



Republic of the Philippines
Department of Environment and Natural Resources
Community Environment and Natural Resources Office
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E-mail: cenrocoron@denr.gov.ph Website: www.denr.gov.ph

21 April 2022

MEMORANDUM

FOR : **The OIC-Regional Director**
Mines and Geosciences Bureau-MIMAROPA
DENR Building, Roxas Blvd., Ermita, Manila

The OIC-Regional Executive Director
1515 L & S Bldg., Roxas Blvd.
Ermita, Manila

THRU : **Provincial Environment and
Natural Resources Officer**
Sta. Monica, Puerto Princesa City


FROM : **The Community Environment and
Natural Resources Officer**
Coron, Palawan

SUBJECT : **INVESTIGATION REPORT ON THE CONTINUOUS SAND AND
GRAVEL EXTRACTION IN SITIO BISBIS, BRGY.
GUADALUPE, CORON, PALAWAN. AS PER THE REQUEST
OF KAP. ENRICO SADANG**

Respectfully endorsing is the report dated 18 April 2022 of the MGB Embedded Personnel Casandra Lynda Jalac of CENRO – Coron pertaining to the request of Kap Sadang on the continuous sand and gravel extraction in Sitio Bisbis, Brgy. Guadalupe, Coron.

For your information and record.




ARNOLDO A. BLAZA, JR.
CENRO - Coron



Republic of the Philippines
Department of Environment and Natural Resources
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE
MIMAROPA Region
Coron, Palawan

18 April 2022

MEMORANDUM

FOR : The Community Environment and
Natural Resources Officer
Coron, Palawan

FROM : The Undersigned

SUBJECT : INVESTIGATION REPORT ON THE CONTINUOUS SAND AND
GRAVEL EXTRACTION IN SITIO BISBIS, BRGY.
GUADALUPE, CORON, PALAWAN. AS PER THE REQUEST
OF KAP. ENRICO SADANG



Pursuant to Travel Order No. 2022-003, the undersigned – MGB embedded Casandra Lynda Jalac and Forest Ranger Roderick Vallejo, investigated the abovementioned activity in Guadalupe last 13 April 2022. This is in connection with the letter of Kap. Enrico Sadang.

Background Information

Last 06 April 2022, the MGB embedded received a letter from Kap. Sadang requesting a document regarding the previous investigation last 19 June 2020 and what was the action of the bureau on the said investigation. On 28 September 2020, a cease and desist (CDO) was issued by MGB to the proponent for its violation of Section 103 of the Republic Act 7492 and for extracting materials outside his permit area hence illegally sourced minerals/mineral products (Section 116 Chapter XII of DAO 2010-21). Based on the letter of Kap. Sadang, this CDO was not followed as allegedly the proponent is still conducting extraction.

Purpose and Scope

The fieldwork was conducted to verify the statement of Kap. Sadang that Mr. Castro is continuously conducting sand and gravel extraction and to monitor the current state of the permit area. Moreover, to recommend necessary actions.

Findings and Observations

1. The subject area is geographically located at 12° 03' 38" N, 120° 09' 37" E. It is along the Labangan River in Sitio Bisbis, Brgy. Guadalupe, Coron. Approximately, it is 10 km away from CENRO which can be reached within a 15-minute motor drive (Figure 1).



Figure 1. Location map of the investigated sand and gravel quarry of Mr. Jose Castro. The white line denotes the barangay boundary of Guadalupe. The image is from Google Earth.

2. The undersigned first paid a courtesy to the barangay to discuss the objective of the activity and to interview Kap. Sadang (*see Photo Documentation*).
3. During the discussion, Kap. Sadang clarified to the MGB embedded, what was the action of the DENR to the previous investigation in the area. The embedded explained that there was a cease and desist (CDO) issued by DENR-MGB last September 2020 to Mr. Castro for conducting sand and gravel extraction outside his permit area (*see Annex*).
4. Kap. Sadang further stated that Mr. Castro is still conducting extraction in the area. Additionally, he stated that the PMRB issued a special delivery receipt (SDR) marked with "with penalty". The embedded explained that apart from the issued CDO, the commercial sand and gravel permit of Mr. Castro expired in November 2020 but is currently in the renewal process.
5. Kap. Sadang also informed the embedded that besides DENR, he wrote a letter to PMRB to explain the case of Mr. Castro. The written reply of PMRB to the request was presented to the undersigned. Written in the letter, the PMRB allows the extraction of Mr. Castro as the renewal process has long been delayed due to the pandemic and for humanitarian consideration provided that the proponent will pay to the PMRB (*see Annex*).
6. After the dialogue with Kap. Sadang, the undersigned visited the proponent's area. There has been a brief discussion with Mr. Castro where he confirmed that the PMRB allows them to extract sand and gravel. The proponent also provided the embedded

copies of their ECC and CSAG permits. Their extraction receipts, however, were submitted to PMRB therefore no copy was acquired during the visit.

7. On 19 April 2022, the embedded requested the PMRB to provide an official document that allows Mr. Castro to conduct such extraction and a copy of the stated SDR. The PMRB answered the request via phone call and explained that there was no official document released to Mr. Castro. Regarding the mentioned SDR, they clarified that no SDR is issued to the proponent but rather they pay in the treasury office for the extracted materials. The receipts, however, are named to different individuals (*see Annex*).
8. Apart from the receipts, the delivery record was also acquired from the PMRB (*see Annex*). Based on the acquired data, there has been extraction from January to April 2022. The records from previous months/years were not available during the visit to PMRB.
9. The undersigned visited the permit area of Mr. Castro, and no extraction activity was observed. There was also no possible evidence of recent excavation. Moreover, all the quarry equipment is parked in their house.

Comments and Recommendations

1. It is recommended to remind Mr. Jose Castro that extracting without a permit is deemed illegal. It is advised to first secure the necessary permits before conducting the extraction of sand and gravel.
2. The PMRB Coron is also requested to further explain for allowing the proponent to conduct extraction without a permit as no law allows such case.
3. As to conducting extraction without a permit, this violates Section 103 of RA 7942

Theft of Minerals – Any person extracting minerals and disposing the same without mining agreement, lease, permit, license, or steals minerals or ores or the products thereof from mines or mills or processing plants shall, upon conviction, be imprisoned from six (6) months to six (6) years or pay a fine from ten thousand pesos (Php 10, 000.00) to twenty thousand pesos (Php 20,000.00), or both, at the discretion of the appropriate court. In addition, he shall be liable to pay damages and compensation for the minerals removed, extracted, and disposed of. XXX

Furthermore, the extracted materials are considered to be illegally sourced mineral /mineral products. Based on Section 116 Chapter XII of DAO 2010-21,

Illegally sourced minerals/mineral products are those which are mined, extracted, removed, and/or disposed of without the authority or permit under existing mining laws, rules and regulations.

4. To forward this to MGB Regional Office and other relevant offices, to further validate this case.

For your reference, record, and further instruction(s).

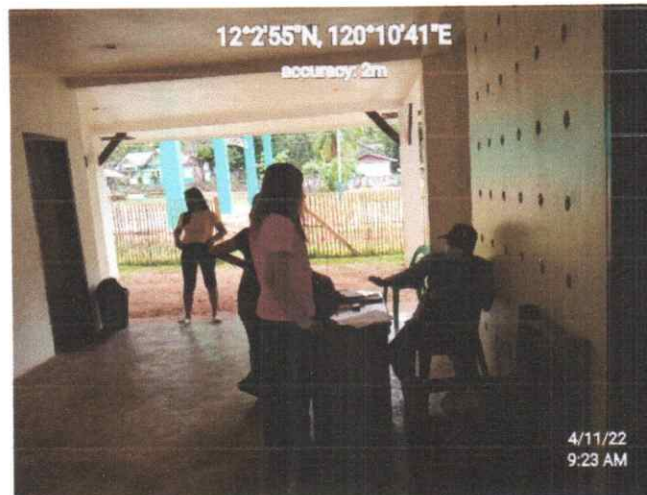


Casandra Lynda Jalac
Science Research Specialist II
MGB MIMAROPA – Embedded Personnel

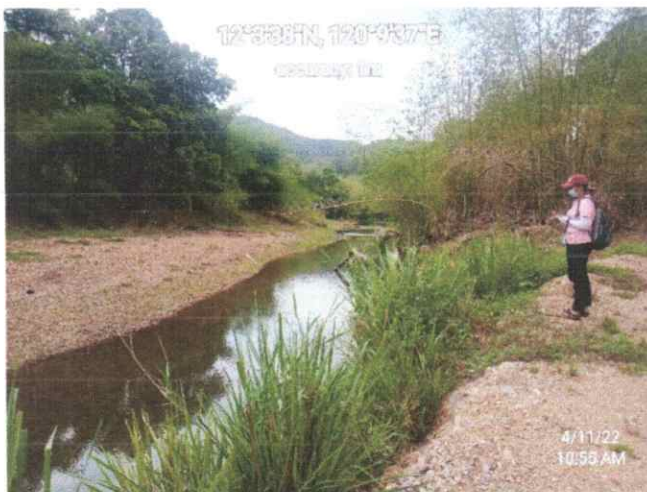


Roderick Vallejo
Forest Ranger
CENRO Coron

Photo Documentation



Courtesy call and initial interview with Brgy Captain Sadang regarding the quarry operation of Mr. Jose Castro.



Quarry area of Mr. Jose Castro. As observed, no possible evidence of recent movement was noted.



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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Email: region4b@mgb.gov.ph



28 September 2020

MR. JOSE R. CASTRO

Brgy. Guadalupe
Coron, Palawan

Dear Mr. J. R. Castro:

This refers to the Investigation Report dated 19 June 2020 by the technical personnel of CENRO - Taytay, re: *"INVESTIGATION ON THE ALLEGED ILLEGAL SAND AND GRAVEL EXTRACTION ACTIVITIES LOCATED IN LABANGAN RIVER, SITIO BISBIS, BRGY. GUADALUPE, CORON, PALAWAN"*, which was received by this Office on 28 September 2020.

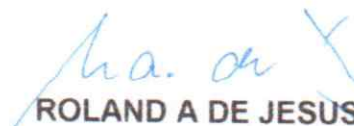
Based on the above, it was reported that you have been conducting sand and gravel activities outside your permit area.

Please be informed that Section 103 of Republic Act No. 7942, otherwise known as the *Philippine Mining Act of 1995*, provides that:

"Any person extracting minerals and disposing the same without a mining agreement, lease, permit, license, or steals minerals or ores or the products thereof from mines or mills or processing plants shall, upon conviction, be imprisoned from six (6) months to six (6) years or pay a fine from Ten thousand pesos (P10,000.00) to Twenty thousand pesos (P20,000.00), or both, at the discretion of the appropriate court. In addition, he shall be liable to pay damages and compensation for the minerals removed, extracted, and disposed of. xxx."

In this regard, you are hereby ordered to immediately **CEASE AND DESIST** from conducting sand and gravel activities in the area without the necessary mining permit. This is without prejudice to the filing of appropriate case(s) before a competent court, if found necessary.

Very truly yours,


ROLAND A DE JESUS, CESO V
Regional Director

cc: **THE PENRO and CONCURRENT PMRB CHAIRPERSON**
Sta. Monica, Puerto Princesa City

THE CENRO
Coron, Palawan

THE PUNONG BARANGAY
Brgy. Guadalupe, Coron, Palawan

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