



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) 536-0215 / (+632) 310-1369
Email: region4b@mgb.gov.ph



26 July 2022

MEMORANDUM

FOR : The DENR Action Center/Hotline
Department of Environment and Natural Resources
Visayas Avenue, Diliman, Quezon City

FROM : The Regional Director
This Office

SUBJECT : Presidential Complaint Center Code No. WG-NEM-06-06-2022-004 re: Complaint on the Alleged Non-Rehabilitation of the Silica Mine in Brgy. 3, Poblacion, Roxas, Palawan

We are respectfully forwarding a copy of the 22 July 2022 Memorandum by the CENRO-Roxas indorsing its 18 July 2022 Investigation Report on the above subject.

Based on the attached investigation report, the following were noted:

1. There was a previous investigation conducted in the same area wherein a Cease-and-Desist Order was issued by this Office to Mr. Francisco Refil for the extraction of sand materials without a valid mining permit;
2. The request of the complainant for backfilling was not recommended by the investigator pursuant to Proclamation No. 2152 governing the prohibition from further exploitation and/or destruction of remaining mangrove resources;
3. The residents within the buffer zone of the mangrove areas were found to be in violation of Section 51 of Presidential Decree No. 1067, otherwise known as the Water Code of the Philippines; and
4. The Barangay was advised to police the area to avoid illegal activities.

Please be informed that based on our records, San Miguel Corporation was not associated with any mining activities in the area.

Currently, the MGB-Central Office has been conducting studies for the rehabilitation of abandoned mining site, including the abovementioned area.

For your information and reference.


GLENN MARCELO C. NOBLE

Encl: As stated

cf: The Presidential Complaint Center
Office of the President
Malacañang, Manila
PCC Code No. WG-NEM-06-06-2022-004

The Head Executive Assistant
Department of Environment and Natural Resources

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

The Complainant
Barangay 3, Poblacion
Roxas, Palawan



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



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

July 22, 2022

MEMORANDUM

FOR : The Regional Director
Mines and Geosciences Bureau
MIMAROPA Region

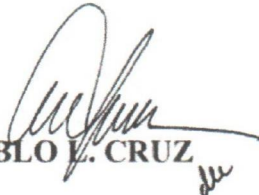
THRU : The PENRO
Sta. Monica, Puerto Princesa City

FROM : The CENRO
Roxas Palawan

SUBJECT : **REPORT ON THE COMPLAINT OF MR. ROBERTO PAREDES ON THE ALLEGED NON-REHABILITATION OF SAN MIGUEL CORPORATION THRU MR. RAMON ANG INVOLVING THE MINING OF SILICA IN BRGY. 3, POBLACION, ROXAS, PALAWAN FROM THE RESIDENTS WITHIN LOT NO. 907 PLS 232**

Respectfully forwarding the memorandum report of our MGB Embedded Personnel dated 18 July 2022 regarding the above-cited subject. This has reference to the letter complaint of Mr. Roberto Paredes addressed to the President of the Philippines dated 06 June 2022 regarding the above-mentioned subject.

For your action and further instruction.


PABLO L. CRUZ

DENR-CENRO ROXAS
RELEASED
DATE: JUL 22 2022
BY: 
002 2022-07-1154



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Email address: cenroroxaspalawan@denr.gov.ph

July 18, 2022

MEMORANDUM

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

FROM : The Undersigned

SUBJECT : **REPORT ON THE COMPLAINT OF MR. ROBERTO PAREDES ON THE ALLEGED NON-REHABILITATION OF SAN MIGUEL CORPORATION THRU MR. RAMON ANG INVOLVING THE MINING OF SILICA IN BRGY. 3, POBLACION, ROXAS, PALAWAN FROM THE RESIDENTS WITHIN LOT NO. 907 PLS 232**



This has reference to the letter complaint of Mr. Roberto Paredes addressed to the President of the Philippines dated 06 June 2022 regarding the above-mentioned subject.

In response to the complaint, a preliminary field investigation was conducted on composed of the following personnel:

1. Dominik L. Echano (SRS II – MGB Embedded Personnel)
2. Felipe Evio (Team Leader – Field Monitoring Coordinator)
3. Boboy Savilla Vicera (Field Monitoring Coordinator)

Background Information

On 29 June 2022, this Office received a memorandum dated 28 June 2022 from the Regional Director of Mines and Geosciences Bureau (MGB) MIMAROPA Region pertaining to the complaint of Mr. Roberto Paredes against San Miguel Corporation thru Mr. Ramon Ang on the alleged non-rehabilitation of the mining of Silica in Brgy. 3 Poblacion, Roxas, Palawan.



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Purpose and Scope

The fieldwork aims to validate the veracity of the complaint and the legality of the alleged non-rehabilitation of the mining operation. The undertaking includes ocular inspection of the subject areas and a dialogue or interview with the concerned individuals. The ocular inspection is supported by geotagged photos.

Findings and Observation

1. On 5 July 2022, the undersigned conducted field investigation on the complaint of Mr. Robert Paredes.
2. Mr. Paredes complained about the alleged non-rehabilitation of San Miguel Corp in Barangay III particularly in LOT No. 907 PLS 232. He claims that the area in question is low lying due to the previous mining activity which contributed to it being a highly flood prone area.
3. The undersigned, noted that LOT No. 907 is a semi-densely populated area. A number of mangroves was also observed within the wetland in Lot 907. Numerous one-story permanent settlements and several elevated nipa huts are located adjacent to the wetland.
4. Mr. Paredes seeks for the rehabilitation of the area in the form of backfilling.
5. The undersigned had previously conducted an investigation titled '**Report on the Illegal Extraction of Silica Sand in Brgy III, Municipality of Roxas, Palawan**', dated **19 April 2022** in response to complaints of illegal activity within the area. The investigation finds Mr. **Francisco Refil** in violation of Sec 103 of RA 7942, "Theft of Minerals."
6. The undersigned gave notice to the barangay officials on the issued CDO and to Mr. Refil himself to cease extracting silica sands within his backyard which are then utilized for a small scale hollowblocks production. The undersigned advised Mr. Refil to refrain using the silica resources within his backyard and opt to acquire SAG materials from an authorized retailer or permittee.
7. In reference to the Municipal Resolution No 187-A, s-1999, held on 15 October 1999, it is stated that (1) Nin-Bay Mining Company, (2) Republic Glass



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Corporation, (3) Vulcan Mining Company, and (4) Orashoot Mining Company conducted mining operations in the Municipality of Roxas, Palawan (Annex 1). San Miguel Corporation was not mentioned in the passage, nor was it stated if any of the previously mentioned company was a subsidiary company of SMC.

8. In the attached Order document in the Annex (2), it is stated that the area (Lot No 405) wherein DENR CENRO-Roxas currently located was directed to be taken as possession as Nin Bay Mining Corporation failed to execute the conceptualized Aqua Culture Project which it intended to implement thru Del Pilar Multi-purposed Corporation.
9. A certification is then issued by this office, certifying that LOT 907 of Pls 232 in Barangay III, Roxas, Palawan is within **Agricultural** (alienable or disposable) land. (Annex 3)

FINDINGS AND RECOMMENDATIONS

1. In refence to the previous record of illegal extraction activity in Barangay III. The LGU is advised to police these activities to minimize its negative impact to the environment.
2. Citing Administrative Order No. 8, the entire Province of Palawan and certain parcels of the public domain is declared as Mangrove Swamp Forest Reserves. Upon Field investigation, it is established that certain parts of LOT 907 (Photo 1) is located within a mangrove or swampland area wherein a buffer zone of 50 meters is not maintained, pursuant to AO No. 76 (Establishment of Buffer Zones in Coastal and Estuarine Mangrove Areas)

Mangrove or swamplands classified and zonified as Alienable or Disposable are covered by Administrative Order No. 8

3. Rehabilitation in the form of backfilling within LOT 907 PLS 232 covered by the buffer zone is not recommended in accordance to Proclamation No. 2152, governing the prohibition from further exploitation and/or destruction of the remaining mangrove resources of the Philippines, specifically the entire province of Palawan.



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4. It is recommended for the delineation whether Lot 907 Pls 232 is located within any expired mining lease tenement. It is also advised to establish whether San Miguel Corp. operated under a subsidiary company.
5. The residents within the buffer-zone was found to be in violation of Section 51 of Presidential Decree No. 1067, otherwise known as the Water Code of the Philippines, which provides:

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 (3) meters in urban areas, twenty (20) meters in agricultural areas and forty (40) meters in forest areas, along their margins, *are subject to 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 to build structures of any kind.*

For the CENRO'S consideration and further instruction

DOMINIK L. ECHANO
Science Research Specialist II



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PHOTO DOCUMENTATION

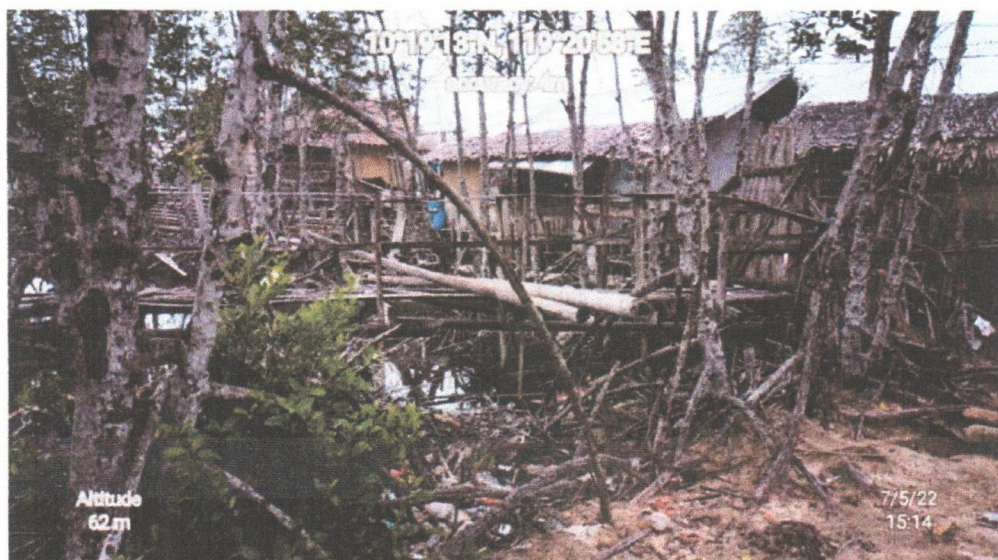


Photo 1a.



Photo 1b.

Residential area within the Lot 907. The mangrove within the swampland is shown in this photos. A buffer zone is not maintained.



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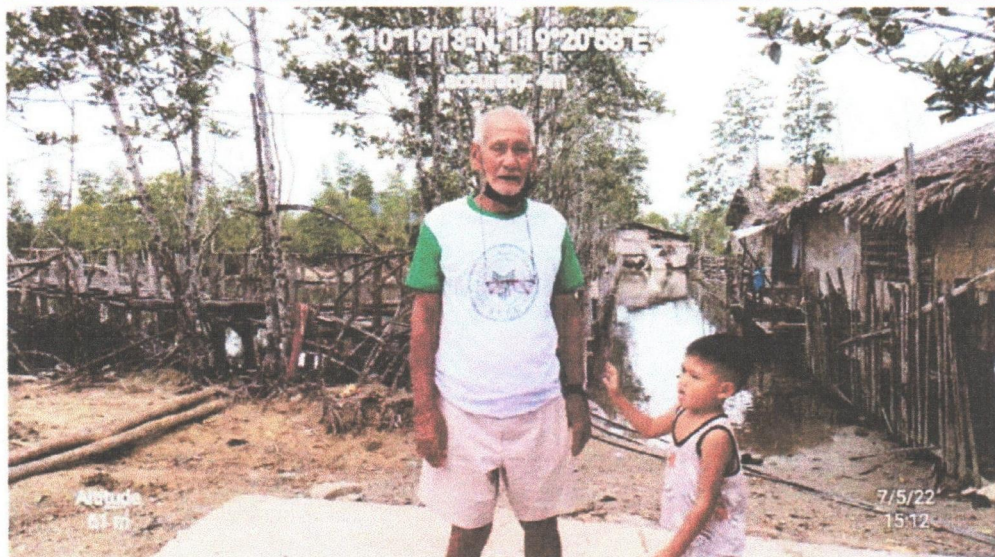


Photo 3. Mr. Roberto Paredes and his grandchild



Photo 4a.



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Photo 4b.

Establishments adjacent to the swampland.



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ANNEX



Republic of the Philippines
Province of Palawan
Municipality of Roxas

OFFICE OF THE SANGGUNIANG BAYAN



RESOLUTION NO. 187-A, S-1999
ADOPTED AND PASSED IN A PUBLIC HEARING OF THE SANGGUNIANG BAYAN OF ROXAS, PALAWAN HELD ON OCTOBER 15, 1999 AT THE SANGGUNIANG BAYAN HALL AT 9:37 A.M.

PRESENT:

Hon. Hardo F. Apao	- Vice Mayor, Presiding Officer
Hon. Gerardo C. Darnado	- Speaker, Protempore
Hon. Joel M. Solina	- Majority Floor Leader
Hon. Elena M. Padul	- Asst. Minority Floor Leader
Hon. James F. Cayao	- SB Member
Hon. Billy N. Espino	- SB Member
Hon. Silvestre B. Baquiao	- SB Member
Hon. Armando M. Julana	- SB Member, BGC President
Hon. Francis R. Salonga	- SB Member, SK Fed. President

ABSENT:

Hon. Rodolfo B. Cayaon	- Minority Floor Leader, OB
Hon. Rogelio L. Larroca	- Asst. Majority Floor Leader, OB

x x

x x

x x

RESOLUTION NO. 187-A, S-1999

A RESOLUTION APPROVING THE REGIONAL DISCREET, DENR, LRG BUILDING, ROXAS, PALAWAN, SANGGUNIANG BAYAN OF ROXAS, PALAWAN, AND THE PARCELS OF LANDS MINED BY THE MIN-BAY MINING COMPANY, REPUBLIC GLASS CORPORATION, VULCAN MINING COMPANY AND OTHERS ALL SITUATED IN THE MUNICIPALITY OF ROXAS, PALAWAN.

AUTHORED BY:

HON. SILVESTRE B. B. ULAO

WHEREAS, there are those parcels of lands which were mined by the Min-Bay Mining Company, Republic Glass Corporation, Vulcan Mining Company and Orashoot Mining Company which created chaos and unstable plans of the Municipal Government of Roxas, Palawan, and which parcels of lands are particularly known as Lot Numbers, 307, 308 and 309, all under Pla-232 and others like Lot Nos. 179, and 163 also in the Poblacion of Roxas, Palawan;

AND, ever since then, there are emerging claimants as heirs of those parcels of lands which caused conflicts and disputes among the heirs and also with the interest of the Municipal Government of Roxas, Palawan over those areas;

BE IT ENACTED, to establish the true and correct history of the Roxas, Palawan which was then a barrio in 1928, and a Titio Sambutan in 1965, and 1951 as Municipality this good office has the jurisdiction on the status and records which shall truly resolve all the doubts as to the true origin of the heart of the Poblacion which was peacefully founded by their founders and pioneering peoples of this place;

WHEREFORE, we shall be very much grateful to the DENR Regional Office, Region IV for the immediate Resolution on the above-quoted parcels of lands;

CERTIFIED XEROX COPY

BY: [Signature]
DATE: July 18, 2017



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DEPARTMENT PLANT 112-137 X
Lot No. 405, Pls-232
Poblacion Roxas, Palawan
NIN BAY MINING CORP. X

ORDER

Annex E-1

In a report dated April 3, 1990 by the CENRO at Roxas, Palawan it was disclosed that NIN BAY MINING CORPORATION stopped its operation in the above-noted mining claim in July 1991 citing among others the non-profitability of operations due to depletion of mine resources and the changes in the government policies on mining as reasons in a way of complying with the provisions of PD 400 in restoring the mined-out area, the said corporation had conceptualized an Aqua Culture Project which it implemented thru Del Pilar Multi Purpose Cooperative that was put up by the corporation's former employees. A memorandum of agreement was entered between the concerned juridical entities represented by their authorized officials with the view to mutually provide the needed technology and resources to Del Pilar Multi Purpose Cooperative which include securing the necessary permit and authority from the DENR to occupy the area.

Accordingly, however, up to the present no actions have been taken or steps on both the NIN BAY MINING CORPORATION and Del Pilar Multi Purpose Cooperative to terminate their occupation in the area where the said NIN BAY MINING CORPORATION has still existing mining structures.

Paragraph 11 of Republic Act No. 9278 the expanded contract as stated in the report provides that "Upon termination of their lease on any subterranean deposit, any portion of the deposit not removed from the licensee within the year thereafter shall become the property of the issuer."

WHEREFORE, the above premises considered, the DENR at Palawan Office is hereby directed to take possession, exercise administrative and management control of the area and enforce the applicable provisions of RA 9278 as amended.

Annex J

CERTIFIED PHOTOCOPY

Per 11/16/16
RINADES L. JUSOS
FR / ACTING RECORDS OFFICER

Annex 2.



Republic of the Philippines
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Bgy. III (Poblacion), Roxas, Palawan
Contact No. 09171606578/09175028647
Email address: ceonr@denr.gov.ph

CERTIFICATION

TO WHOM IT MAY CONCERN:


THIS CERTIFIES that Lot 907 of Pls 232 consisting of one hundred seven thousand eight hundred ninety one (107,891) square meters in Barangay III, Roxas Palawan is within AGRICULTURAL (alienable or disposable) land per LC Map No. 889, Block-II of Project No. I-A dated May 28, 1931 subject to confirmation by the DENR-MIMAROPA Regional Office pursuant to DMC No. 2019-10.

This issued this 15th day of July 2022 for whatever legal purpose it may best serve.

Prepared by:

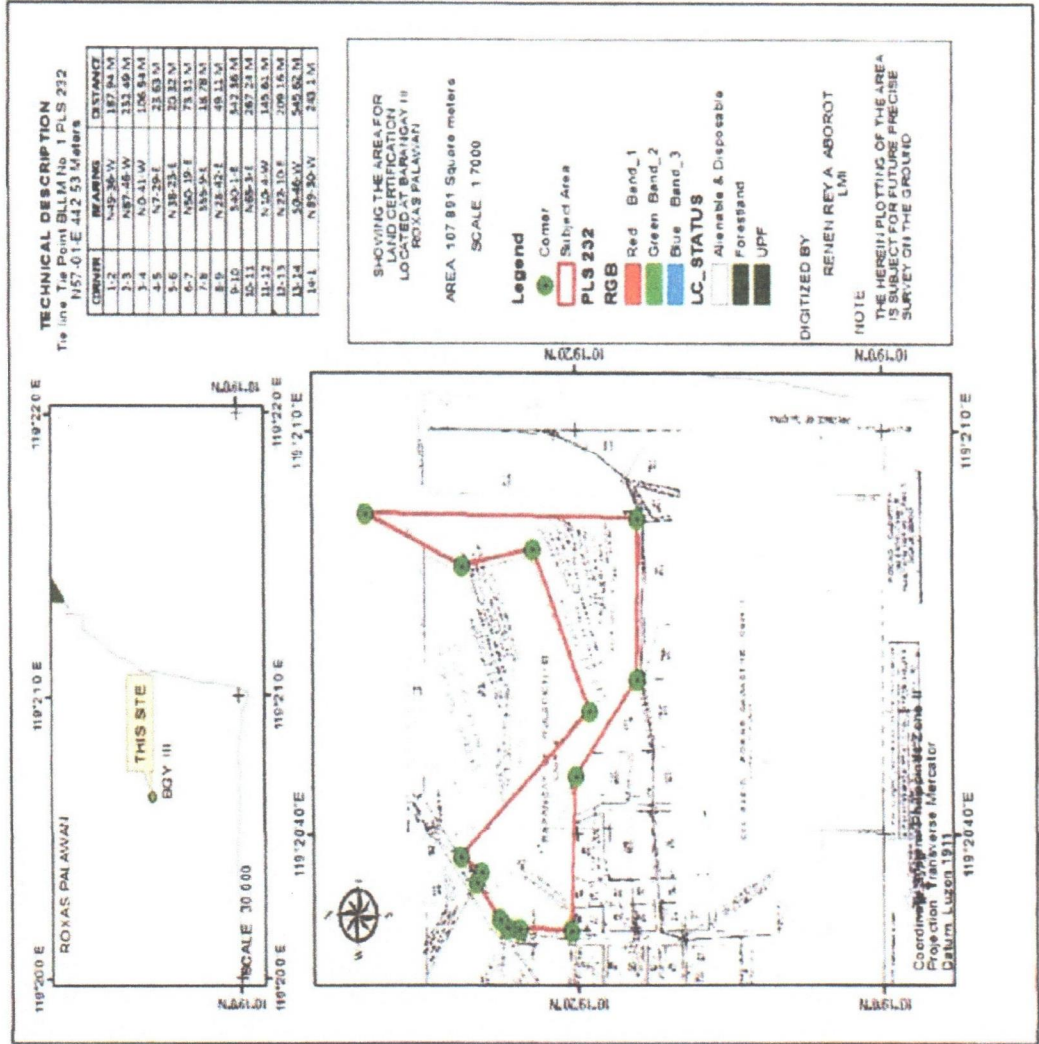

RENE REY A. ABOROT
LMI

Verified by:


RONNIE P. LILANG
LMO III/ Chief, Regulation
and Permitting Section

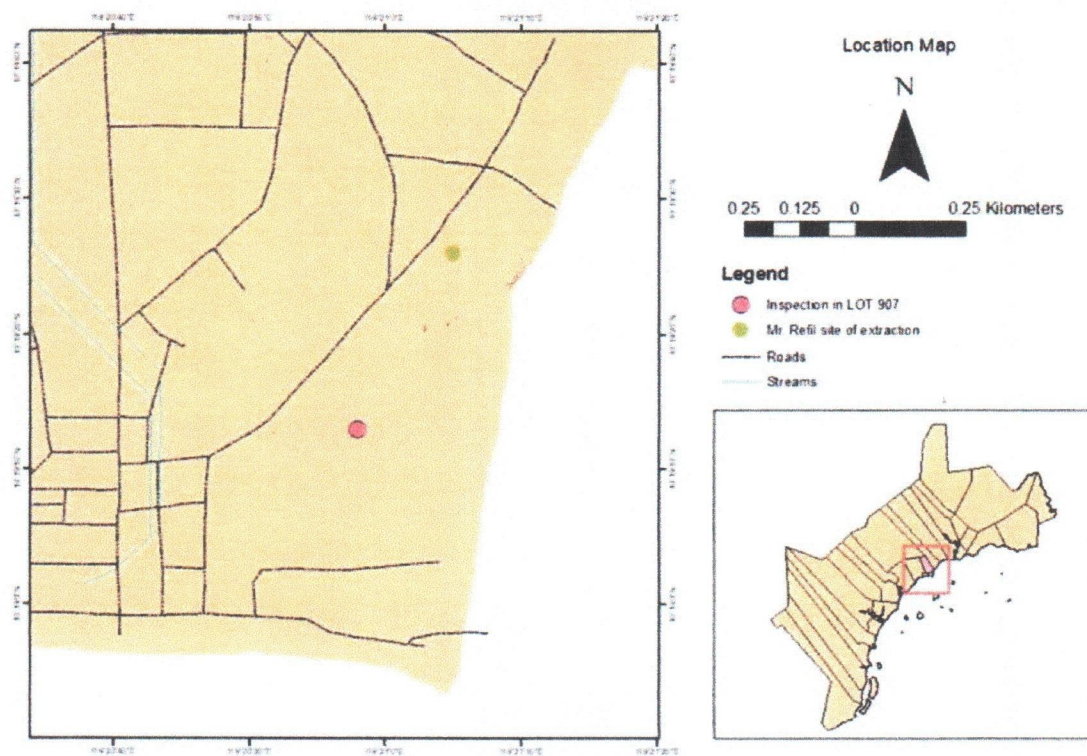
Attested to:


PABLO CRUZ
CEARO





Republic of the Philippines
Department of Environment and Natural Resources
Region IV- MIMAROPA
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE
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Annex 4. Location Map