



Republic of the Philippines
Department of Environment and Natural Resources
Region IV- MIMAROPA
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE
Barangay III (Poblacion), Roxas, Palawan
Contact No. 09171606578 / 09175028647
Email address: cenroroxaspalawan@denr.gov.ph

March 30, 2022

MEMORANDUM

FOR : The PENRO
Sta. Monica, Puerto Princesa City, Palawan

FROM : The CENRO
Roxas, Palawan

SUBJECT : **INVESTIGATION REPORT ON THE ILLEGAL
EXTRACTION OF SAND AND GRAVEL MATERIALS IN
BRGY. CARAMAY, ROXAS, PALAWAN.**

Respectfully forwarding the memorandum report of our MGB Embedded Personnel dated 24 March 2022 regarding the above-cited subject.

For your information, record and further instruction.


PABLO L. CRUZ


Cc: **The Regional Director**
Mines and Geosciences Bureau – MIMAROPA Region

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

The Provincial Mining and Regulatory Board
Province of Palawan

**DENR-CENRO ROXAS
RELEASED**

DATE: 04/04/2022

BY: 

DOC NO. 2022-04-0464



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March 24, 2022

MEMORANDUM

FOR : The CENR Officer
Community Environment and Natural Resources Office
Roxas, Palawan

FROM : The Undersigned

SUBJECT : **INVESTIGATION REPORT ON THE ILLEGAL
EXTRACTION OF SAND AND GRAVEL MATERIALS IN
BRGY. CARAMAY, ROXAS, PALAWAN.**



Background Information

On March 15, 2022 (Tuesday), the undersigned and her team composed of SRS II Aira Perez, MGB Embedded – CENRO PPC, SRS I Francis Jade Cometa, MGB Embedded – CENRO Taytay, Mr. Mark Anjo Atienza, PMRB Monitoring and Enforcement, Mr. ‘Boboy’ Savilla Vicera and Mr. Phing Olive Jr. conducted site investigation on the PCSD’s proposed River Dredging on Caramay River assessing its possible source materials subjected for donation to Brgy. Caramay’s constituents.

Findings and Observation

1. While conducting site investigation on the deposition banks of Caramay River, the team spotted by chance, an active manual production of hollow blocks (Photo 1).
2. According to the caretaker, the material utilized for the production of hollow blocks is from the Caramay River.
3. The caretaker identified the proponent as an individual named John ‘Janjan’ Baguna.



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4. Solomon Baguna, brother of Mr. 'Janjan' Baguna was present at the site. The undersigned asked if they could present any permits or legal documents for the extraction of SAG materials. No documents were presented.
5. Mr. Solomon Baguna, justified that the hollowblock production was for the nearby residents' reconstruction of their damaged house by Typhoon Odette. But a commercial disposition was being issued the same.
6. Mr. Solomon Baguna and the caretaker said that they sought prior consent and approval from the Barangay.
7. The PMRB issued seizure receipt to the 1,222 pcs of hollowblocks present at the site. (Annex)
8. Loads of sacked SAG material and conveyances were also noted along the river banks. (Photo 2, 3, 4 and 5)

FINDINGS AND RECOMMENDATIONS

1. Mr. John Baguna failed to secure permit to extract SAG materials utilized with commercial disposition.

Hence, Mr. John 'Janjan' Baguna is in belief to be in violation of Section 103 of RA 7942, otherwise known as the Philippine Mining Act of 1995 which provides:

Section 103. Theft of Minerals – Any person extracting minerals and disposing the same without a mining agreement, lease, permit, or 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 to pay a fine from Ten thousand pesos (P 10,000.00) to Twenty thousand pesos (P 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 materials removed, extracted, and disposed of.



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A **Cease and Desist Order** must be issued to affect the same

2. The Barangay Officials of Caramay is strongly advised to monitor any illegal extraction within their Area of Jurisdiction.
3. The Barangay Officials of Caramay is also strongly recommended to amend and or abolish its Barangay Ordinance No. 11 Series 2021, Section 3 as it promotes illegal extraction. (Annex)

“Section 3 – The use of gravel and sane must be regulated and limited only to inhabitants of Barangay Caramay to make sure that environmental protection shall be maintain[ed] for sustainable use for the future generation.”

No extraction should be conducted without securing proper permits.

4. Conduct Information and Education Campaign to the Barangay Officials and its constituents.

For the CENRO'S consideration and further instruction

DOMINIK L. ECHANO
Science Research Specialist



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PHOTO DOCUMENTATION



Photo 1. Active production of Hollow Blocks along the Caramay River



Photo 2.



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Photo 3.



Photo 4.



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Photo 5. Sacks loaded with SAG material



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ANNEX

Provincial Government of Palawan
PROVINCIAL MINING REGULATORY BOARD (PMRB)
Puerto Princesa City

RECEIPT FOR CONFISCATED/SEIZED MINERALS/MINERAL PRODUCTS, TOOLS, EQUIPMENTS, AND CONVEYANCES PURSUANT TO DAO 96-40

Enclosed: Confiscated or seized articles found in the possession of Apprehending Officers not listed in this form shall be deemed illegally possessed and shall subject the possessors to criminal and administrative action.

QUANTITY	UNIT	DESCRIPTION	ESTIMATED VALUE
1,227	PLS	Hollow block	

We certify that the above-cited articles were seized/confiscated in Citio
Caramay, Brgy. Caramay on MARCH 15, 2022 at 3:00 pm
The (Place of Apprehension) (Date) (Time)

Owner's Name: John Bagona
Signature: _____
Address: Brgy. Caramay Roxas

Investigating/Apprehending Officer: [Signature]

WITNESSES:

- [Signature]
MARK ANSO ATENZA
Address: _____
- [Signature]
Edmundo M. Lompo
Address: _____
- _____
Address: _____

Received the articles listed above in _____
(Storage Place)
on _____ at _____
(Date) (Time)

The same having been seized/confiscated and left in my custody pending further investigation by the DENR, Mines and Geo-Sciences Bureau Regional Office No. IV, I hereby pledge to faithfully keep and protect the said articles from loss or destruction in any manner to the best of my ability.

Custodian/Receiving Officer: _____


Apprehended Person(s): _____



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Republic of the Philippines
Provincial Government of Palawan
PROVINCIAL MINING REGULATORY BOARD
Puerto Princesa City

SEIZURE RECEIPT

TO WHOM IT MAY CONCERN: COMMON BACORRA Date 3/15/22

The items listed below are deemed illegally mined, and the equipment(s) and conveyance used in the commission of the offense are hereby confiscated in favour of the government, in view of the failure of the apprehended person(s) to show valid mining permit and/or the transport of the illegally-sourced minerals are not covered by genuine One Transport Permit/Delivery Receipt in violation of Section 103 R.A. 7942 (Theft of Minerals).

Kind of Minerals	Volume/Quantity
<u>Gravel</u>	<u>7 cubic</u>

Equipment(s)/Conveyance used	Plate No.
<u>3 shovel</u>	
<u>1 hollowblock road</u>	

Adanor
Confiscating Officer

ACKNOWLEDGMENT

I acknowledge that the items and equipment(s)/conveyance listed above are actually confiscated in violation of Section 103 of R.A. 7942.

Y. Villa Blanca
Apprehended Person(s)



Republic of the Philippines
Department of Environment and Natural Resources

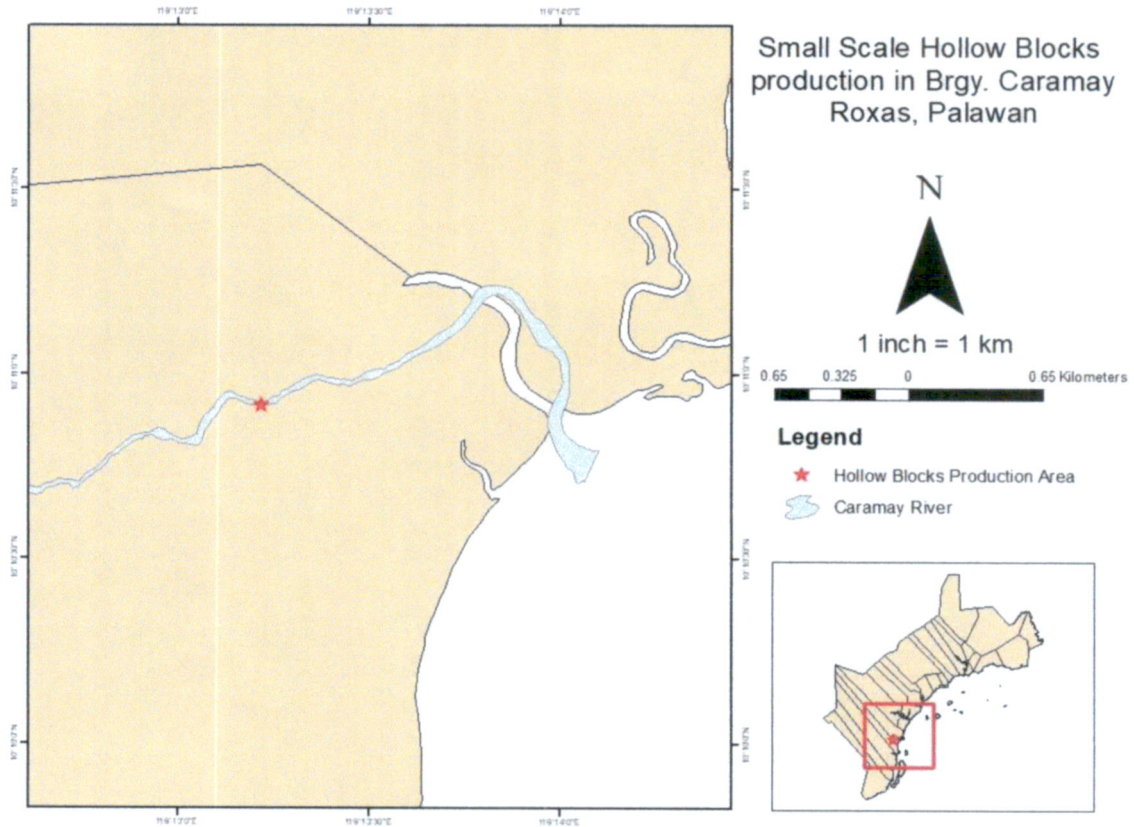
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Location Map

OFFICE OF THE SANGGUNIANG BARANGAY

EXCERPTS FROM THE MINUTES OF THE 81st REGULAR SESSION OF THE SANGGUNIANG BARANGAY OF BARANGAY CARAMAY HELD ON NOVEMBER 04, 2021 AT THE BARANGAY SESSION AT 9:00 O'CLOCK IN THE MORNING.

PRESENT:

HON. MARIA OFELIA M. GABO

HON. APOLINARIO S. DANGAN JR.
HON. CONCEPCION E. GATCHALIAN

HON. NELSON D. ABREA

HON. RHODA L. LLAVAN

HON. JEFFREY R. CAABAS

HON. REYNALDO T. COSEÑAS

HON. ANDREA D. BADENAS

HON. REYNOSO Z. CIRILO

PUNONG BARANGAY
PRESIDING OFFICER
BARANGAY KAGAWAD
BARANGAY KAGAWAD
BARANGAY KAGAWAD
BARANGAY KAGAWAD
BARANGAY KAGAWAD
S.K CHAIRWOMAN
IPMR

ABSENT:

HON. LORLAINE H. VILLORENTE

BARANGAY KAGAWAD
On sick Leave

ORDINANCE No. 11 Series 2021

An act imposing total BAN for "COMMERCIAL QUARRY"
Specifically along Caramay River, Caramay, Roxas, Palawan

Authored by: Hon. NELSON D. ABREA SR.

Co Authored: Hon. APOLINARIO S. DANGAN JR.

WHEREAS; based on the assessment and evaluation of the Barangay Council, the inhabitants of this barangay strongly opposing "COMMERCIAL QUARRY" in the area as far as Caramay River is concern.

WHEREAS; sometimes year 2005 when flashfloods came all crops along the river were totally swept out, mass destruction among farmers really happened, loss of income lost of their farm lot cause by erosion landslide resulting to unexpected crisis.

WHEREAS; folk fisherman no way to escape calamity respected no one. Severe damage of livelihood, pump boats, fish nets, were drown by strong flood throughout the sea and nothing to recover. Disaster gave more serious problem, loss of income, hunger. Jobless arises, people cannot even finance their daily family needs. Marine habitat, fishing ground becomes polluted, thick muds blanket Seagrasses, forest mangroves, coral reef, mostly damaged by muds and siltation. No room for the victims to seek financial support except to accept the suffering of hunger.

WHEREAS; Barangay Caramay is known celebrating "BANANA FESTIVAL" yearly. For the reason that the farmers engaged in banana industry, even coffee and coconut. Number of tons Lakatan product weekly delivered to the city of Puerto Princesa, Roxas town even El Nido town. Farmers are enjoying the happy family lifestyle, no worried because financially they can survive. They enjoy

many others. So we need to preserve, protect and observe all environmental laws.

WHEREAS; the use of gravel and sand must be regulated and limited only for the inhabitants living in the area, to make same that the environmental protection shall be maintain for sustainable use. Gathering of gravel and sand transporting to other barangay is prohibited.

Now therefore, on motion of **Hon. Nelson D. Abrea, Sr.** and duly seconded by **Hon. Apolinario S. Dangan, Jr.,** both members of Sangguniang Barangay of Barangay Caramay, Roxas, Palawan. **HENCE,** approval of this ordinance earnestly recommended at the same time the implementation by authority of this ordinance.

Section 1 – No endorsement shall be made by the barangay council of barangay Caramay, Roxas, Palawan. Base on the strong stand of the inhabitants **NO TO COMMERCIAL QUARRY** specifically along Caramay river.

Section 2 – Caramay River is declared critical areas and tourist destination because of the multiple use as recreation area such as special occasion, family reunion, birthday celebration and other similar activities.

Section 3 – The use of gravel and sand must be regulated and limited only to inhabitants of Barangay Caramay to make sure that environmental protection shall be maintain for sustainable use for the future generation.

Section 4 – Gathering and transporting gravel and sand to adjacent barangay is prohibited.

Section 5 – Any person/persons caught on act violating Section 4 of this ordinance shall be confiscated and corresponding penalties shall be imposed accordingly as follows:

1st Offense – ₱ 500.00

2nd Offense – ₱ 800.00

3rd Offense – ₱ 1,000.00 or both fines and imprisonment at the discretion of the court.

Section 6 – All laws, decree, proclamation rules and regulations, or parts thereof found inconsistent with this ordinance are hereby repealed or modified accordingly.

Section 7 – This ordinance shall take effect upon its approval.

Approved:


Sponsored by Hon. Nelson D. Abrea, Sr.

Co-sponsored Hon. Apolinario S. Dangan, Jr.

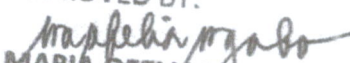
I hereby certify to the correctness of the above ordinance.

ATTESTED:


MARIA OFELIA M. GABO
Punong Barangay


AGUSTIN P. BALMONTE
Barangay Secretary

APPROVED BY:


MARIA OFELIA M. GABO