

MINUTES OF THE 2nd QUARTER 2022
MINE REHABILITATION FUND COMMITTEE MEETING
Berong Nickel Corporation
Hybrid Meeting
14 July 2022 | 9:00 a.m.

ATTENDANCE:

MRFC Members:

1. Engr. Alvin S. Requimin	Representing Engr. Glenn Marcelo C. Noble Chairperson and Regional Director MGB MIMAROPA Region
2. Ms. Herlina L. Nim (via Zoom)	Representing Ms. Lormelyn E. Claudio, CESO IV Co-chairperson and Regional Executive Director DENR MIMAROPA Region
3. Engr. Nunilon R. Tanguilig	Representing Mr. Joe Amil M. Salino Regional Director, EMB MIMAROPA Region
4. Mr. Niño Rey C. Estoya	Representing Atty. Teodoro Jose S. Matta Executive Director, PCSDS
5. Atty. Noel E. Aquino (via Zoom)	Representing Hon. Victorino Dennis M. Socrates Provincial Governor, LGU – Palawan
6. Fr. Jasper A. Tabangay	Social Action Director, AVPP – Palawan
7. Mr. Aniceto T. Ayala	Representing Hon. Joselito O. Ayala Mayor, LGU – Quezon, Palawan
8. Mr. Joemer M. Samong (via Zoom)	Representing Ms. Marie Grace T. Pascua, PhD Regional Director, NCIP MIMAROPA Region
9. Ms. Loreto L. Cagatulla (via Zoom)	Representing Mr. Roger V. Garinga NGO - PNNI
10. Engr. Deo V. Gatchalian	Compliance and Permitting Head, BNC

Guest and Other Participants:

1. Engr. Julie Ann A. Perez	BNC
2. Engr. Marc Raymund L. Zamora	BNC
3. Mr. Jay Pee R. Dela Cruz	BNC
4. Ms. Jaypee B. Jacob	BNC
5. Mr. Rolando L. Sajot	BNC

MMT

1. Engr. Al Janry S. Tuazon	MMT
2. Engr. Lister C. Sianen	MMT

Secretariat (MGB MIMAROPA):

1. Engr. Alvin S. Requimin	Head Secretariat
2. Engr. Hanna Lee B. Arriesgado	Secretariat
3. Engr. Venus V. Jesoro	Secretariat

52 **I. Preliminaries**

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54 Engr. Alvin S. Requimin, representing the Chairperson and MGB MIMAROPA
55 Regional Director Glenn Marcelo C. Noble, called the meeting to order at
56 10:00 a.m. upon confirmation of a quorum (10 out of 10) by the Secretariat.
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58 **II. Meeting Proper**

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60 **A. Provisional Agenda**

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62 Among the items that were included in "Other Matters" were as follows:

- 63 • EMB membership to the MMT per DENR Administrative Order No. 2022
- 64 – 12 as suggested by Engr. Nunilon R. Tanguilig (EMB MIMAROPA);
- 65 • BNC's FMR/DP Implementation per Engr. Deo V. Gatchalian (BNC);
- 66 • Brgy. Resolution No. 17, Series 2022 re: Removal of Spillway/Detour
- 67 Bridge at Llabongan River per Engr. Requimin; and
- 68 • MMT Capacity Building: Surigao Cross-visit as proposed by Atty. Noel
- 69 E. Aquino (LGU Palawan).
- 70

71 Upon motion of Atty. Aquino, duly seconded by Engr. Tanguilig, the
72 Provisional Agenda was approved including the additional items for
73 discussion in "Other Matters."
74

75 **B. Draft minutes of the 1st Quarter 2022 MRFC Meeting**

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77 With minor revisions such as correction on the name of Mr. Jay Pee R. Dela
78 Cruz and inserting page numbers, Mr. Niño Rey C. Estoya (PCSDS) moved
79 for the approval of the draft minutes of the 1st Quarter 2022 MRFC meeting,
80 duly seconded by Fr. Jasper A. Tabangay (AVPP).
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82 **C. Matters arising from the minutes of the 1st Quarter 2022 MRFC Meeting**

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84 **1. Existing Memorandum of Agreement (MOA) between BATA and BNC**

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86 Engr. Gatchalian said that he is yet to hear from NCIP MIMAROPA
87 regarding the approval of the MOA.
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89 **2. Relocation of Water Sampling Stations**

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91 Per Engr. Tanguilig, EMB MIMAROPA conducted the validation in May
92 2022. They are currently preparing the documents needed for the
93 approval of relocation of sampling stations.
94

95 **D. Technical Reports**

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97 **1. Presentation of highlights of the 1st Quarter 2022 MMT validation**

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99 Engr. Lister C. Sianen (MGB MIMAROPA) reported the 1st Quarter 2022
100 MMT monitoring observations and recommendations. Comments and
101 recommendations of the MRFC members are as follows:

- Considering there is an approved program for the rehabilitation works, Engr. Requimin asked if the recommendation to "Fast track the rehabilitation of the mine site" is valid. In response to this, Mr. Jay Pee R. Dela Cruz (BNC) said that the company supports this recommendation as they will be compelled to finish the land preparation using the equipment still available on site.
- Atty. Aquino raised three (3) points:
 - What is the MMT's recommendation on the on-going repair of discharge canal at BSW1 siltation pond and removal/ clearing of wood debris in the gabion dam;
 - He supported the Chairperson's comment whether the recommendation to fast track the rehabilitation is valid since it may seem like the company is slow in implementing the rehabilitation program whereas there is a 6-year rehabilitation plan to be observed; and
 - Species used by the company for the rehabilitation.
- Engr. Al Janry S. Tuazon (MGB MIMAROPA) commented that the recommendations will be revised per comment of the MRFC. He explained that one of the MMT's recommendation is the removal/ clearing of wood debris in the gabion dam, which will be included in Mr. Dela Cruz's presentation of the company's compliance.
- Fr. Jasper A. Tabangay (AVPP) requested to expound on the MMT's recommendation to fast track the rehabilitation activities.
- Engr. Marc Raymund L. Zamora (BNC) accepted the MMT's recommendation to fast track the rehabilitation activities. He explained that the company is not slow in implementing the activities, but they intend to implement the 6-year plan within 2 to 3 years.
- The Chairperson noted this and concurred with the MRFC's suggestion to expound and rephrase the said recommendation.

2. Presentation of highlights of the 2nd Quarter 2022 Air, Water, and Noise Monitoring and Sampling

As presented by Engr. Tuazon, results of the 2nd quarter 2022 air and water quality and noise level monitoring were within DENR and NPCC standards, respectively.

- Engr. Tanguilig suggested to attach the laboratory's certificate of analysis next MRFC meeting. Engr. Tuazon took note of this.

3. Presentation of compliance with the 1st Quarter 2022 MMT's field findings and recommendations and presentation of physical and financial accomplishments, including updating of established funds and Year-One (1) work and financial plan for final mine rehabilitation

Mr. Dela Cruz discussed the company's compliance with the 1st quarter 2022 MMT findings and recommendations, 2nd quarter 2022 accomplishments, status of Contingent Liability Rehabilitation Funds (CLRF), and Year-One (1) work and financial plan for the final mine rehabilitation.

- Atty. Aquino advised the company to ensure that endemic species are used. Mr. Dela Cruz replied that within their team, there is a group dedicated to collection of wildings. Acacia auri (fast growing species) is used along steep slopes while different types of agoho are also planted.
- Engr. Tanguilig inquired if the stockyard near the pier was rehabilitated to which Mr. Dela Cruz responded in the affirmative and said that it was decommissioned in 2018. The latter explained that it is a private land and one of the conditions (per MOA) of the owner is to return the land into its previous state.
- Mr. Estoya inquired if the target area for rehabilitation and the corresponding accomplishment is included in the presentation. Mr. Dela Cruz responded that the work and financial plan for the rehabilitation activities along with the accomplishment is part of his presentation.
- While the siltation control structures were being presented, Fr. Tabangay commented that he observed river discoloration in 2021 and expressed his concern on the amount of silt that accumulated downstream during rainy season. Mr. Dela Cruz explained that it is normal for the river to change its color during the rainy season and assured him that the company conducts regular water quality monitoring, results of which were within the DENR standards.
- Fr. Tabangay further asked if the company conducts on-site assessment to which Mr. Dela Cruz responded that a third-party coastal resource assessment is being conducted on a yearly basis.
- In relation to Fr. Tabangay's concern, Atty. Aquino attested to the beautiful coral reefs found within 300 to 500 meters from the pier site.

E. Presentation of recent drone shots/videos of rehabilitation areas

Mr. Dela Cruz shared a video showing the recent drone shots of the area.

- Mr. Aniceto T. Ayala (LGU Quezon) asked how the company maintains the area during dry season. Mr. Dela Cruz replied that

the company does not use water truck but implements the following planting strategies instead:

- planting is conducted during the onset of rainy season;
- slow-release fertilizer [which the plants consumes for about five (5) months] is added;
- seedlings are hardened in preparation for outplanting;
- use of topsoil and coconet, which retain water; and
- enrichment planting.

- Mr. Ayala inquired on the survival rate of the trees planted to which Mr. Dela Cruz replied around 97%.

F. Other Matters

1. ASDMP Accomplishment

Ms. Laylyn P. Dequito (BNC) presented the ASDMP accomplishment of BNC for the 1st semester of 2022. Overall, the company was able to accomplish 48% of its physical targets with a financial accomplishment of PHP 8,938,478.48.

- Mr. Estoya asked regarding the low accomplishment on IEC and DMTG. Ms. Dequito responded that a portion of the budget for IEC was set aside for the national unified IEC while the targets for DMTG will be accomplished in the 2nd semester.
- In reporting the ASDMP accomplishment, Mr. Estoya suggested to report the accomplishment against the 1st semester targets only, not as a whole (annual) as it may seem that the company under accomplished. Engr. Zamora acknowledged his suggestion.
- The Chairperson asked if there will be overlapping of activities being implemented under SDMP and social plan under the FMR/DP. Mr. Dela Cruz explained that it will not be the case as the programs under FMR/DP are focused on re-training of personnel etc..
- Ms. Rocelyn F. Rebullante (MGB MIMAROPA) advised the BNC to prepare the community by mentioning during IECs that 2022 will be the last year of SDMP implementation. Mr. Dela Cruz explained that the community has been informed since 2020, they were also part of the FMR/DP formulation (i.e. determination of final land use).
- Atty. Aquino inquired if the community is really ready for the mine closure. Engr. Zamora responded that as presented by Mr. Dela Cruz, third-party social impact assessment will be conducted every three (3) years to evaluate the condition of the community. Results of this will be presented to the committee.

254 **2. DAO No. 2022 – 12 re: EMB Membership to the MMT**

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- 256 • Per Engr. Tanguilig, EMB MIMAROPA will participate in the MMT
- 257 per DAO No. 2022 – 12. He asked for the company's support by
- 258 setting aside the budget needed for monitoring. Engr. Zamora
- 259 acknowledged this and asked Engr. Tanguilig to write the
- 260 company.
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262 **3. BNC's FMR/DP Implementation**

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264 *Details were presented during the presentation of the company's*

265 *compliance.*

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- 267 • Engr. Gatchalian explained that there is an existing program
- 268 approved by the CLRF-SC. The company is implementing the
- 269 rehabilitation plan even if the work and financial plan for the
- 270 FMR/DP has not been approved. He made a clarification on what
- 271 will happen to the cost incurred during rehabilitation and if a
- 272 reprogramming will be conducted regarding their request to
- 273 shorten the implementation period from 6 years to 2 to 3 years.
- 274 Regarding the establishment of a trust fund, he submitted the
- 275 bank signature card (for the third time) to request for the Regional
- 276 Director's consideration.
- 277
- 278 • The Chairperson responded that the Office will coordinate with
- 279 the Central Office regarding their request to shorten the
- 280 implementation period. He asked the committee for motion to
- 281 endorse the Year-One (1) WFP of BNC for final mine rehabilitation.
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- 283 • Upon motion of Mr. Estoya, duly seconded by Engr. Tanguilig, the
- 284 said document shall be endorsed to the CLRF-SC for approval by
- 285 virtue of an MRFC resolution.
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287 **4. Brgy. Resolution No. 17 Series of 2022 re: Removal of Spillway/Detour**

288 **Bridge at Llabongan River**

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- 290 • Engr. Tanguilig commented that the MRFC should not discuss the
- 291 issue since this concerns the Department of Public Works and
- 292 Highways. Mr. Estoya suggested to refer it to the concerned
- 293 agency.
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295 **5. MMT Capacity Building: Surigao Cross-visit**


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- 297 • The Chairperson asked the company if they agree to send the
- 298 MMT members to Surigao for a cross-visit as part of the capacity
- 299 building. In response to this, Engr. Zamora said that it will be
- 300 discussed within the company.
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306 **III. Adjournment**
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308 All matters properly discussed and there being no other business for
309 deliberation, the meeting was adjourned at 2:48 p.m. on the motion of by
310 Engr. Tanguilig and duly seconded Mr. Estoya.
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313 Attesting to the correctness of the foregoing:
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317 **HANNA LEE B. ARRIESGADO**
318 Secretariat
319 MGB MIMAROPA
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322 Approved by:

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326 **GLENN MARCELO C. NOBLE**
327 Regional Director and
328 Chairperson, MRFC for BNC
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