Republic of the Philippines REGIONAL TRIAL COURT

Fourth Judicial Region
Branch 38
Boac, Marinduque

Email: rtcboa038@judiciary.gov.ph

REPUBLIC OF THE PHILIPPINES, represented by the Regional Director of the Department of Environment and Natural Resources (DENR) – MIMAROPA Region,

Plaintiff,

-versus-

Civil Case No. 18-11
For: Cancellation of Title
and Reversion

MARCOPPER MINING CORPORATION and THE REGISTER OF DEEDS OF MARINDUQUE,

Defendants.

JUDICIAL AFFIDAVIT

(of Engr. Anita L. Iringan)

OFFER OF TESTIMONY:

The testimony of witness **Engr. Anita L. Iringan** is being offered to prove that:

- 1. She is an employee of the DENR MIMAROPA Region holding the position of Engineer III;
- 2. She is an expert witness arising from her position, experience, and length of service at the DENR;

Republic v. Marcopper Mining Corporation and Register of Deeds of Marinduque Civil Case No. 18-11

- 3. She was the Team Leader of a survey team constituted to validate survey and investigate the subject land which was concluded to be within timberland area;
- 4. She will identify DENR-MIMAROPA Memorandum dated 13 September 2021 with the subject: Report on the Conduct of Ground Validation Survey and Land Classification Status of Lot No. 9540, PLS 726-D covered by TCT No. T-1339 identical to Lot 8, approved Plan No. PSU 106364 located in Barangay San Antonio, Sta. Cruz, Marinduque;
 - Other relevant matters pertinent thereto.

Engr. Anita L. Iringan will also identify relevant documents and affidavit she executed and her signature appearing thereon.

(The direct examination of Anita L. Iringan shall be conducted at Roxas Boulevard, Ermita, Manila, by State Solicitor Philander L. Turqueza, with office address at the Office of the Solicitor General, 134 Amorsolo St., Legaspi Village, Makati City.)

(Anita L. Iringan shall answer the questions asked of her, fully conscious that she does so under oath, and that she may face criminal liability for false testimony or perjury.)

- I, **Anita L. Iringan**, of legal age, a Geodetic Engineer, and presently an Engineer III at the DENR MIMAROPA Region with office address at 1515, L & S Bldg., Roxas Boulevard, Ermita, Manila, after having been duly sworn in accordance with law, do hereby depose and state:
- Q: You have stated that you are a Geodetic Engineer, Ms. Witness. Are you practicing your profession in DENR MIMAROPA as such?

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A: Yes, sir. I have been practicing my profession as a Geodetic Engineer at the DENR since I passed the board examination in 1996. I started working at the DENR in 1989.

2. Q: Ms. Witness, what are the primary functions and duties of your position as an Engineer III?

A: Essentially, I am tasked to oversee the conduct of survey, verify the accuracy of data gathered, conduct research and other information on the lot to be surveyed, conduct ocular inspection and investigation and represent the government in court litigation.

3. Q: Are there any requirements before one can be appointed in the position of an Engineer in the DENR?

A: Yes, Sir. Before one can be appointed as an Engineer in the DENR, one should be a licensed Geodetic Engineer who passed the licensure examinations conducted and regulated by the Professional Regulatory Commission (PRC).

4. Q: Have you received any other specialized training related to this profession, Ms. Witness?

A: Yes, sir. I attend seminars conducted by the Supreme Court, the DENR, and by the Geodetic Engineers of the Philippines, Inc. (GEP Inc.) such as the "Adoption of Strategic Performance System Customized for Lawyers and Staff of the Legal Service"; "Regional Learning Event on the Application and Issuances of Permits and Tenurial Instruments Governing Water, Lands, Wildlife and Forest Resources"; and, "Training on Basic Use of

Republic v. Marcopper Mining Corporation and Register of Deeds of Marinduque Civil Case No. 18-11

Real time Kinematics (RTK) Global Navigation to Satellite System on Survey".

5. Q: Can you tell Ms. Witness how many lands have you surveyed so far?

A: I was able to conduct validation surveys of around 82 lots in Ilocos Sur and 25 lots in Eastern Samar. The validation surveys were conducted in the course of investigations regarding the tampering of cadastral maps, and I served as the technical member of the teams.

6. Q: Have you ever been requested by any court or quasi-judicial body to testify/assist/clarify in land surveying?

A: Yes, Sir. I have appeared/testified in several courts.

7. Q: Ms. Witness, do you know the defendant Marcopper Mining Corp?

A: Yes, Sir. I remember we conducted a validation survey of the lot 9540 Pls 726-D owned by Marcopper Mining Corporation at Barangay San Antonio, Sta. Cruz, Marinduque covered by Transfer Certificate of Title (TCT) No. T-1339 from 09 to 11 August 2021. The result of the validation was embodied in DENR MIMAROPA Memorandum dated 13 September 2021.

8. Q: Under what authority did you conduct the validation survey?

A: The validation survey was conducted by virtue of Regional Special Order No. 346 S. 2021 dated 01 July 2021, which tasked me, together with Engr. Joegene Unabia, O'seniel Moises Tuddao, Ferdinand Lopez, to conduct the survey.

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 Q: You mentioned Regional Special Order No. 346 S. 2021 dated 01 July 2021, I am showing to you a document denominated Regional Special Order No. 346 S. 2021 dated

01 July 2021, is this the same document you are referring to?

A: Yes, sir.

(Your Honor, it is respectfully requested that the Regional Special Order No. 346 S. 2021 dated 01 July 2021 be marked as **Exhibit "K"** for the plaintiff.)

10. Q: You mentioned a DENR MIMAROPA Memorandum dated 13 September 2021, I am showing to you a document denominated as DENR MIMAROPA Memorandum dated 13 September 2021, is this the same document you are referring to?

A: Yes, sir.

(Your Honor, the DENR MIMAROPA Memorandum dated 13 September 2021 was previously marked as **Exhibit "H"** for the plaintiff.)

11. Q: How did you conduct the validation of the subject lot, Ms. Witness?

A: We conducted the ground validation survey of Lot No. 9540 Pls. 726-D using the technical description found in the lot data computation declaring as school sites and identical to approved plan PSU 106364 and tick marks with the corresponding grid values in Land Classification Map No. 789 dated 22 November 1928.

By the way, Lot No. 9540 Pls. 726-D is equivalent to Lot No. 8, Plan PSU 106364, covered by TCT

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No. T-1332 under the name of Marcopper Mining Corporation.

We also tried to use the Forest Land Boundary Delineation (FLBD) on the subject lot just for **comparison**. The Forest Land Boundary Delineation (FLBD) cannot be used for surveying or any other legal purposes because it is not approved by Congress for official use. As such, we only used the **Land Classification Map No. 789** as our official basis for verification of the forest boundary.

- 12. Q: You have mentioned Land Classification Map No. 789 dated 22 November 1928, I am showing to you a document entitled Land Classification Map No. 789 approved on 22 November 1928, is this the same document you are referring to?
 - A: Yes, sir.

(Your Honor, the Land Classification Map No. 789 dated 22 November 1928 was previously marked as Exhibit "A" for the plaintiff.)

- 13. Q: Going back to the DENR MIMAROPA Memorandum dated 13 September 2021, on page 6 of the said Memorandum there is a signature appearing over the name of Engr. Anita L. Iringan, Team Leader. Do you know whose signature is this?
 - A: That is my signature, sir.
- 14. Q: Ms. Witness, what were your findings on the 2validation of the subject lot?

JUDICIAL AFFIDAVIT OF ENGR. ANITA L. IRINGAN Republic v. Marconner Mining Corpora

Republic v. Marcopper Mining Corporation and Register of Deeds of Marinduque Civil Case No. 18-11

- X-----
- A: As stated in the DENR MIMAROPA Memorandum dated 13 September 2021, the subject lot falls within a timberland area.
- 15. Q: Do you confirm and affirm the contents of the said Memorandum and all documents used as bases thereof?

A: Yes, sir.

This Judicial Affidavit is being made to attest to the truthfulness of the facts contained therein, and to serve as evidence in favor of the plaintiff.

Affiant further sayeth naught.

IN WITNESS WHEREOF, I have hereunto affixed my signature this ____ day of _____2022 in the City of Manila.

ENGR. ANITA L. IRINGAN
Affiant

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JUDICIAL AFFIDAVIT OF ENGR. ANITA L. IRINGAN Republic v. Marcopper Mining Corporation

and Register of Deeds of Marinduque Civil Case No. 18-11

Series of 2022.

SWORN ATTESTATION

- I, PHILANDER L. TURQUEZA, State Solicitor of the Office of the Solicitor General, after being sworn in accordance with law, hereby state that:
 - I have faithfully recorded the questions I asked 1. and the corresponding answers that the witness gave; and
 - No person then present or assisting me coached 2. the witness regarding the latter's answers.

NDĘŔ L. TURQUEZA State Solicitor

SUBSCRIBED AND SWORN to before me on this th day of ______2022 in the City of Manila, affiant exhibiting his I.D. No. 2012-05003 issued by the Office of the Solicitor General.

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Notary Public

Republic v. Marcopper Mining Corporation and Register of Deeds of Marinduque Civil Case No. 18-11

Copy furnished:

ATTY. CLIFFORD E. CHUA

Counsel for MARCOPPER MINING CORP. Chua Lim and Associates Unit 304, 3rd Floor, The Oriental Square Bldg., F. Ortigas Jr., Road Ortigas Center, Pasig City

THE REGISTER OF DEEDS OF MARINDUQUE

Provincial Capitol Compound Boac, Marinduque

DENR MIMAROPA REGION

1514, L & S Building, Roxas Boulevard, Ermita, Manila
Email: mimaroparegion@denr.gov.ph

DENR Mines and Geosciences Bureau MIMAROPA REGION

1514, L&S Building, Roxas Boulevard, Ermita, Manila

EXPLANATION

The foregoing **Judicial Affidavit** is being filed and served by registered mail due to distance and lack of messenger.

PHILANDER L. TURQUEZA

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FIRINGAN.

► ANITA

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REGISTRATION DATE > 03/04/1996

TEOFILO S. PILANDO, JR.

MMM)

This is to certify further that have he is a professional in good standing and that his/har certificate of registration/professional license has not been auspended, revoked or withdrawn.

This is to certify that the person whose name, photograph, and signature appear herein is a duly registed professional the rights and subjorited to practice, his/her profession with all the rights and principles appurtenant therein.

CERTIFICATION

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FIRST NAME

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VALIO BITTL

▶ 02/03/2023



REGIONAL SPECIAL ORDER

No. **5** 7 6 Series of 2021

JUL 01 2021

SUBJECT: CREATION OF SURVEY TEAM TO CONDUCT ACTUAL SURVEY TO VERIFY BOUNDARIES AND LAND CLASSIFICATION STATUS OF LOT NO. 9540, PLS T26-D, COVERED BY TCT NO. T-1339 IN BARANGAY SAN ANTONIO, STA. CRUZ, MARINDUQUE

In the interest of the service and to facilitate the immediate conduct of actual ground survey to identify the precise location of the property described under TCT No. T-1339 located in Barangay San Antonio, Sta. Cruz, Marinduque, the following survey team is hereby created to be composed of the following:

ANITA L. IRINGAN

Team Leader (Engineer III), OARDTS

NAMRIA REPRESENTATIVE - LMB REPRESENTATIVE -

Member
Member

MARIANNE P. DOBLADO

- Member (Engineer II), SMD

REIAN D. BUENAFE DON GIBSON MERCADO Member (Cartographer II), SMDMember (Forester I), PENRO Marinduque

RANDY PANTOJA

- Member (Forest Technician I), PENRO

Marinduque

The above-mentioned personnel shall be tasked to immediately proceed to the site for the execution of the said survey. Further, the team shall submit the complete survey returns for verification and approval after the completion of activity.

All expenses to be incurred during the conduct of the field survey shall be charged to respective offices/ other fund sources subject to existing accounting and auditing rules and regulations.

This ORDER takes effect on the date stated above and supersedes any Orders or Memoranda inconsistent herewith.

A LOURDES G. FERRER, CESO III.
Regional Executive Director



Department of Environment and Natural Resources A Page 14 MIMAROPA Region

MEMORANDUM SEP 13 2021

FOR : THE REGIONAL EXECUTIVE DIRECTOR

THRU: THE ASSISTANT REGIONAL DIRECTOR

FOR TECHNICAL SERVICES

FROM : THE VERIFICATION SURVEY TEAM

RSO No. 346 Series 2021

SUBJECT: REPORT ON THE CONDUCT OF GROUND

VALIDATION SURVEY AND LAND CLASSIFICATION STATUS OF LOT NO. 9540, PLS 726-D COVERED BY TCT NO. T-1339 IDENTICAL TO LOT 8, APPROVED PLAN NO. PSU 106364 LOCATED IN BARANGAY SAN

ANTONIO, STA CRUZ, MARINDUQUE.

In compliance with the Regional Special Order (RSO) No. 346 Series 2021 dated July 01, 2021, the team verified the relative position and Land Classification Status of Lot No. 9540, Pls. 726 Sta. Cruz Cadastre located in San Antonio, Sta. Cruz, Marinduque.

The team which composed of representatives of DENR Regional Office and DENR PENRO Marinduque was escorted by seven (7) personnel from the Philippine National Police assigned by the Local Government Unit (LGU) of Sta. Cruz, Marinduque. (Annex "A")

EXECUTION OF SURVEY AND FINDINGS:

Relative thereto, the Team conducted the ground verification survey of Lot No. 9540, Pls. 726-D using the Technical Description on approved PLS document and Tick Marks with corresponding grid values on approved LC Map No. 789 dated November 22, 1928. The following results were gathered:

- 1. The actual position of Lot No. 9540, Pls. 726-D was located on the ground using the approved technical description found in the lot data computation declaring as school sites, the subject lot falls within and identically with Lot 8 of approved Plan No. PSU 1063664 as surveyed for the Municipal Government of Sta. Cruz which was covered by Transfer Certificate of Title (TCT) No. T-1339 owned under the name of Marcopper Mining Corporation located within Barangay San Antonio, Municipality of Sta. Cruz, Province of Marinduque; (Annex "B")
- 2. Abandoned buildings and Marcopper Golf Club house was seen and documented within the subject lot;

 GRIFFOTRIF/PHOTOGY

MARLENE M. BADILLA Admin. Asst. III/ Records Officer Designate Legal Division, DENR MIMAROPA Region



Recovered control points within Sta. Cruz, Marinduque used for calibration of Precision Instrument

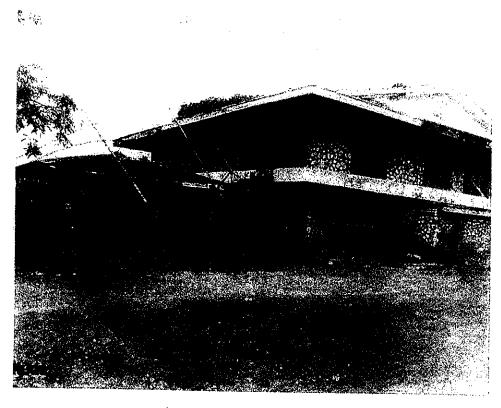


Base Station located near the subject lot

1515 L & S Building, Roxas Boulevard, Ermita, Manila 1000 DENR VOIP: (02) 248-3367/ 248-3468/ 249-3367/ 405-0416 local 2700 / 2717 Facsimile: (632) 405-0046 Email: mimaroparegion@denr.gov.ph CERTIFIED TRUE/PHOTO COPY

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WARLENE M. BADILLA
Admin. Asst. IW Records Officer-Designate
Legal Division, DENR MIMAROPA Region

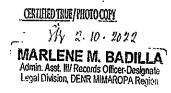


Abandoned Marcopper Club House



Abandoned Marcopper Club House

1515 L & S Building, Roxas Boulevard, Ermita, Manila 1000 DENR VOIP: (02) 248-3367/ 248-3468/ 249-3367/ 405-0416 local 2700 / 2717 Facsimile: (632) 405-0046 Email: mimaroparegion@dem.gov.ph





Marcopper Golf Course

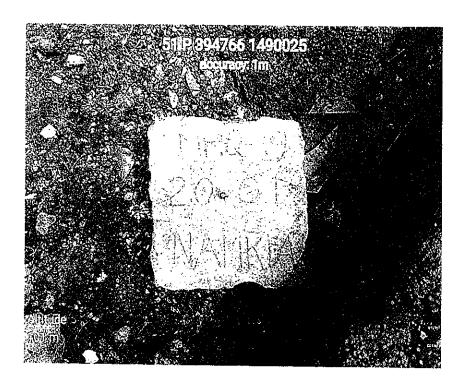
3. The team recovered four (4) existing control points within the Municipality of Sta. Cruz which was used for calibration of precision instrument used, base station is located on south-western most part of existing golf course;



1515 L & S Building, Roxas Boulevard, Ermita, Manila 1000 DENR VOIP: (02) 248-3367/ 248-3468/ 249-3367/ 405-0416 local 2700 / 2717 Facsimile: (632) 405-0046 Email: minuroparegion@denr.gov.ph

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MARLENE IVI. BADILLA Admin. Asst. IIV Records Officer-Designate Level Division, DENR MIMAROPA Region



Verification of Forest Boundary Using Approved Land Classification Map and Forest Land Boundary Delineation

Due to the absence of corner monument marked on the ground (trees) mentioned on the timeworn LC Map, the team gathered data on the remaining natural boundaries present near the allegedly timberland area block -T, LC Map No. 789 and then compared thru analyzation with replotted/digitized LC Map and Forest Land Boundary Delineation (FLBD):

- a. On the approved LC Map No. 789, Kilo-kilo road is located approximately 500 meters North from corner 34 of the alleged timberland block while ground verification shows that Kilo-kilo road distance from timberland is reduced to 250 meters when using re-plotted LC Map;
- b. Using replotted/digitized LC Map, corner number 45 and 46 falls the same as the western boundary of Tapian Pit;
- When using the approved LC Map No. 789, the alleged Timberland block falls within flat terrain and used as existing Marcopper Golf course;
- d. It was observed that overlaying the approved LC Map No. 789 using its drawn reference ticks with corresponding grid value against Topographic and replotted/digitized LC Map shows that there is a discrepancy of 1,800 to 2,000 meters which was verified on ground;
- e. Further, observation shows that using the replotted/digitized LC or FLBD gives more accurate Land Classification Status than the approved LC Map No. 789 (Annex "C" attached letter from NAMRIA). However, either the

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WARLENE M. BADILLA

Admin. Asst. III/ Records Officer-Designate
and Division, DENR MIMAROPA Region

said re-plotted/digitized LC or FLBD is not approved and does not have sufficient documents to be used for any legal purposes.

SUMMARY OF FINDINGS

The team projected/mapped the subject Lot No. 9540, Pls. 726, Sta. Cruz Cadastre located in San Antonio, Sta. Cruz, Marinduque which falls within Timberland under Land Classification (LC) Map No. 789 classified and certified on November 22, 1928.

RECOMMENDATION:

The team recommends that further legal consultation/opinion be sought from the Legal Division before the above-mentioned concern be given due course.

For information and further instruction.

Submitted By:

Team Leader

O'SENIEL MO **TUDDAO**

ENGR. JOEGENE G. UNABIA

FERDINAND

Member

Noted by:

MICENTE R. TUDDAO, JR., Ph. D. Assistant Regional Director

for Technical Services

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Sty 2.10.2022

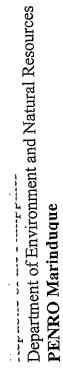
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ATTENDANCE SHEET

"RELOCATION SURVEY AND LAND CLASS VERIFICATION IN BRGYS. BALOGO AND SAN ANTONIO, STA. CRUZ, MARINDUQUE" August 9-11, 2021

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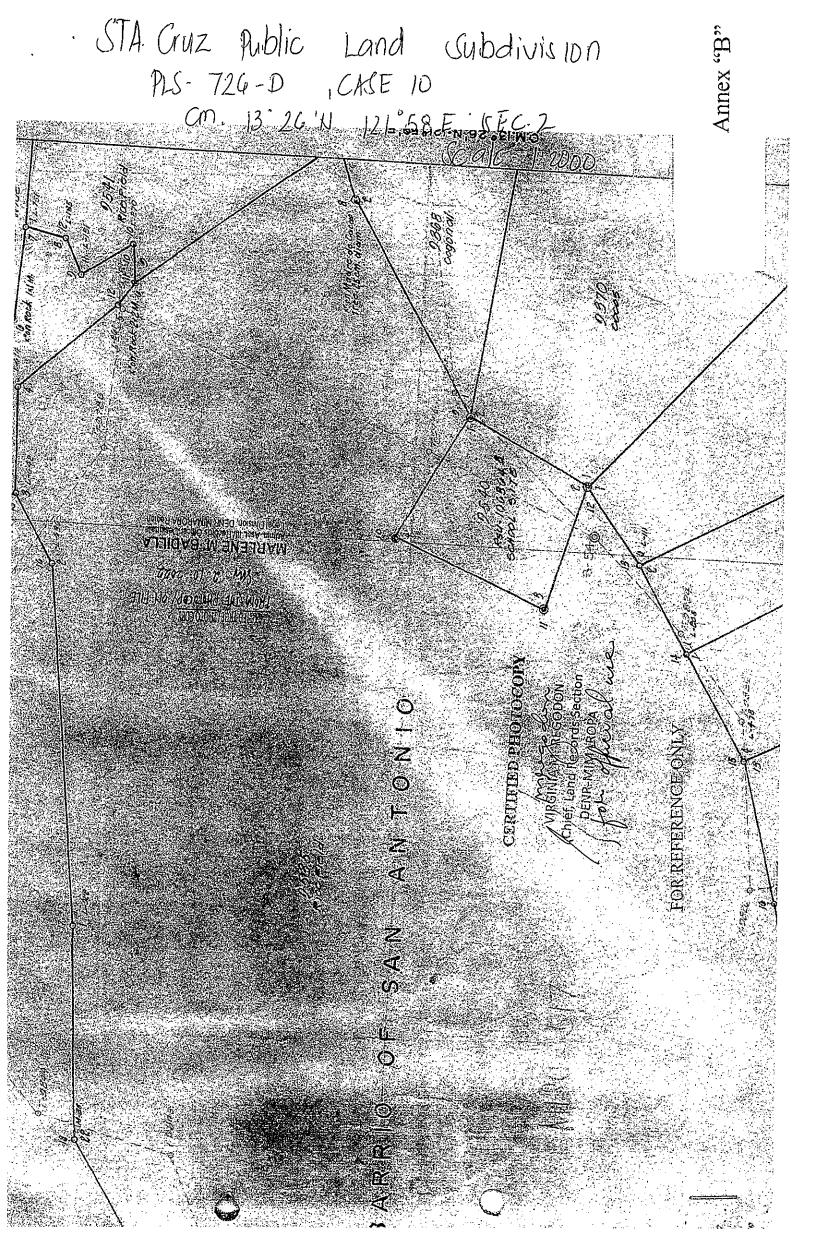




ATTENDANCE SHEET

"RELOCATION SURVEY AND LAND CLASS VERIFICATION IN BRGYS. BALOGO AND SAN ANTONIO, STA. CRUZ, MARINDUQUE" August 9-11, 2021

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SW 2-10-2022 MARLENE M. BADILLA

Admin. Asst. III/ Records Officer-Designate Legal Division, DENR MIMAROPA Region



Republic of the Philippines Department of Environment and Natural Resources NATIONAL MAPPING AND RESOURCE INFORMATION AUTHORITY www.namria.gov.ph

JUN 2 3 2021

Annex "C"

MARIA LOURDES G. FERRER, CESO III

Regional Executive Director DENR-Region IV-B (MIMAROPA) DENR By the Bay Building, 1515 Roxas Boulevard, Ermita, Manila

Dear RED Ferrer:

This pertains to your letter referring to us the request of PENRO Imelda M. Diaz for the provision of shapefile and certified copies (jpeg file) of all approved land classification (LC) maps issued for the Province of Marinduque which will be used as basis for the issuance of a certification of LC status.

Please be informed that NAMRIA has already responded to this request on 26 May 2021. Attached is a copy of the reply letter for your ready reference.

Very truly yours,

c. PETER N. TIANGCO, PhD, CESO I

ministrator

National Mapping and Resource Information Authority 16319-01 06/23/2021

CERTIFIED TRUE/PHOTO COPY

Sty 2.10.2022

MARLENE M. BADILLA Admin. Asst. III/ Records Officer-Designate Legal Division, DENR MIMAROPA Region

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