



Republic of the Philippines
Department of Environment and Natural Resources
Region IV- MIMAROPA
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES
OFFICE
5312 Taytay, Palawan

January 28, 2022

MEMORANDUM

FOR : The OIC-Provincial Environment and
Natural Resources Officer
Sta. Monica, Puerto Princesa City

FROM : The Community Environment and
Natural Resources Officer
Taytay, Palawan

SUBJECT : **INVESTIGATION REPORT REGARDING THE
APPREHENDED TRUCK IN BAROTUAN NATIONAL HIGH
SCHOOL, EL NIDO, PALAWAN**

DENR CENRO
TAYTAY, PALAWAN
RELEASED

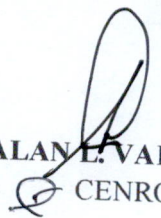
BY: _____
DATE: FEB 04 2022 CN 0374

Respectfully forwarded is the investigation report dated 24 January 2022 of Shakyra Khriel I. Belmonte, Science Research Specialist II of the Mines and Geosciences Bureau (MGB) – MIMAROPA Region regarding the above-mentioned subject.

Please be informed that during the investigation, it shows that MGB Construction is conducting operation without a valid mining permit in violation of Section 103 of the Republic Act No. 7942 known as the (Philippine Mining Act of 1995) and DENR Administrative Order No. 2010-21

Be informed further that this office has issued a Cease and Desist Order to MGB Construction dated 28 January 2022 for such illegal action for their strict compliance.

For your information and further instruction.


ALAN L. VALLE
CENRO

cc: The Regional Director
Mines and Geosciences Bureau
MIMAROPA Region
7/F DENR Bldg., 1515 Roxas Blvd. Ermita, Manila

by the National Highway, Poblacion, Taytay, Palawan 5312
email ad: cenrotaytaypal@yahoo.com



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5312 Taytay, Palawan

January 28, 2022

The Manager
MGB CONSTRUCTION
Brgy. Barotuan, El Nido, Palawan

DENR CENRO
TAYTAY, PALAWAN
RELEASED

BY:
DATE: FEB 04 2022 CN 0374

CEASE AND DESIST ORDER

Sir/Madam:

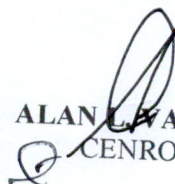
This refers to the recent investigation conducted by the MGB Embedded personnel together with the CENRO Taytay staff on January 22, 2022.

The investigation confirms that you have been conducting illegal extraction of materials without securing valid permit/clearance from the Mines and Geosciences Bureau. Hence, the operation is deemed illegal and a violation of Section 103 of the Republic Act (RA) No. 7942, otherwise known as the **Philippine Mining Act of 1995**, which provides that:

*"Section 103. **Theft of Minerals.** - 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. In the case of associations, partnerships, or corporations, the president and each of the directors thereof shall be responsible for the acts committed by such association, corporation, or partnership"*

In view thereof, you are advised to immediately **CEASE AND DESIST** from further extracting materials on Barotuan National High School in Brgy. Barotuan, El Nido, Palawan without first securing the necessary mining or slope stabilization permit from concerned government agency.

For your information and strict compliance.


ALAN L. VALLE
CENRO *ft*

cc:

LGU of El Nido, Palawan
BLGU of Barotuan, El Nido



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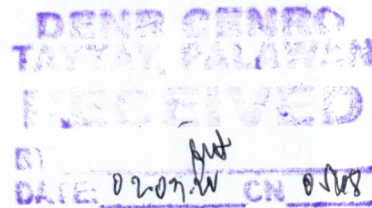
MEMORANDUM

FOR : The OIC, CENR Officer
Taytay, Palawan

FROM : THE UNDERSIGNED

SUBJECT : INVESTIGATION REPORT REGARDING THE
APPREHENDED TRUCK IN BAROTUAN NATIONAL HIGH
SCHOOL, EL NIDO, PALAWAN

DATE : JANUARY 24, 2022



On 24 January 2022, the undersigned together with Forest Technician I Voltaire Delos Angeles, the Chief of Enforcement and Monitoring Section, Forester II Dennis Aldrin Velasco and other Forest Protection Officers (FPO) of Community Environment and Natural Resources Office (CENRO) Taytay, Palawan, conducted an investigation regarding the apprehended truck loaded with aggregates in Barotuan National High School, Barangay Barotuan, El Nido, Palawan.

Background Information

On 24 January 2022, Forest Ranger Elmer Evina of CENRO Taytay immediately informed the undersigned and held the on-going operation and loading of aggregates of MGB Construction within the premises of Barotuan National High School.

The Provincial Governor of Palawan sent a letter dated 9 December 2021 to the Regional Director of Mines and Geosciences Bureau (MBG) Engr. Glenn Marcelo C. Noble regarding the immediate revocation of the Certificate of Accreditation of JZ and JS Trading.

As Mines and Geoscience Bureau personnel and a *Deputized Environment and Natural Resources Officer* for mines, the undersigned conducted an on the spot investigation on the above-mentioned activity.

The **absence** of any of the foregoing documents shall be considered **prima facie** evidence of **illegal mining** and shall cause the confiscation/ seizure of the minerals/ mineral products and the tools, equipment & conveyance used in the commission of the offense in favor of the Government, subject to further investigation.



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Purpose and Scope

The investigation aims to identify the veracity of the report and conduct necessary action/s to address the issue. It includes ocular inspection of the area and identification of the party responsible for the illegal activity.

Findings and Observation

1. The subject area is located at approximately 16 kilometers aerial distance Northeast of El Nido town proper. It is accessible by any land vehicle through the well paved, Taytay-El Nido National Highway. Based on the Global Positioning System (GPS) reading acquired by Geocam, the location of the area can be defined by the following coordinates: 11°18'37" north latitude and 119°27'12" east longitude.
2. The undersigned immediately proceeded to the subject area and observed a 6-wheeler dump truck with plate number **RDX 456 (Photo No. 1)** and a backhoe truck vehicle with plate number **PC 120**. Both of the above-mentioned truck is under the ownership of MGB Construction.
3. The 6-wheeler dump truck is loaded with mixed sand and gravel that is approximately 12 m³.
4. The undersigned together with Barangay Chairman Antenor D. Sitjar invited Ms. Amsie Anniasco, the driver of Dump truck and Backhoe Mr, Bengie V. Sibongga and Ronnel Dela, to the Barangay Hall of Barotuan for investigation.
5. Interview with concerned individuals disclosed that:
 - Ms. Aniasco requested MGB Construction to operate and clear the incidental materials for the proposed project Covered Court.
 - There is no Memorandum of Agreement between Ms. Anniasco and MGB Construction and that they initiated the operation on 19 January 2022.
 - According to Mr. Antenor Sitjar, Ms. Aniasco told him that the subject area was already awarded to her.
 - The aggregates are being transported to Sitio Maranlao, Barangay Teneguiban, El Nido Palawan to be used for the Road Widening Project.
6. Plotting of the coordinates on the ArcMap (GIS) found out that the Land Classification of the subject area is Alienable and Disposable.
7. Upon verification that the above-mentioned mining activity doesn't not have any legal mining permits. It can consider as *prima facie* evidence of illegal mining pursuant **Republic Act No. 7942 (Philippine Mining Act of 1995)** and **DENR Administrative Order No. 2010-21**. This enough cause for the confiscation of materials being transported, the tools, equipment utilized and the vehicle containing the same.



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8. The MGB deputized officer is authorized seized illegally sourced minerals/mineral products and by products including tools, conveyances and equipment used in the commission of the offense pursuant to **Par. 2f, Sec. 7, DAO 2010-21.**
9. The trucks were seized and surrendered to the Barangay hall of Barotuan, El Nido, Palawan under the custody of Barangay Chairman Antenor D. Sitjar.

Comments and Recommendations

1. Based on the field findings, the drivers of MGB Construction Mr. Sibongga and Mr. Dela presented no legal documents to operate and transport aggregated in Barotuan National High School. The utilization of mineral resources should be with the consent of the State through the Department of Environment and Natural Resources.

Hence, Mr. Sibongga, Mr. Dela and MGB Construction were found to be in violation of Section 103 of the Republic Act No. 7942, otherwise known as the Philippine Mining Act of 1995, which provides that:

"Section 103. Theft of Minerals. - 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. In the case of associations, partnerships, or corporations, the president and each of the directors thereof shall be responsible for the acts committed by such association, corporation, or partnership"

2. Furthermore, MGB Construction is advised to *cease and desist* from further conducting extraction operation without the necessary mining permit.
3. It is recommended that this office shall file a criminal case against MGB Construction for violating the above-mentioned Republic Act.
4. A **Seizure Receipt** was hereby given to Mr. Dela and Mr. Sibongga.
5. It is recommended that this case must be turned over to the Provincial Mining Regulatory Board (PMRB) of Palawan to impose applicable punishment and penalty in accordance to their existing rules and regulations.
 - If the MGB Construction desires to continue its operation, the same is advised to apply for a valid permit to the Mines and Geosciences Bureau. They can apply for a Certificate of Accreditation as provided in Section 2 of the Regional Memorandum Order (RMO) No. 2020-07 dated 29 June 2020, which states to *wit:*

by the National Highway, Poblacion, Taytay, Palawan 5312
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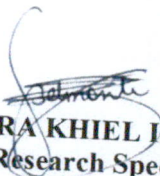


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"A project proponent without a mining permit but intends to utilize and/or dispose the rock/soil/earth materials incidentally extracted from the project site situated within the MIMAROPA Region, shall secure a Certificate of Accreditation as Processor, Trader, Dealer and Retailer in the Trading of Minerals/Mineral Products and By-Products."

6. Regular monitoring in the area is hereby recommended to stop any extraction activity until the issue is resolved.

For the CENRO's information and further action.


SHAKYRA KHIEL I. BELMONTE
Science Research Specialist II

Cc: **The Regional Executive Director**
DENR MIMAROPA

The Regional Director
Mines and Geosciences Bureau
MIMAROPA Region
7/F DENR Bldg., 1515 Roxas Blvd. Ermita, Manila

The PENR Officer
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PHOTO DOCUMENTATION



Photos 1 and 2: On-going scraping and loading of materials in the truck within the premises of Barotuan National High School



Photo 3: From left to right, Mr. Ronnel Dela (Driver of the Backhoe), The undersigned.



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Photo 4: Driver's License of Mr. Bengie Sibongga (Driver of Dump Truck)



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ANNEX

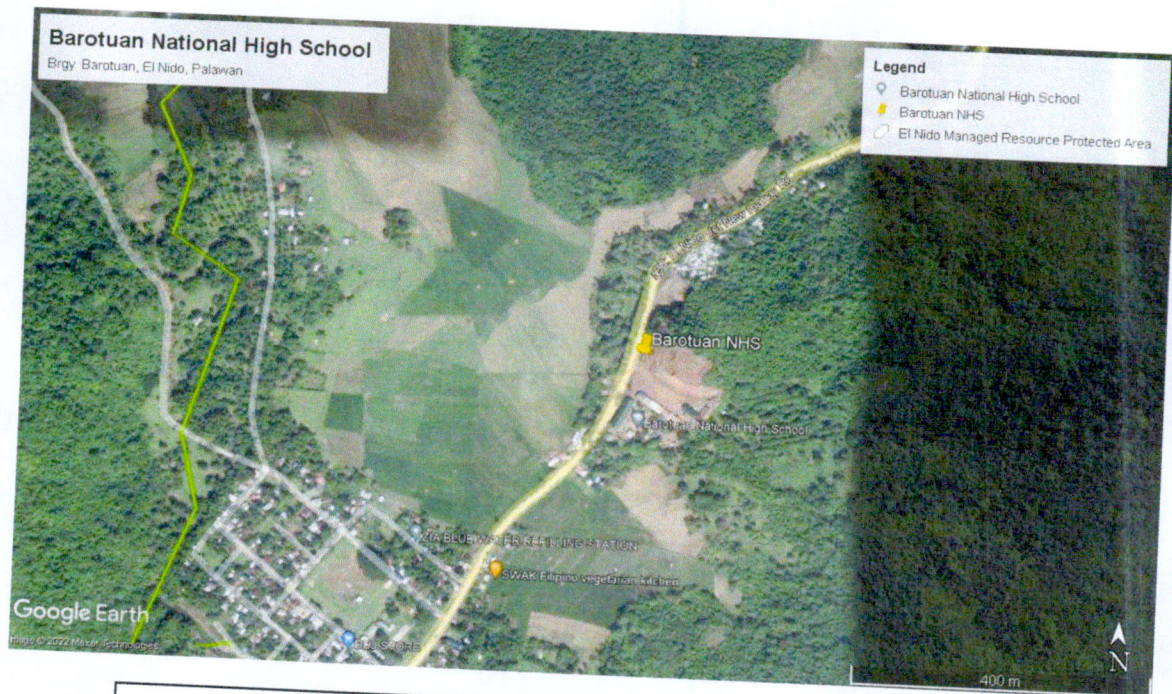


Figure 1: Location Map of Barotuan National High School.

by the National Highway, Poblacion, Taytay, Palawan 5312
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