



June 26, 2022

**MEMORANDUM**

**FOR : THE REGIONAL EXECUTIVE DIRECTOR**  
**MIMAROPA Region**

**FROM : The OIC – PENR Officer**

**SUBJECT : REPORT ON THE ACTUAL TAKEOVER OF BALOGO**  
**PORT AND WAREHOUSE FACILITIES UNDER**  
**EXPIRED OLPLA NO. 02 LOCATED IN BRGY.**  
**BALOGO, STA. CRUZ, MARINDUQUE**

This pertains to the actual takeover of the Balogo Port and warehouse facilities pursuant to a Final Notice to Vacate which was issued by DENR Acting Secretary Jim. O Sampulna dated June 01, 2022.

On June 22, 2022 and prior to the actual takeover of the Balogo Port property on June 24, 2022, a Stakeholder's Coordination Meeting was held at the PENRO Marinduque Conference Hall which was presided by the OIC-PENR Officer and attended by the representatives from different government agencies and concerned Local Government Units (LGUs). During the meeting, Intelligence Officer Hermilo Demafiles from the DENR Central Office - Environmental Law Enforcement and Protection Service (ELEPS) presented the specific details on the conduct of actual operations during the takeover which was crafted and approved by General Reuel N. Sorilla, Director of the ELEPS, DENR-Central Office. He presented the objectives of the takeover by giving a background of the situation and then proceeded to discuss the mission proper and the concept of operations which he divided into four (4) phases: Phase I – Reconnaissance; Phase II – Takeover; Phase III – Conduct Inventory; and Phase IV – Turnover by MGB-4B to LGUs for safekeeping and maintenance.

The PENRO clarified that it is not be the role of MGB to make the turnover of area to LGU. Likewise, she explained that based on the Guidelines or DAO 2020-09 the Asset Management Team (AMT) should collaborate with the concerned Local Government Units and other entities.

The Phase I of actual operations involved the discussion on the roles of the respective stakeholders and task organization during the takeover. It involves reconnaissance in the area.

During Phase II – Takeover, the operations for the takeover proper commenced on June 24, 2022 as agreed upon during the stakeholder's meeting. The AMT conducted inspection of the premises with the assistance of the DENR-ELEPS, together with the members of the Armed Forces of the Philippines (AFP), which led the conduct of reconnaissance and clearing of the premises to prevent possible contingencies and conduct safe passage of lines operation. Also present during the takeover operation and inspection are representatives from Provincial



Government of Marinduque, LGU of Sta. Cruz, and Barangay LGU of Balogo. Upon scouting the premises, IO Demafiles apprehended Richard Ortega within the Balogo Port who previously introduced himself as caretaker/guard who was later escorted outside the premises while the takeover was ongoing. Said person was allegedly turnover to some Policemen of PNP Sta. Cruz who are just outside the premises as backup during the takeover.

Furthermore, upon inspection of the facilities inside the Balogo Port, PENRO Technical personnel observed that there were foul smells coming from the back of the old gasoline station and it was found out that there were facilities which were locked and cannot be accessed. Furthermore, it is also discovered by the AMT that there is a depot which is manned by an agency-hired security guard who informed us that they are not involved with Marcopper. They were instructed by the Depot owner to allow government officials to inspect the premises when required. Officials from PENRO Marinduque, likewise caused the posting of the Notice to the Public in two (2) different areas of Balogo Port property and secured the gates with padlock and chains to warn trespassers as well as the unauthorized entry within the premises.

In the course of Phase III which is the conduct of Inventory Proper, MGB and EMB – MIMAROPA made an inventory of the possible hazardous wastes, tools, and implements used in Marcopper's mining activities which are present in the premises and it was discovered that there were indeed wastes still existing therein which are detrimental to the public's health and safety. The team from EMB, DENR – MIMAROPA likewise took samples of the water and other hazardous substances found therein for testing. Furthermore, a comprehensive assessment of the property as well as the machineries and equipment found therein were also conducted during the takeover of Balogo Port.

Throughout Phase IV – Turnover to LGUs for the safekeeping and maintenance of Balogo Port, the officials from PENRO Marinduque together with the representatives from ELEPS DENR – Central, DENR – MIMAROPA, MGB – MIMAROPA, the representatives from the Assessor's Office and Provincial Engineering's Office of the Provincial Government of Marinduque, have met with Governor Presbitero Velasco Jr. and Mayor Antonio L. Uy, Jr. at the Municipality of Sta. Cruz to discuss and coordinate with the Provincial Government of Marinduque, the Municipal Government of Sta. Cruz, the Sangguniang Barangay of Balogo, AFP-Philippine Army and MMPO – Sta. Cruz Marinduque Police Station as regards the post-takeover measures over Balogo Port. During the meeting, PENRO Marinduque, through the undersigned, raised concerns relative to the maintenance and security of the area after the takeover conducted. Governor Velasco gave a positive response by assuring PENRO Marinduque of whatever assistance it may extend in securing the area. Hence, further discussions with concerned government agencies and concerned LGUs will be made for the proper implementation of the post-takeover operations. Meantime, the Balogo port and its premises will be secured by the AFP-Philippine Army in collaboration the concerned LGUs and DENR.

#### Recommendations:

1. Despite that LGUs and other concerned entities are providing their support to DENR, it is imperative to formalize the arrangement for proper safekeeping and security of the area.





2. A comprehensive assessment may be done by AMT, however considering the limited resources of PENRO and the need for other expertise as to the assessment and appraisal of property, it is recommended to allocate some funds and to involve other relevant agencies to be identified based on initial findings.
3. Legal assistance in the filing of appropriate cases incidental in the takeover and as may be identified after the final assessment.

Attached herewith are the documents, maps, and photographs taken during the takeover for your information and further instruction.

  
**IMELDA M. DIAZ**