



**MEMORANDUM**

**FOR** : The Regional Executive Director  
DENR MIMAROPA Regional Office

**THRU** : Assistant Regional Director for Technical Services  
DENR MIMAROPA Regional Office

**FROM** : OIC, PENR Officer

**SUBJECT** : **INDORSEMENT OF INVESTIGATION REPORT REGARDING THE REPORTED CONSTRUCTION OF A ROADWAY ADJACENT TO A COASTAL AREA LOCATED AT BRGY. TACLOBO, SAN FERNANDO, ROMBLON, CONSTRUCTION OF BUNKHOUSES, DESTRUCTION OF VEGETATION, AND CLEARING OF THE SITE AS REPORTED THRU AN EMAIL BY A CERTAIN HELLY Y. ASOY, A CONCERNED CITIZEN**

**DATE** : July 6, 2022


Respectfully indorsing is the investigation report conducted on June 27, 2022 in the vicinity of Altai Philippines Mining Corporation or Altai Mining as known in the locality of Brgy. Taclobo, San Fernando, Romblon following the report made by a certain Helly Y. Asoy.

Output of the recently conducted investigation are as follows:

1. No evidence of cutting of mangroves in the vicinity where the proposed road is located during the conduct of investigation. The site has already been flattened.
2. The areas where the bunkhouses are located have been in the vicinity since 2012.
3. Both areas are already enclosed with barbwire having a sign that says. "No Entry, Private Property"

For your information and record.

*For and in the absence of OIC, PENR Officer*

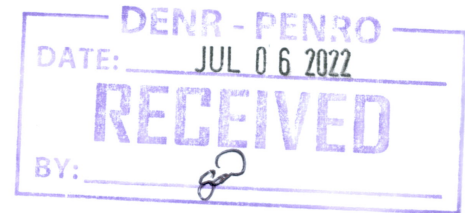
  
**THELMO S. HERNANDEZ**  
Chief, MSD



## MEMORANDUM

**FOR** : The PENR Officer

**FROM** : Chief, EMS Romblon  
Science Research Specialist II  
Forester II  
Special Investigator  
Land Management Inspector



**SUBJECT** : **INVESTIGATION REPORT REGARDING THE REPORTED CONSTRUCTION OF A ROADWAY BEING CONSTRUCTED ADJACENT TO A COASTAL AREA LOCATED AT BRGY. TACLOBO, SAN FERNANDO, ROMBLON AND CONSTRUCTION OF BUNKHOUSES, DESTRUCTION OF VEGETATION, AND CLEARING OF THE SITE AS REPORTED THRU AN EMAIL BY A CERTAIN HELLY Y. ASOY, A CONCERNED CITIZEN**

**DATE** : July 4, 2022

## FACTUAL BACKGROUND

1. Letter from a certain Helly Y. Asoy, a concerned citizen, alleged that a roadway is being constructed that leads to an adjacent seashore claiming that it will be used as an entry/exit point of all mining activities in Brgy. Taclobo, San Fernando, Romblon. The reports added that a bank houses are already constructed in Sitio Talaba which resulted to the destruction of the surrounding vegetation. Ms. Asoy also alleged that the activity being made in the vicinity affected the protected areas and the buffer zone of Mt Guiting-guiting including mangrove areas.

## ACTION TAKEN

A composite team of personnel from Environmental Management Bureau - Romblon, Mines and Geosciences Bureau - Romblon, Enforcement Section, and Regulation and Permitting Section (RPS) of DENR PENRO Romblon was formed to conduct an investigation on the allegation of an illicit activities in Brgy. Taclobo, San Fernando, Romblon in relation to the supposed mining activity of Altai Philippines Mining Corporation (APMC).

By virtue of the Special Order No. 22-73 dated June 21, 2022 issued by OIC, PENR Officer Arnoldo A. Blaza, Jr., the team headed to the Island of Sibuyan, Romblon on June 27, 2022 to verify the veracity of the allegations as reported by a certain Helly Y. Asoy. Upon arrival to the port of Ambulong, Magdiwang, Romblon the team headed straight to the Brgy. Taclobo, San Fernando, Romblon to conduct investigation. Likewise, the team went to the Office of the Municipal Mayor of San Fernando, Romblon to gather information whether the LGU have issued necessary permit in regards with the activity in the mentioned barangay, however, the Municipal Mayor is not around during the time of the visit.

Afterwards, the team met with Helly Y. Asoy and discussed the investigation being conducted and the possible recommendation that DENR PENRO Romblon may issue on



the basis of the evidences gathered during the investigation. The team also met with the person who sold the property adjacent to the coastal area in Brgy. Taclobo.

## FINDINGS

- That the subject lot where the roadway is being constructed is identified as Lot 81-C, Psd-04-093729(AR) covered by Transfer of Certificate of Title No. CLOA-2099 awarded to Gloria Rafol Abdula;

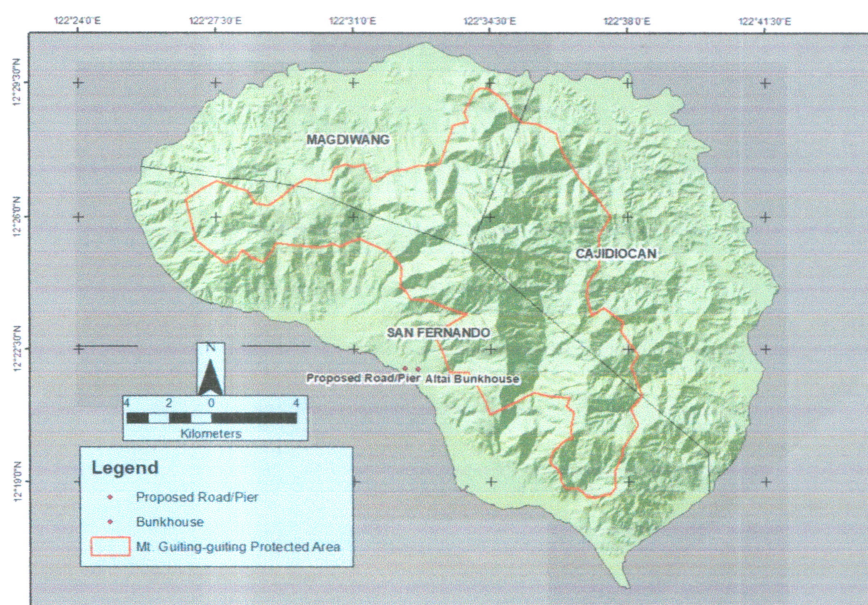


- That the subject lot is now Tax Declared to Zoraida R. Repil under Tax Declaration No. 001491 by virtue of a Deed of Absolute Sale on the other hand the title is yet to be transferred to her name;
- That the subject lot as per verbal information given by Mr. Rene Ventura, resident of the same barangay whose house is adjacent to the subject lot, stated that the subject lot has been sold by Zoraida R. Repil to Altai Philippines Mining Corporaton or Altai Mining as known in the locality;
- That as per Zoraida R. Repil, no agreement of sale has been signed between her and Altai Mining as of yet;
- That the subject lot has already been enclosed by a barbed wire with a sign “No Trespassing, Private Property”;





- That the subject lot has been flattened as a preparation for a possible roadway that leads to the seashore;
- That there are no signs of cutting of mangrove trees during the time of the investigation, if there were mangrove trees that have been cut-down it may have been buried underneath due to the levelling of the area;
- That the only signs of cutting was of the mango trees stacked on the corner of the property;
- That the LGU of San Fernando has not issued any permits in regards with the proposed roadway in Brgy. Taclobo;
- That at present Altai Mining have applied for foreshore lease, however, due to lacking requirements DENR PENRO Romblon have sent them a letter to submit the necessary requirements including Certification of No-Objection to be issued by the Sangguniang Barangay of Taclobo and Sangguniang Bayan of San Fernando, Romblon;
- That the subsequent area which also been bought by Altai Mining as per information, where the bank houses are located, is located somewhere around 100 meters away from Lot 81-C where it has also been enclosed by a barbed wire having the same warning that the area is a private property;
- That the team were not allowed to conduct inspection inside the premises as the personnel manning the main gate said that their superiors are not in the vicinity to give the team the permission to enter the premises;
- That per drone shot it was found out that there are several dump trucks, bank houses, and heavy equipment's stationed in the vicinity;
- That the area where these heavy equipment's are stationed have been cleared providing clear area for bank houses and the like however no signs of cuttings were found in the vicinity during the flight of the drone;
- That based on the generated map provided by Science Research Specialist II, Felix Carl Falquerabao, the location of bunkhouses are outside the boundary of the protected area;





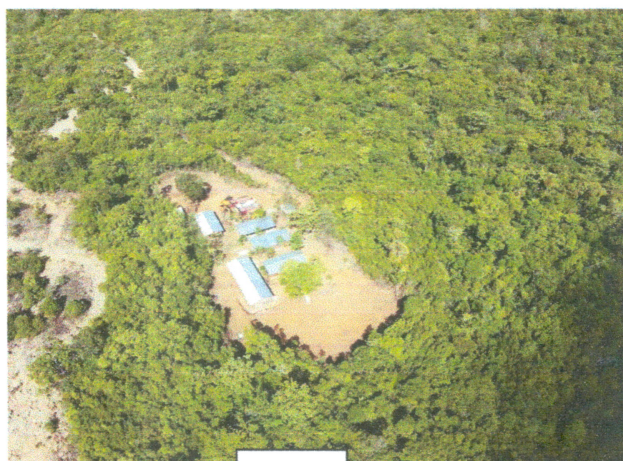
- That based on the generated google earth the bunkhouses are already in the vicinity since 2012;



2012



2019



2022

- That as of this writing no mining activity is being conducted in the vicinity and no cutting of trees were observed in large scale;

## LEGAL BASIS

### Presidential Decree No. 1067 known as The Water Code of the Philippines

- “Article 51. The banks of rivers and streams and the shores of the seas and lakes throughout their entire length and within a zone of three (3) meters in urban areas, twenty (20) meters in agricultural areas and forty (40) meters in forest areas, along their margins are subject to the easement of public use in the interest of recreation, navigation, floatage, fishing and salvage. No person shall be allowed to stay in this zone longer than what is necessary for recreation, navigation, floatage, fishing or salvage or to build structures of any kind.”

### Presidential Decree No. 705

- **Section 47.** Mining operations. Mining operations in forest lands shall be regulated and conducted with due regard to protection, development and utilization of other surface resources.

Location, prospecting, exploration, utilization or exploitation of mineral resources in forest reservations shall be governed by Mining laws, rules and



regulations. No location, prospecting, exploration, utilization, or exploitation of mineral resources inside forest concessions shall be allowed unless proper notice has been served upon the licensees thereof and the prior approval of the Director, secured.

Mine tailings and other pollutants affecting the health and safety of the people, water, fish, vegetation, animal life and other surface resources, shall be filtered in silt traps or other filtration devices and only clean exhausts and liquids shall be released therefrom.

Surface-mined areas shall be restored to as near its former natural configuration or as approved by the Director prior to its abandonment by the mining concern.

- **Section 68.** Cutting, gathering and/or collecting timber or other products without license. Any person who shall cut, gather, collect, or remove timber or other forest products from any forest land, or timber from alienable and disposable public lands, or from private lands, without any authority under a license agreement, lease, license or permit, shall be guilty of qualified theft as defined and punished under Articles 309 and 310 of the Revised Penal Code; Provided, That in the case of partnership, association or corporation, the officers who ordered the cutting, gathering or collecting shall be liable, and if such officers are aliens, they shall, in addition to the penalty, be deported without further proceedings on the part of the Commission on Immigration and Deportation.

### **Provision of Foreshore Lease Application**

Application conveys no right to the applicant to enter upon, occupy, cultivate, or make clearings on the land until the same has been finally approved and lease contract executed, and that any lease applicant who shall willfully and knowingly submit false statements or execute false affidavits in connection with the foregoing application shall be deemed guilty of perjury and punished by a fine of not more than two thousand pesos and by imprisonment for not more than five (5) years, and in addition thereto his application shall be cancelled and all amounts paid on account thereof forfeited to the Government, and he shall not be entitled to apply for any public land in the Philippines.

### **COMMENTS/RECOMMENDATION**

The investigation conducted by the composite team was in accordance with the Special Order No. 22-73 dated June 21, 2022 issued by this Office and in response to the request of a certain Ms. Helly Y. Asoy to investigate the subject areas both located in Brgy. Taclobo, San Fernando, Romblon.

The allegations of Ms. Asoy regarding the cutting of trees including mangroves were not observed in the vicinity except for the mango trees stacked in the corner of the lot. Though there might have been cutting of trees which is possible given the condition of the area, however, since the area have already been flattened there have been no visible signs of cutting. Moreover, since both areas are considered private, the owner, Altai Philippines Mining Corporation or Altai Mining, have the rights to exercise their free will over their dominions, thus, DENR PENRO Romblon nor the LGU of San Fernando does not have the rights to interfere in their activities inside their private property, except with those activities that may harm the surrounding ecosystems which is tantamount to violations of environmental laws and regulations. But since there have been no activity during the conduct of investigation that may constitute violations of environmental laws and regulations therefore no sanctions can be issued against the occupation of Altai Mining.

Regarding the use of salvage zone and its foreshore area, Altai Mining will have to pursue their Foreshore Lease Application and submit all the necessary requirements including the



Certification of No Objection to be issued by both Sangguniang Bayan of San Fernando and Sangguniang Barangay of Taclobo. Without those, use of the salvage zone and its foreshore area without necessary clearances from DENR will be treated as illegal and Cease and Desist Order and Notice to Vacate must be issued immediately. As for the cutting of trees, DENR PENRO Romblon specially the Enforcement Section has to be vigilant. As such, the Enforcement Section may create a special team to monitor the activity in the subject area and use of drone is highly recommended as well since the entry to the vicinity is prohibited.

Prior to any exploration activities, ALTAI Mining has to secure the approval of its application for the renewal of the exploration period in compliance with Section 39 of DENR Administrative Order (DAO) No. 2010-21. Likewise, prior to development/commercial extraction, the endorsement of the Sangguniang Bayan concerned shall be secured by ALTAI pursuant to Section 39.ac of DAO No. 2010-21 and the pertinent provisions of R.A. No. 7160, the Local Government Code of 1991.

In closing, the presence of Altai Mining in the locality have caused apprehension and fear to the residents in the locality and to the entire island of Sibuyan. Mining if not done properly may cause large scale damage to the environment including loss of lives, and their livelihood.

**IRWIN ANZALDO**  
Chief, EMS Romblon

**FELIX CARL FALQUERABAO**  
Science Research Specialist II

**ERIC F. HINDAP**  
Special Investigator

**ROMER E. GERVACIO**  
Land Management Inspector

**JOSE MARIE F. FABITO**  
Environmental Monitoring Officer

**JAMES MENDOZA**  
Forester II/Team Leader

COMPOSITE TEAM COMPOSED OF EMB AND MGB ROMBLON,  
ENFORCEMENT SECTION, AND REGULATION AND PERMITTING SECTION



LOT 81-C, PSD-04=093729 (AR) covered by Transfer of Certificate of Title no. CLOA-2099 awarded to Gloria Rafol Abdula which was sold to Zoraida R. Repil and was allegedly sold to ALTAI Mining, location where the proposed road is located





LOT 81-C, PSD-04=093729 (AR) covered by Transfer of Certificate of Title no. CLOA-2099 awarded to Gloria Rafol Abdula which was sold to Zoraida R. Repil and was allegedly sold to ALTAI Mining, location where the proposed road is located





Courtesy call to Brgy. Taclobo, San Fernando, Romblon



The team met with Helly Y. Asoy, the concerned citizen who wrote the letter request for an investigation regarding the occupation of ALTAI Mining in Brgy. Taclobo, San Fernando, Romblon



The team met with Helly Y. Asoy, the concerned citizen who wrote the letter request for an investigation regarding the occupation of ALTAI Mining in Brgy. Taclobo, San Fernando, Romblon



DRONE SHOT OF LOT 81-C LOCATION OF THE PROPOSED ROAD



DRONE SHOT OF THE LOCATION OF THE BUNKHOUSES





June 21, 2022

**PENRO SPECIAL ORDER No. 22-73 *W***  
**Series of 2022**

**SUBJECT: CREATION OF INVESTIGATION TEAM FOR THE ONGOING  
ROAD CONSTRUCTION AT SAN FERNANDO, ROMBLON**

In the interest of service and in order to validate/investigate the ongoing road construction in San Fernando, Romblon, the selected personnel are hereby authorized to comprise the investigation team to wit:

- |                              |                               |
|------------------------------|-------------------------------|
| 1. JAMES M. MENDOZA          | - Forester II                 |
| 2. ERIC HINDAP               | - Special Investigator I      |
| 3. ROMER GERVACIO            | - Land Management Inspector I |
| 4. IRWIN A. ANZALDO          | - Chief, EMS - EMB            |
| 5. FELIX CARL F. FALQUERABAO | - SRS II - MGB                |

The Investigation Team shall coordinate with the concerned individuals/LGU/BLGU and investigate the alleged illegal road construction in the island per letter of Mr. Helly Y. Asoy dated June 17, 2022.

They shall submit report with categorical recommendation within seven (7) days after the completion of the activity.

This Order takes effect immediately.

  
**ARNOLDO A. BLAZA, JR**



21 June 2022

**MEMORANDUM**

**TO : The Chief**  
EMS Romblon

**FROM : The Regional Director**  
EMB MIMAROPA REGION

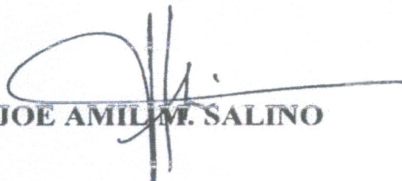
**SUBJECT : DIRECTIVE TO VALIDATE AND INSPECT THE COMPLAINT  
FILED BY MS. HELLY Y. ASOY RELATIVE TO ALLEGED  
ONGOING ROAD CONSTRUCTION LOCATED AT BRGY.  
TACLOBO AND ESPAÑA, SAN FERNANDO, ROMBLON**

This is with reference to the complaint filed by Ms. Helly Y. Asoy relative to an alleged ongoing road construction that leads to the seashore for a proposed pier. The said project is allegedly being implemented in the areas of Sitio Talaba in Barangay Taclobo and Barangay España, both of which are in San Fernando Sibuyan without any permit. It is stated that this has affected the protected areas and the buffer zone of Mt. Guiting Guiting National Park and the easement in shorelines and mangrove areas. Attached in this Memorandum is a copy of the complaint received for your ready reference.

In this regard, you are hereby directed to validate and conduct an inspection on the above-mentioned complaint **within three (3) days** from receipt of this Memorandum in coordination with the complainant, local government unit, and other agencies concerned.

A report with your categorical recommendations shall be submitted to this Office **within forty-eight (48) hours** from the conduct of inspection.

For strict and immediate compliance.

  
**JOE AMIL M. SALINO**

*Copy Furnished:*

**DENR Action Center/Hotline-Aksyon Kalikasan**  
DENR Compound, Visayas Ave., Quezon City  
[aksyonkalikasan@denr.gov.ph](mailto:aksyonkalikasan@denr.gov.ph)  
[actioncenter@denr.gov.ph](mailto:actioncenter@denr.gov.ph)

**The Director**  
Mines and Geosciences Bureau (MGB)

**The Regional Executive Director**  
DENR MIMAROPA

**The Regional Director**  
MGB MIMAROPA Region

**THE PENRO**  
PENRO Romblon

  
Digitally signed by  
EMB MIMAROPA  
REGIONAL OFFICE OF  
THE REGIONAL  
DIRECTOR  
Date: 2022.06.21  
11:20:43 +08'00'





DENR Mimaropa Region &lt;mimaroparegion@denr.gov.ph&gt;

**Re: Reply Letter. thank you**

1 message

Adrian Asoy &lt;adrian.yap.asoy@gmail.com&gt;

Mon, Jun 27, 2022 at 7:30 AM

To: PENRO Romblon <penroromblon@denr.gov.ph>, MGB-MIMAROPA <mines\_4b@yahoo.com>, DENR <mimaroparegion@denr.gov.ph>, DENR Action Center <actioncenter@denr.gov.ph>, central@mgb.gov.ph, r4brecords <r4brecords@emb.gov.ph>, Embmimaropa <embmimaropa@emb.gov.ph>, Aksyon Kalikasan <aksyonkalikasan@denr.gov.ph>  
Cc: Helly Asoy <helly.yap.asoy@gmail.com>

Dear PENRO Romblon,

Acknowledging receipt of your reply letter addressed to Ms. Helly Asoy. We appreciate the response and the initiative to create a composite team with the different agencies and LGUs involved. We hope that this will be a productive investigation, as well as a proactive take on the issues. May we point out some things to consider:

**Firstly**, we would like to reiterate that the initial letter included the **"construction of bunkhouses" and "the destruction of vegetation"**. We hope that your investigation will not limit itself with the alleged road construction. We have included a photo of the bunk houses, which may be related to the road construction and proposed pier. A comprehensive review of these may create a better overall assessment of the matter at hand and provide context on why these projects exist in the first place.

**Secondly**, while we are on the topic of environmental conservation, we have recently heard of **quarrying activities in Gaong River in Tampayan, Magdiwang**. It is in the foothills of Mayo's Peak of Mt. Guiting-Guiting and it is believed to be under a protected area and/or its respective buffer zone. Furthermore, it was said to be reported to the DENR however there was no response for the office. Nearby residents have complained of flooding due to the erosion it has caused. We have included some photos as well.

We hope you take these into consideration. Again, we thank you for your constant communication and we look forward to continuing dialogues regarding the protection and conservation of Sibuyan Island – *one of the Philippines remaining biodiversity gems*. We diligently await the results of your investigation.

Regards,

Helly Y. Asoy

On Sat, Jun 25, 2022 at 4:46 PM Helly Asoy &lt;helly.yap.asoy@gmail.com&gt; wrote:

----- Forwarded message -----

From: **R4B PENRO Romblon** <penroromblon@denr.gov.ph>  
Date: Fri, Jun 24, 2022, 2:18 PM  
Subject: Reply Letter. thank you  
To: <helly.yap.asoy@gmail.com>

Please see attached document. thank you

**5 attachments**

**Bunkhouses in San Fernando.jpeg**  
89K



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  
Telefax No. (+632) 8536-0215 / (+632) 5310-1369  
Email: region4b@mgb.gov.ph



20 June 2022

**MEMORANDUM**

**FOR :** The PENRO  
Provincial Environment and Natural Resources Office  
Odiongan, Romblon

**FROM :** The Regional Director  
This Office

**SUBJECT :** Alleged Construction of Roads and Mining Facilities in  
Sitio Talaba, Barangays Taclobo and Espana, San  
Fernando, Sibuyan Island, Romblon

This refers to the attached copy of the 17 June 2022 Letter of Ms. Helly Y. Asoy, regarding the above subject.

Ms. H. Y. Asoy alleged that the above-cited construction is not covered with a permit/s and has affected the protected areas and buffer zones of Mt. Guiting-Guiting National Park and the easement in shorelines and mangrove areas.

Please be advised that this Office has no jurisdiction if the area involved is outside any Mineral Production Sharing Agreement contract area, and the issue does not involve extraction of minerals or exploration activities.

In this regard, this Office is respectfully requesting for the conduct of investigation, render appropriate actions to address the allegations stated therein, and furnish us a copy of the report. Our embedded personnel assigned in the Provincial Environment and Natural Resources Office – Romblon may be assigned in this undertaking.

For the PENRO's action, please.

  
**GLENN MARCELO C. NOBLE**

Encl: As stated

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

The DENR Action Center/Hotline  
Department of Environment and Natural Resources  
denr@8888.gov.ph

The Complainant  
helly.yap.asoy@gmail.com  
adrian.yap.asoy@gmail.com

The Director  
Mines and Geosciences Bureau  
North Avenue, Diliman, Quezon City

The Regional Director  
Environmental Management Bureau  
MIMAROPA Region

062222-RO/IB-1598



Memorandum  
6/22/2022

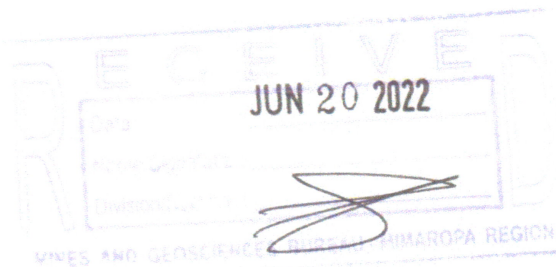


MINES AND GEOSCIENCES BUREAU  
MIMAROPA Region

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

27 JUN 2022

**Mines and Geosciences Bureau**  
MGB Compound, North Avenue  
Diliman, Quezon City 1100  
Philippines



Good day!

I am writing this letter to raise awareness to a particular issue in Sibuyan Island. It has come to our attention that there is an ongoing road construction happening in the island that leads to the sea shore for a proposed pier. However, despite its location in a private property, it is evident that there are no permits issued by the Department of Environment and Natural Resources (DENR) or even the local level. The construction of bunkhouses, the destruction of vegetation, and even clearing of the site must be investigated immediately.

This site is located in the areas of Sitio Talaba in Barangay Taclobo and Barangay Espana, both of which are in San Fernando Sibuyan. This have affected the protected areas and the buffer zone of Mt. Guiting Guiting National Park and also the easement in shorelines and mangrove areas. We have reason to believe this is in line with the proposed mining site in the same area, which also has been shut off to prying eyes under the guise of "private property".

We are urgently requesting DENR officials, especially from the Mines and Geosciences Bureau (MGB), Environmental Management Bureau (EMB), and Biodiversity Management Bureau (BMB), to investigate in the matter. It would also be appreciated if they make policy recommendations to the local government units involved.

We hope to hear from you the soonest.

**Helly Y. Asoy**

*A concerned Sibuyan local*