



September 23, 2021

MEMORANDUM

FOR : The Undersecretary for Field Operations

THRU : The Regional Executive Director
DENR-MIMAROPA Region

FROM : The OIC-PENR Officer

SUBJECT : **SUMMARY OF ACTIONS TAKEN RELATIVE TO THE PUBLIC LAND OCCUPIED BY MARCOPPER MINING CORPORATION (MMC) UNDER EXPIRED OLPLA NO. 2 (BODEGA AND PORT FACILITIES) WITH AN AREA OF 17.655 HECTARES SITUATED IN BGY. BALOGO, STA. CRUZ, MARINDUQUE**

In compliance to your verbal instruction, the following are the summary of actions taken by DENR relative to the public land occupied by Marcopper Mining Corporation (MMC) under expired OLPLA No. 002 (Bodega and Port Facilities) covering an area of 17.655 hectares situated in Bgy. Balogo, Sta. Cruz, Marinduque.

Background:

Based on the data gathered by PENRO Marinduque and records from the Forest Management Bureau (FMB), the subject public land occupied by MMC located in Bgy. Balogo, Sta. Cruz, Marinduque is under Other Lawful Purposes Lease Agreement (OLPLA No. 02) which was issued in 1969 and expired on June 30, 1994. It was applied for renewal on September 9, 1993 for approval of then-Secretary Victor O. Ramos. However, the FMB is bereft of any record of its approval, hence, they presumed disapproved. Though FMB has record on file that payment for rental is made by MMC up to 1997 in the amount of Php 454,419.85.

Assuming however that said application for renewal was approved, the another period of twenty five (25) years to complete the maximum of fifty (50) years as allowed by the Constitution, has already been lapsed last December 31, 2020.

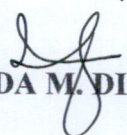
Actions Taken:

- On November 27, 2019, PENRO Marinduque sent a memo to FMB (copy furnished Regional Office), requesting for the status of OLPLA No. 02 (Bodega and Port Facilities Site) of MMC located in Balogo, Sta. Cruz;
- To follow-up said request, another memo pertaining to the status of OLPLA No. 002 were sent to FMB on March 2, 2020 and August 7, 2020;
- On September 2, 2020, PENRO received an email from FMB with a memo and copies of available documents related to the status of OLPLA No. 002, including a file copy of unsigned OLPLA No. 02;

- On September 16, 2020, the MIMAROPA Regional Office (RO) instructed PENRO to submit Complete Staff Work (CSW) with recommendations. This has reference to the Memo from Chief of Staff, USEC Rodolfo Garcia relative to the letter of Provincial Governor of Marinduque dated June 20, 2020, who signified his interest to enter into lease agreement with DENR.
- On September 18, 2020, PENRO Marinduque submitted CSW with recommendations such as: a) to take necessary legal action and issue Notice to Vacate, b) conduct final assessment and inspection by a composite team from PENRO, MIMAROPA-RO, MGB, and FMB and EMB before the take over of the area and to demand MMC to settle any obligations to the government, and c) the intent of the Provincial Government of Marinduque is deemed within the purview of the law, thus appropriate land tenurial instrument may be issued once the area is taken-over by the Government;
- On June 14, 2021, MIMAROPA-RO instructed PENRO Marinduque to conduct assessment and inspection of the area;
- PENRO Marinduque conducted site inspection and on July 14, 2021, they forwarded to MIMAROPA-RO another CSW with categorical recommendations, based on the recently issued DAO 2020-09 and requested for the creation of Asset Management Team (AMT). Likewise, requested from FBM a copy of map of leased area to determine the extent of 17.655 hectare and to validate on the ground;
- On August 9, 2021, PENRO Marinduque, together with representatives from Provincial Government of Marinduque and PNP-Marinduque, served the Notice to Vacate and was received by the MMC Security guard on duty;
- On August 11, 2021, a ground verification was conducted by a survey team from MIMAROPA-RO and PENRO Marinduque;
- On September 9, 2021, an Asset Management Team was created thru RSO-387 issued by RED Maria Lourdes G. Ferrer, to conduct an inventory and assessment of area covered with expired OLPLA. No. 02 (Bodega and Port Facilities) of MMC located in Balogo, Sta. Cruz, Marinduque; and
- On September 20, 2021, PENRO Marinduque sent another memo to DENR MIMAROPA regarding MMC's continuous occupation and possession of the forest land in Balogo, Sta. Cruz despite a 30-day reglementary period has lapsed on September 10, 2021. PENRO recommended filing of Eviction Case against MMC.

Please be informed also that PENRO received a letter from MCC Lawyer on August 27, 2021, threatening the OIC-PENRO and Staff that a case will be filed against them for alleged trespass in the subject area.

For information, record and further instruction.


IMELDA M. DIAZ

Cf: ASEC for Luzon