Department of Environment and Natural Resources  
Visayas Avenue, Diliman, Quezon City

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

092121-ROIB-1640



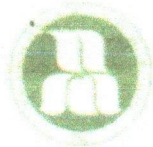
Memorandum  
9/21/2021



AND GEOSCIENCES BUREAU  
MIMAROPA Region

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Republic of the Philippines  
**National Irrigation Administration**  
Central Office

National Irrigation Administration  
HRD-Records Section



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2021-08-20

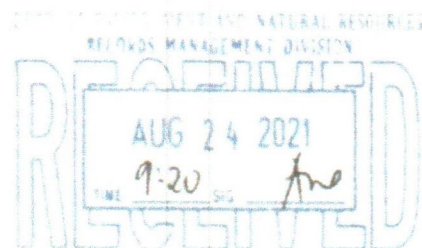
August 4, 2021

**GEN ROY A CIMATU (Ret)**

Department of Environment and Natural Resources

Secretary

Visayas Avenue, Diliman, Quezon City



Dear **Secretary Cimat**,

Greetings!

This pertains to the National Irrigation Administration infrastructure projects being threatened by sand and gravel quarry sites which operate too close to its irrigation facilities and structures leading to the adverse effects of excessive quarrying activities such as exposed foundation of said structures, scoured riverbanks, and degraded river beds.

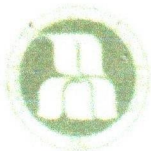
These negative effects are especially pervasive in cases where: a.) the quarry operator/s have excavated more than the prescribed 1-meter extraction-depth limit; b.) excessive quarrying, including those of river boulders which limit speed of river flow, has led to the diversion of the river course and a steeper river slope resulting in rapid erosion of riverbanks; and c.) the coverage of the quarrying area is not effectively marked and delineated using high and conspicuous markers.

This continuous collection of boulders and aggregates in the downstream portion of NIA's structures have caused the rapid erosion of the riverbed which resulted in the weakening of protecting walls and similar structures. Damage of this kind will eventually lead to the collapse of the entire structure.

Shown in **Annex A** hereof is the effect of quarrying activities adjacent to NIA irrigation infrastructure, namely the dams of the Padada RIS in Davao del Norte and Sta. Cruz RIS in Laguna. Damage due to severe erosion caused by quarrying are not isolated to these examples, but rather are a nationwide occurrence. We respectfully enclose **Annex B** herewith for the Consolidated Report on Quarrying Activities Affecting Irrigation Systems/Projects as of June 30, 2021. This highlights the risk of losing irrigation water supply to farmer stakeholders and the damage to public property that will entail immense costs for repair & rehabilitation.

In addition, we submit the case of Sibalom RIS in Iloilo (as **Annex C**) where the Regional Project Monitoring Committee (Region 6) Chaired by the National Economic and Development Authority observed that "the diversion dam is in danger of being severely damage which may be attributed to intensive and improper quarrying within 1 kilometer downstream, since its end seal and concrete blocks are getting eroded due to continued lowering of the riverbed by around 1 meter with spillway already hanging which may soon crack and disintegrate." Results of the NIA technical survey, to determine the downstream and upstream distances from the diversion dam where quarrying shall be prohibited to allow for the river basin to return to its original elevation and protect the existing irrigation structures, recommended that the quarry area should be 2.8-kilometer away (downstream of the diversion dam).

This suggests that further studies must be made to determine whether Section 79, (a) of DAO No. 2010-21 (Implementing Rules and Regulations of Republic Act No. 7942 "Philippine Mining Act of 1995") which provides that "No extraction, removal and/or



Republic of the Philippines  
**National Irrigation Administration**  
Central Office

disposition of materials shall be allowed within a distance of *one (1) kilometer* from the boundaries of reservoirs established for public water supply, archeological 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" provide adequate safeguards for public property.

In view of the foregoing, the National Irrigation Administration respectfully requests the following:

- a.) Strict enforcement and support of the Regional Project Monitoring and Evaluation System (RPMES); and
- b.) Further studies for the appropriate delineation of the radius of prohibited quarry areas adjacent to public infrastructure as set forth in Section 79. (a) of DAO No. 2010-21.

*Item a.)* is requested as it is entrusted with the mandate of the Protection of all public infrastructure as well as the Preservation of the integrity of the river systems Region-wide from excessive and improper quarrying activities done by quarry operators. We also humbly note that NIA has no authority to stop such detrimental quarry operations, and thus are appealing for the establishment of necessary guidelines, protocol, and special provisions for the protection of irrigation infrastructure projects. The central thrust of which would be to safeguard and protect public infrastructure, as well as preserve the integrity of the river system supporting irrigation projects

A science-based approach for *Item b.)* is timely to prescribe regulations which will harmonize the needs of the Construction Industry for Quarry Materials with the protection and preservation of our river systems.

Rest assured that we will make ourselves available for any audience or further clarifications that your good Office may require for us to present anent our request.

Thank you very much.

Very truly yours,

  
**GEN. RICARDO R. VISAYA (Ret)**  
Administrator



	Lower Chico RIS	Intake	17° 41' 19.43" N 121° 26' 16.89" E	Chico River	480 m	Registered Quarry Site.
	Solana Pump IS	Pump SUMP	17° 35' 51.79" N 121° 40' 52.56" E	Cagayan River	1,300 m	Included in the POW of DPWH R2 for the dredging of the Cagayan River to mitigate excessive flooding as experienced last year.
Isabela IMO	No Quarrying Activities Affecting Irrigation Systems/Projects					
Nueva Vizcaya IMO	No Quarrying Activities Affecting Irrigation Systems/Projects					
Quirino IMO	No Quarrying Activities Affecting Irrigation Systems/Projects					
Region 3						
TARZAM IMO	Nayom-Bayto RIS	Nayom Dam	Brgy. Guinabon, Sta. Cruz, Zambales	Nayom River	1 km. (Distance upstream and downstream from the structure)	Quarrying activities at downstream.
	Nayom-Bayto RIS	Bayto Dam	Brgy. Tubo-tubo, Sta. Cruz, Zambales	Bayto River	4-5 km. (Distance upstream from the structure)	Mining activities at upstream.
	North Lawis IP	North Lawis Dam	Brgy. Pinagrealan, Candelaria, Zambales	North Lawis River	500 m. (Distance upstream from the structure)	Quarrying activities at upstream.
	Upper Prenza CIS	Upper Prenza Dam	Brgy. Sta. Barbara, Iba, Zambales	Bancal River	3-4 km.	Quarrying activities at downstream.
PAMBAT IMO	Pampanga Delta RIS	Anoa Dam	Mexico, Pampanga	Anao River	1 km.	Quarrying activities on-going with approximately one (1) km. away upstream from the Diversion System Damaged Canal System.
Region 4A						
Laguna-Rizal IMO	Balanac RIS, Magdalena	Ogee Dam	14.199970; 121.441136	Balanac River	0.94 km	Distance of quarry from diversion dam of Balanac.

	Sta. Cruz RIS, Liliw	Ogee Dam	14,1979; 121,406983	Sta. Cruz (Lapad) River	1.35 km.  1 km.	Distance of quarry with permit  Illegal small quarry from diversion of Sta. Cruz.
<b>Region 4B</b>						
Occidental Mindoro	Lumintao RIS	Intake Structure (1 <sup>st</sup> Intake)	12° 31' 21.2011" N 120° 59' 16.1173" E	Lumintao River	750.46 m.	Deepening of river beds caused by quarrying activities, resulted collapsed/washed out of retaining wall.
		Intake Structure (2nd Intake)	12° 31' 21.068" N 120° 59' 11.627" E	Lumintao River	549.50 m.	Deepening of river beds caused by quarrying activities, resulted scouring at protection works and sluiceway.
Mindoro Oriental- Marinduque- Romblon IMO	Bansud RIS	Trapezoidal Dam	12 8621147° N 121 450439° E	Bansud River	300 m.	Quarrying activity in the downstream portion of dam contributed to the damage of downstream apron. After continuous typhoons (Quinta, Rolly, Siony, Tonyo and Ulysses), the downstream apron collapsed.
	Malayas CIS	Siphon	13° 22' 9" N & 121° 16' 12" E and 13° 08' 23.54" N 121° 14' 38.81" E	Malaya River	50 m.	Quarrying of private entity is located along the constructed siphon. The constructed backfill for siphon was damaged, resulted the siphon to be visible. Coordination meetings were conducted to request to stop quarry ing in the area
	Pula RIS	Ogee Dam	13° 9' 0" N 121° 54' 23" E	Pula River	1,100 m	Quarrying activities in the downstream prtion of dam contributed to the lowering of the





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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 Inclanan 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. Ferrmiyl 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*

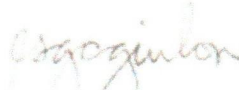


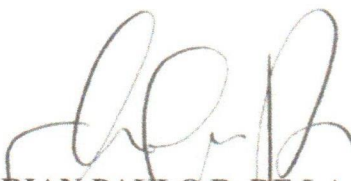



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6. The municipal and barangay level has the capacity to halt the renewal of CSAG permits should they deemed that its continued existence does not benefit their level for whatever legal purpose thru non-issuance of resolutions interposing no objection. 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

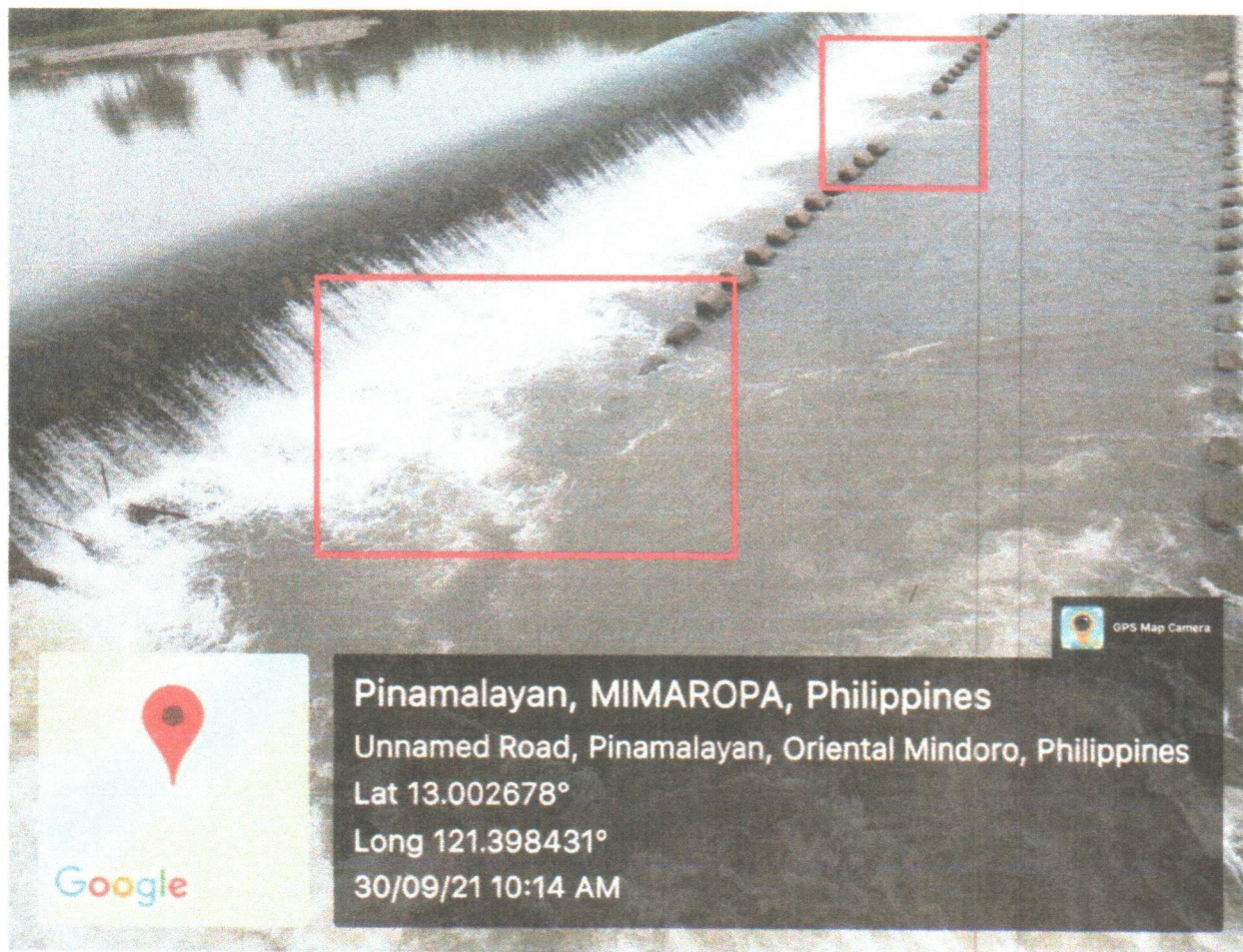


Photo 1. Degradation of the flooring of PULA RIS Dam as showed by the red boxes





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





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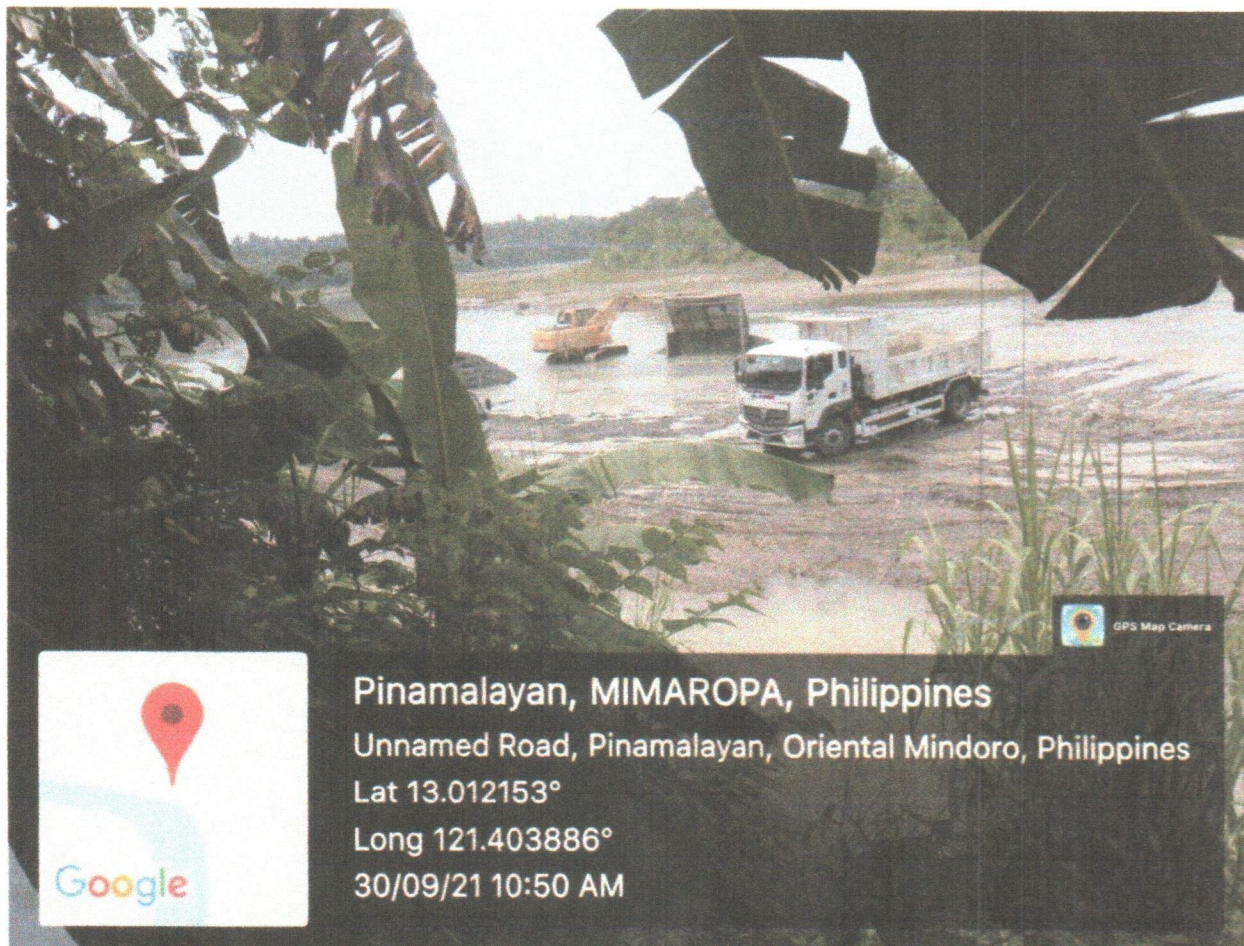


Photo 3. Sand and Gravel Site of Ms. Agapita A. Evangelista.





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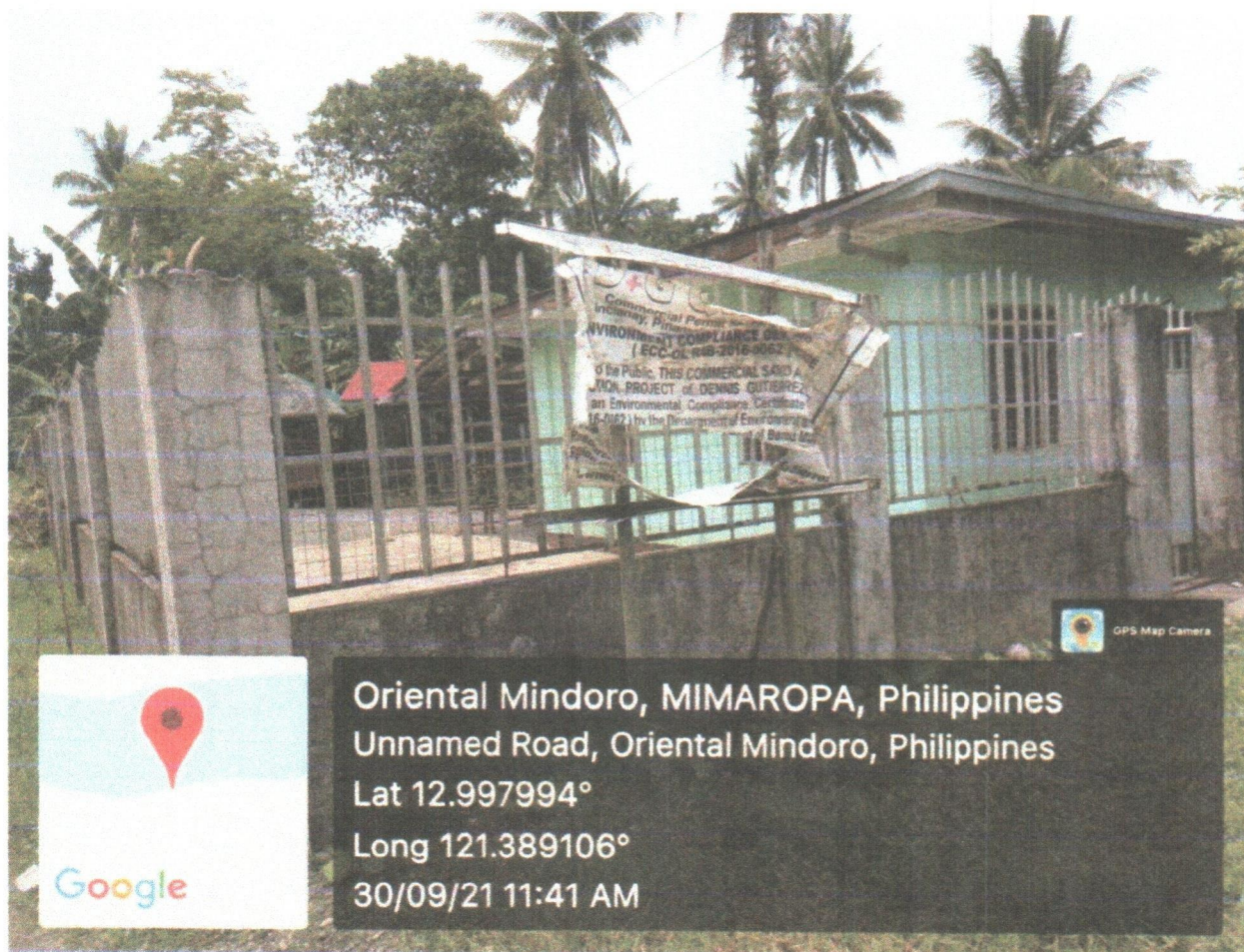


Photo 4. ECC Notice Board of Mr. Dennis P. Gutierrez





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





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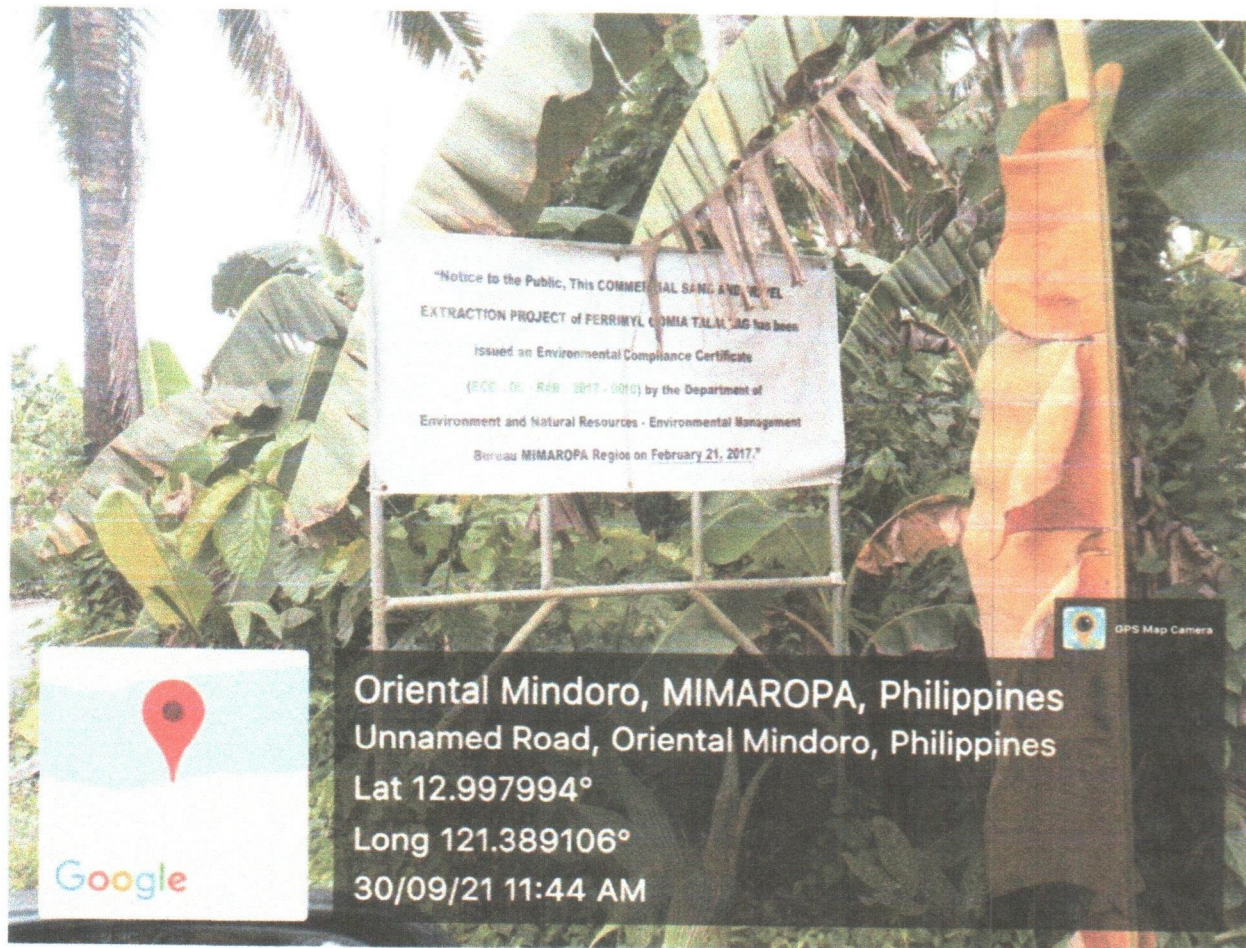


Photo 6. ECC Notice Sign of Mr. Ferrimyl C. Talagtag





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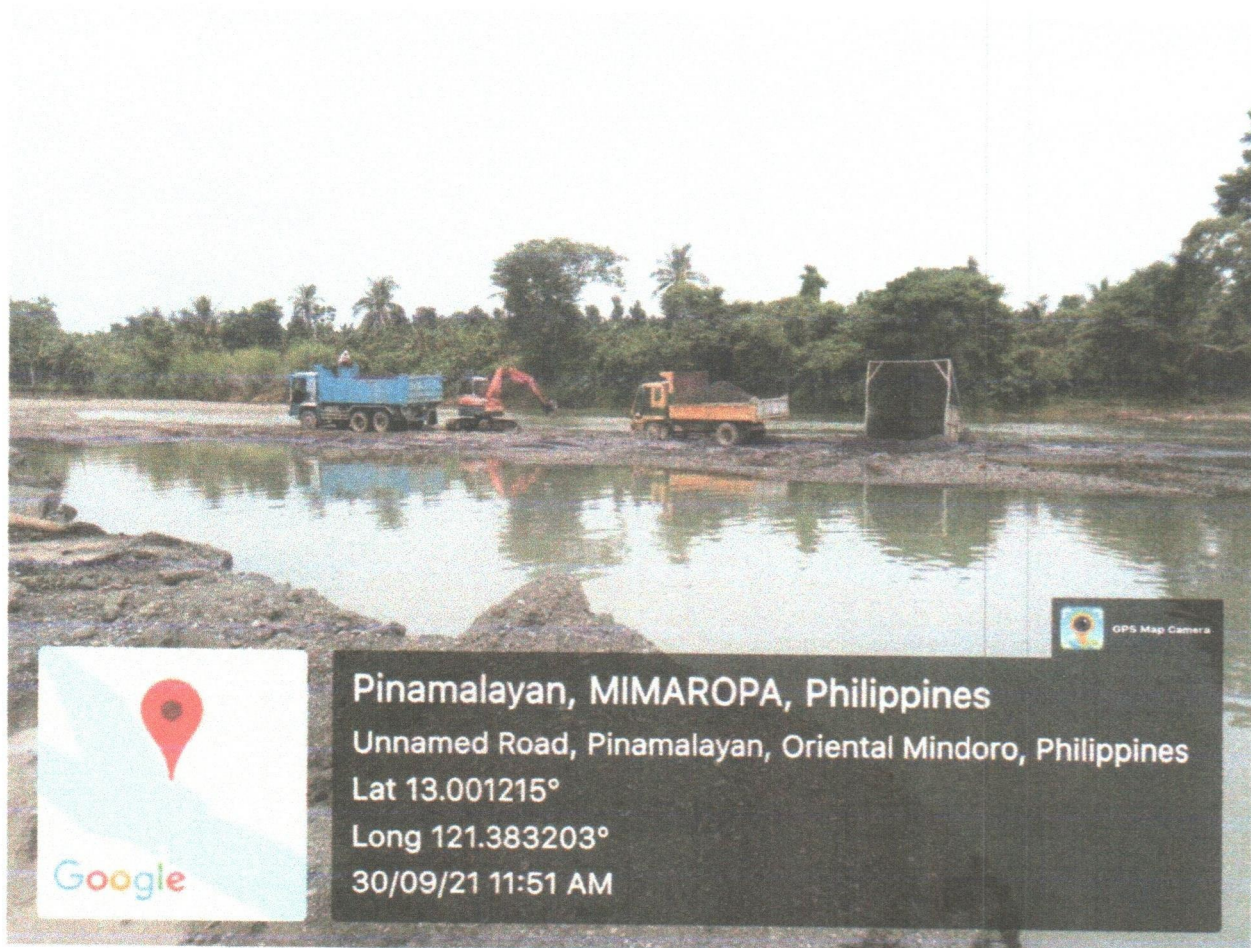


Photo 7. Extraction site of Mr. Ferrimyl C. Talagtag





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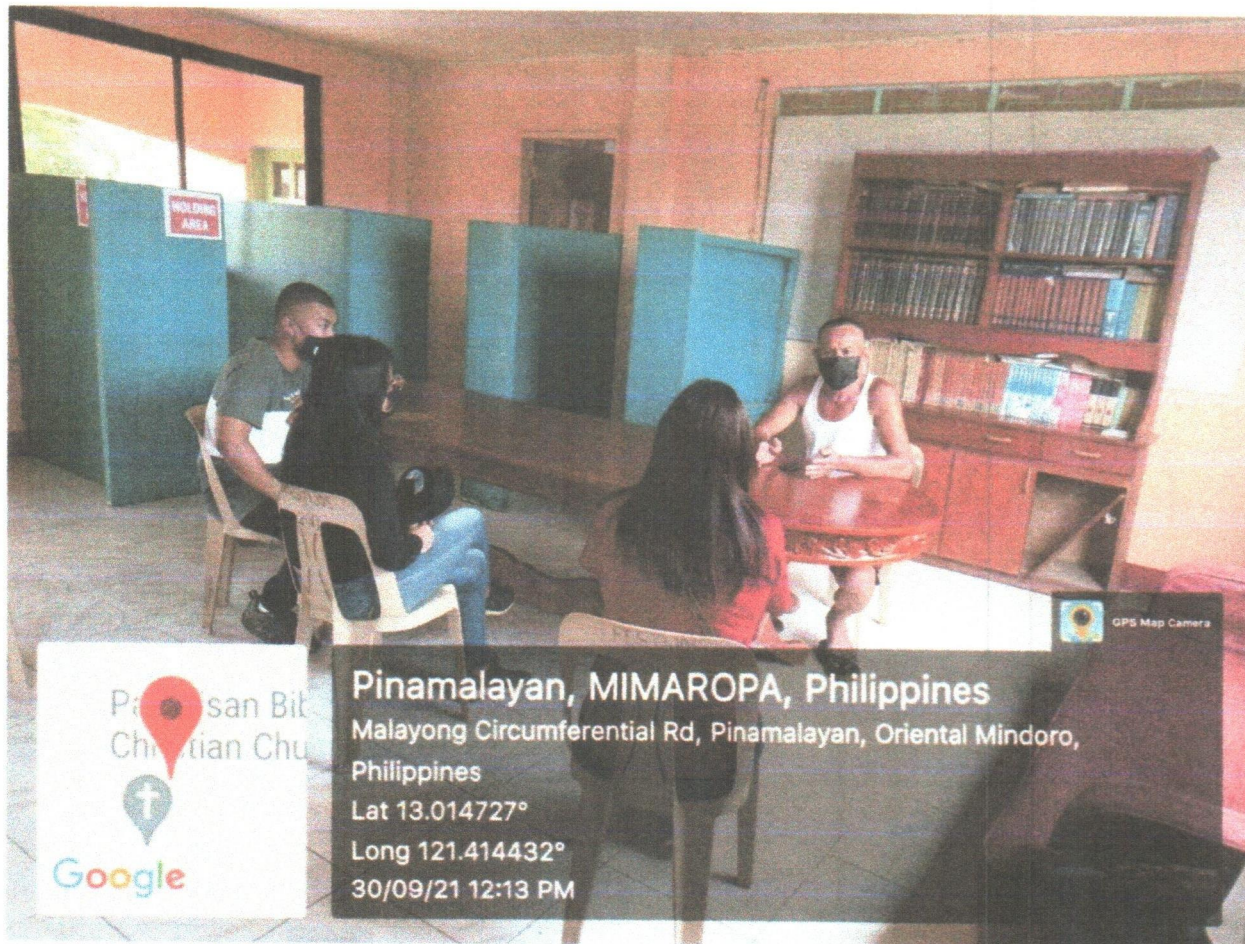


Photo 8. Dialogue with the *Punong Barangay* of Pambisan-Malaki





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Photo 9. Bansud RIS Dam





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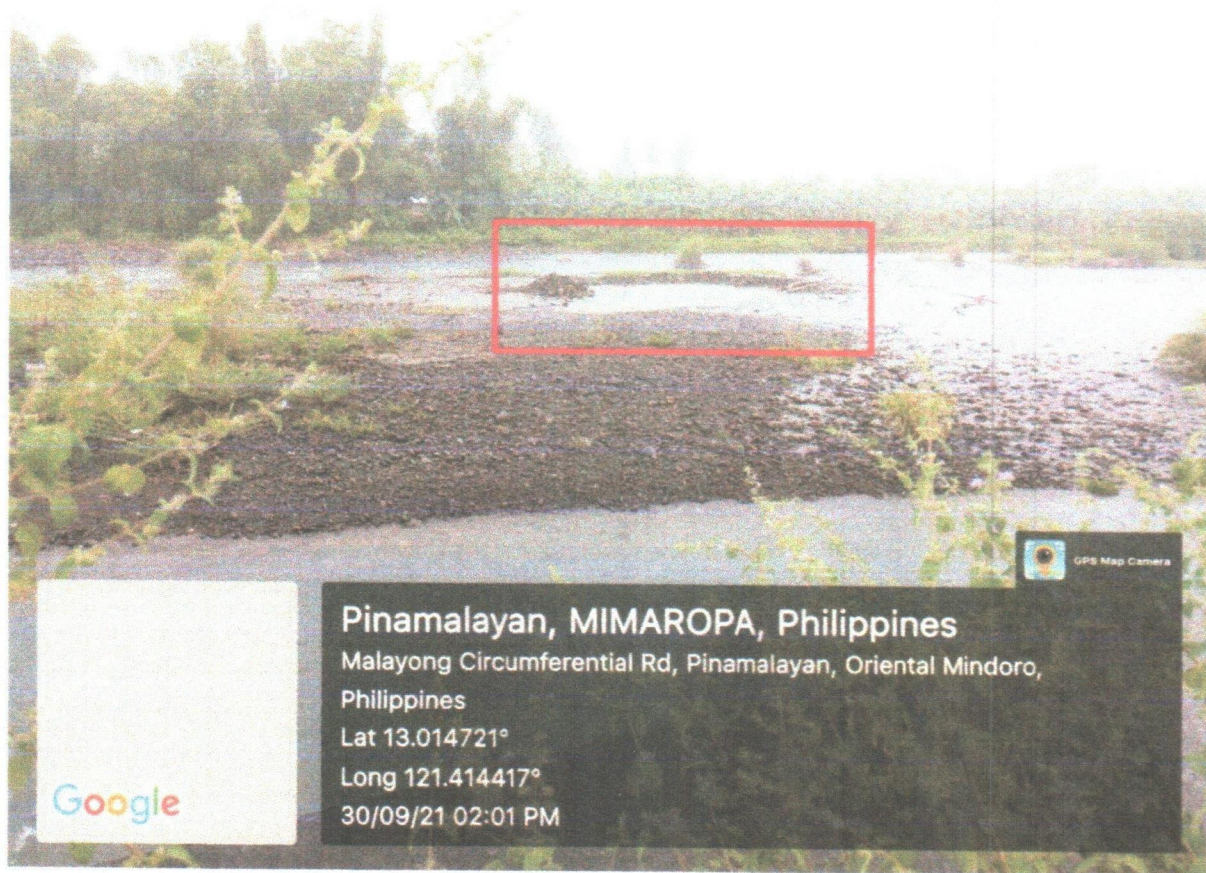


Photo 10. Bansud RIS Dam extraction marks were observed



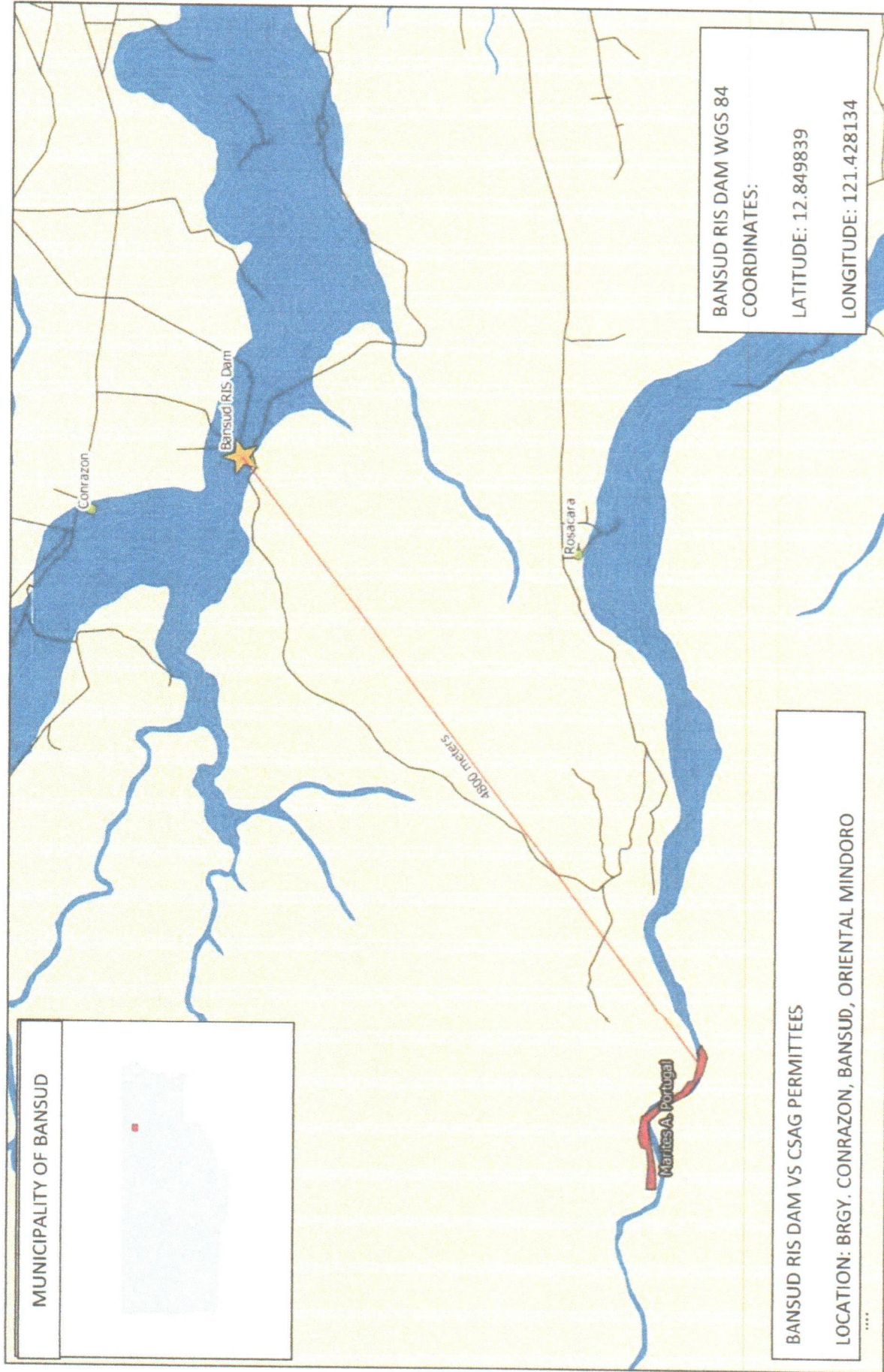


Figure 1. Bansud RIS Dam in Barangay Conrazon, Bansud, Oriental Mindoro



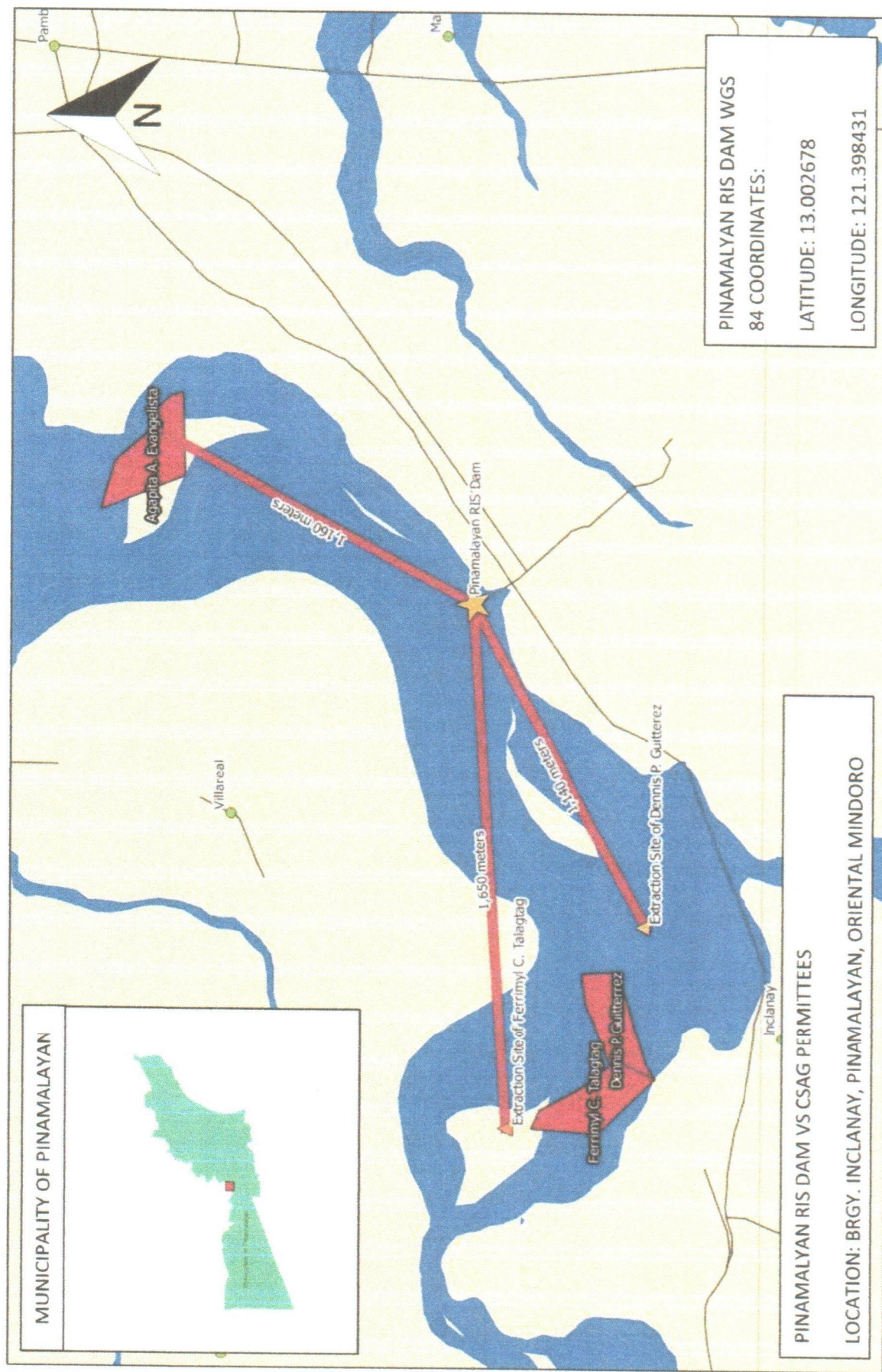


Figure 2. Pula RIS Dam in Barangay Inclanay, Pinamalayan, Oriental Mindoro





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7/F DENR Building, 1515 Roxas Boulevard, Ermita, Manila  
Telefax No. (+632) 536-0215 / (+632) 310-1389  
Email: region4b@mgd.gov.ph



11 October 2021

**Mr. Dennis P. Guitterez**

Barangay Inclamay, Pinamalayan  
Oriental Mindoro

**Dear Mr. D. P. Guitterez:**

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.

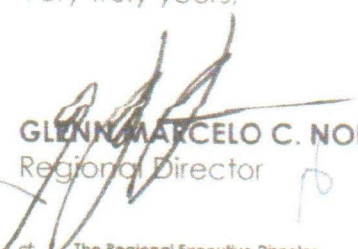
The above-cited extraction and disposition of sand and gravel materials outside the permit is equivalent to theft of minerals pursuant to Section 103 of Republic Act (RA) No. 7942<sup>1</sup>, which provides that:

***"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

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., Sital II, Siqui, Calapan City  
Oriental Mindoro

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

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Email: region4b@mgb.gov.ph



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:

***"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

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  
Bong-lang St., Sitio II, Suqui, Calapan City  
Oriental Mindoro

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

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