

CHUA LIM
&
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August 24, 2021

IMELDA M. DIAZ

OIC-PENR Officer

PENRO Marinduque

Department of Environment and Natural Resources

Capitol Compound, Boac, Marinduque

penromarinduque@denr.gov.ph

Re: Trespass upon and illegal takeover
of Marcopper's Property

Dear Ms. Diaz,

This is in connection with your trespass and illegal takeover together with persons equipped with assault rifles of the property of our client, Marcopper Mining Corporation, on August 09, 2021 and subsequent dates.

On August 11, 2021, persons from the DENR and your office came back together with persons equipped with assault rifles to confirm that the notices you posted on August 09, 2021 have not been touched and the guards of our client are not in our client's property or premises.

Your letter dated August 06, 2021 addressed to our client alleges that the property of 17 hectares is being taken over on the basis that a Foreshore Lease Contract (FLC) for the area had expired as of December 30, 2020.

Our client takes exception to your illegal acts and note the following:

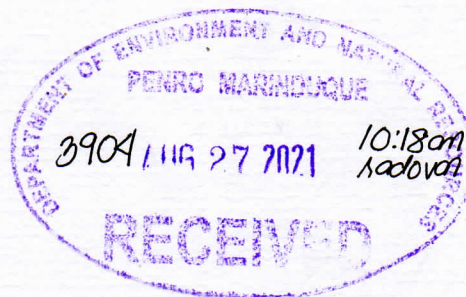
FIRST: We are not able to find any provision in the FLC that gives the PENRO, the DENR or any government entity to take over private property and claim that it is by authority of an expired FLC.

SECOND: Plotting of the area covered by the FLC through the accurate AUTOCAD shows that the area of the FLC is just 13,216.3655 square meters or just about 1.32 hectares and not the 17 hectares claimed by your August 06, 2021 letter.

THIRD: Plotting of the FLC area shows that it has a length of 1,105.41 meters on the West side and 1,102.89 meters on the East side. The width of the area ranges from 6.3234 meters to 22.8993 meters on its widest part until the borders are joined in the Northern Point 19 and the Southern Point 26. Simple logic will show that the FLC area can only be about 23 meters from the water's edge at its widest point.

FOURTH: You trespassed and took over the private property with the use of persons armed with assault rifles without any Court Order or due process in violation of Section 1 Article III, Bill of Rights, of the 1987 Constitution.

***Section 1. No person shall be deprived of life,
liberty, or property without due process of law,***



nor shall any person be denied the equal protection of the laws.

We thus put you on notice that the appropriate charges are being prepared for filing against you and whoever provided the means to trespass, take over the property of our client by armed force and violate its constitutional right to property and due process, among others.

Very truly yours,

CHUA LIM & ASSOCIATES

By:


CLIFFORD E. CHUA