



## MEMORANDUM

**FOR : The REGIONAL DIRECTOR**  
EMB MIMAROPA Region

**ATTN : The CHIEF**  
Environmental Monitoring and Enforcement

**The CHIEF**  
Legal Unit

**FROM : The CHIEF**  
Environmental Management Services  
Romblon

**SUBJECT : INVESTIGATION REPORT ON THE COMPLAINT OF MR. GENE FORNAL AGAINST THE QUARRY OF MR. DENNIS FOJA LOCATED AT SITIO AURORA, BRGY. PATO-O, ODIONGAN, ROMBLON**

**DATE : April 21, 2022**

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This s to respectfully inform the Regional Director that on April 7, 2022, the undersigned conducted investigation on the above complaint lodged by the Gene Fornal et al against the quarry of Dennis Foja located at the above-cited address.

It could be recalled that the undersigned received a complaint via iis no R4B-2022-005346 on April 5, 2022. On that day it should be noted that it was the Feast Day of Odiongan, Romblon and that the key officials of the Municipality as well as the Barangays of the whole of Odiongan were not available due to the said event. On the following day the letter from the Regional Office dated April 04, 2022 informing the complainant that they will send their field personnel to conduct investigation was received by the complainant on April 6, 2022. That same day the undersigned interviewed Mr. John Fabon of the PMRB regarding the complaint. He said that they already received the compliant but the pictures attached to their copy had no indication that the area was touched and that the EMBs copy was the only one with the before and after pictures that's why they could not act on the matter since in their copy, the area had no operation. The undersigned inquired if they could join the inspection but no personnel were available.

On the following day, the undersigned proceeded to the Brgy Office of Brgy. Pato-o and met with Ms. Darlyn Fornal, Chairperson of said Barangay. Initial information gathered disclosed that RCDG Corporation, a contractor of the farm to market road project of the Department of Agriculture was extracting sand and gravel from the area with the consent of Mr. Denis Foja, grantee of ECC-OL-R4B-2017-0175 dated July 5, 2019 for his Sand and Gravel Extraction



Project located at Sitio Aurora, Brgy. Pato-o, Odiongan, Romblon. She sent Brgy. Kagawad Eder Liderato, to accompany the undersigned during the investigation.

The team proceeded to the operation site of RCDG Corporation. The team sought Engr Joel Perez, Project Engineer of RCDG but was informed that he had an important meeting at the Municipality of San Andres and was not available. Upon further inquiry the team was informed that the records are with the checker Mr. Vergel Sumiwan who is currently on the construction site at Sitio Aurora about 15 minute drive from the area. The team then proceeded to the quarry site Sitio Aurora and met with Mr. Sumiwan. Mr. Sumiwan explained that he left the records in the Office. He further informed the team that there was no operations. Mr. Sumiwan further explained that they bought delivery receipts from Mr. Dennis Foja worth of 100 dump trucks of sand and gravel to be used in the nearby construction of the farm to market road. They also had an agreement with Mr. Foja that they will use their equipment in extracting the materials to lower the cost. They have already extracted around 60 dump trucks of sand and gravel and have yet to extract the remaining 40 dump trucks worth of materials. Accordingly, they allegedly hired the complainant Mr. Gene Fornal to observe the operations during the activity to ensure that they are not damaging the adjacent properties as well as to help guard the equipment.

During inspection, evidence of extraction was observed at coordinates 12.42683N, 122.05738E which was around more or less 10meters long and 2meters wide and 0.5meters deep following the center portion of the river leaving a buffer zone of 5meters from the edge of the both riparian strips from the left and right portions. Traces of yellow tape for marking boundaries were seen lying on the river which indicates that the said markers were recently removed following the stoppage of operations.

Then the team proceeded to the residence of the complainant. During the interview, it was gathered that Mr. Gene was only representing the petitioners. Accordingly, they feared that mining operations would damage their properties. He further explained that if sand and gravel will continuously be extracted in the area, the flow of the river may become stronger since there are no aggregates to block the strong flow at the bottom portion of the river. The strong flow of the river may erode the river banks and uproot the crops and trees e.g. coconut that they planted. Mr. Sumiwan remarked that they should not stop RCDG from extracting sand and gravel since it will be used in the construction of the SITO Aurora Pato-o Farm to Market Road. Said road will benefit everyone in the area including the petitioners. Mr. Fornal answered that he understood the situation and has no intention stopping RCDG from extracting Sand and Gravel from the area since it will be used for said road project. However, after the project is completed, they intend to continue protesting the continuation of the Sand and Gravel Activity.

Then the team returned to the RCDG Office to view the records. Record books disclosed that they conducted extraction activities in the quarry site on March 7-13 and March 16 to 18, 2022.

On April 8, 2022, during the session of the PMRB as presided by PENRO Maximo Landrito, Mr. Gene Fornal and his companion were invited to join the meeting to discuss their complaint. During the meeting, Engr. Ray de Juan, PGENRO explained to the complainant the process of the approval of renewal of sand and gravel permits. He discussed that the process of applying for permits started from the barangay level to the municipal level and for review of the PMRB before endorsement to the Governor. He said that the Board could not stop the process midway

due to their complaint and that the matter must first be tackled from the barangay and will be eventually elevated once unresolved. Hence their complaint will be forwarded to the barangay for their further action. Engr. Arjun Senining, PMRB Board Member further explained that as a mining engineer it was his experience that if rivers are left alone, aggregates will be continuously deposited at the middle of the river hence forcing the river to change course and

eat away at the edges of the river banks that is why they allow sand and gravel extraction to help desilt rivers. Engr. De Juan further explained that the operations of mining projects have strict conditions and monitored by the PMRB in order to prevent damages from adjacent land areas. Mr. Gene Fornal thanked the body for acting on their request and explained that the petitioners do not know the things explained to him that day and would like to invite them to send representatives to explain to the petitioners what have been discussed during the session. After which, the session ended.

In view of this, it is recommended that the complaint be endorsed to the PMRB for their further action.

For the Regional Director's further instruction.



**IRWIN A. ANZALDO**

Encl.: ECC Compliance Monitoring Report