



July 14, 2021

MEMORANDUM

FOR : The Regional Executive Director
DENR MIMAROPA Region

THRU : The Assistant Regional Director for Technical Services

FROM : The OIC-PENR Officer

SUBJECT : **INTENT OF PROVINCIAL GOVERNMENT OF MARINDUQUE REPRESENTED BY GOVERNOR PRESBITERO J. VELASCO, JR. TO ENTER INTO A MEMORANDUM OF AGREEMENT (MOA) OVER THE AREA PREVIOUSLY COVERED WITH OLPLA NO. 002 (BODEGA AND PORT FACILITIES) OF MARCOPPER MINING CORPORATION (MMC) LOCATED IN BRGY. BALOGO, STA. CRUZ, MARINDUQUE**

REFERENCE

This refers to your Memorandum dated June 14, 2021 regarding the intent of the Provincial Government of Marinduque to enter into a MOA to take over the area previously covered by OLPLA No. 2 issued to Marcopper Mining Corporation (MMC) located in Brgy. Balogo, Sta. Cruz, Marinduque.

BACKGROUND

1. In February 1968, the area covering 17.655 hectares was leased to MMC through OLP No. 002 (Bodega and Port Facilities) for one (1) year. After the expiration, the lease was converted into OLPLA with 25 years duration which had expired on June 30, 1994. It was applied for renewal on September 09, 1993 for approval of then-Secretary Victor O. Ramos. Based on the available document, and as per response of the Forest Management Bureau, the renewal for OLPLA was not approved. However, the MMC is still occupying the area without any tenurial instrument up to this date. (*See attached Memorandum dated March 02, 2020, August 7, 2020 and September 18, 2020*)
2. The Provincial Government of Marinduque, represented by Governor Presbitero J. Velasco, Jr., has an intent to develop the Balogo Port area including the cadastral lots identified as Lot No. 5143 and 5836, Cad 815-D claimed by MMC and to declare the same as Marinduque Economic Zone (MAREZ) under House Bill 8551 of House Speaker Lord Allan Q. Velasco of the Lone District of Marinduque.

ACTION TAKEN

1. In order to assess the current situation of the bodega and port facilities, the staff of PENRO Marinduque together with the representatives from the Provincial Government and MGB proceeded to the area on June 11, 2021. It was observed that the majority of the facilities inside the port are old and dilapidated. However, the visit was cut short and the assessment was not thoroughly conducted due to the prohibition imposed by the security guard of MMC residing in the area. (*Please see ~~report~~ inspection report*)

2. That based on the preliminary plotting of Lot No. 5143, Cad. 815-D and Lot No. 5836, Cad. 815-D which are declared in the name of MMC, the whole area of Lot 5836 falls within Timber Land Block B, Project No. 5, LC Map 789 (*see attached Map*)

RECOMMENDATIONS

1. Since the OLPLA No. 2 was already expired and no renewal of the same was approved, the government has jurisdiction over the area. Section 7.3 of DAO 2020-09 which states that ***“Upon identification of the expired tenurial instrument, the Asset Management Team (AMT) shall secure the area covered, prepare and implement a protection and management plan, and conduct a comprehensive assessment to determine the best land use hereof”***, thus issuance of notice to vacate the area by the Regional Office is necessary. Likewise, Regional Special Order creating AMT must be issued by the RED.
2. To validate the extent of the area covered by the OLPLA No. 2 and the land classification of the whole area, the copy of Map covering the 17.655 hectares is hereby requested from the FMB as this Office does not have any record of it. Moreover, it will be the basis to verify if the abovementioned cadastral Lot Nos. 5143 and no. 5836 are included in the issued OLPLA No. 2.
3. The Provincial Government of Marinduque is hereby advised to apply for appropriate tenurial instrument for the portion that falls within the Timberland.
4. Legal action should be undertaken concerning the claim of the MMC over the two parcels of land (Lot Nos. 5836 and 5143).

For your information and further instruction.

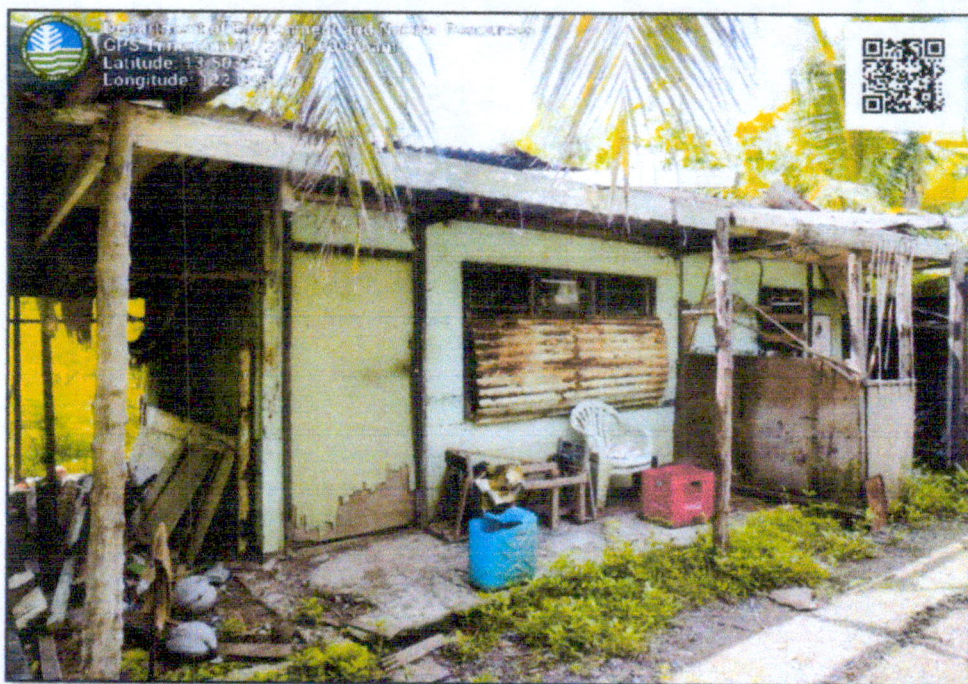

IMELDA M. DIAZ

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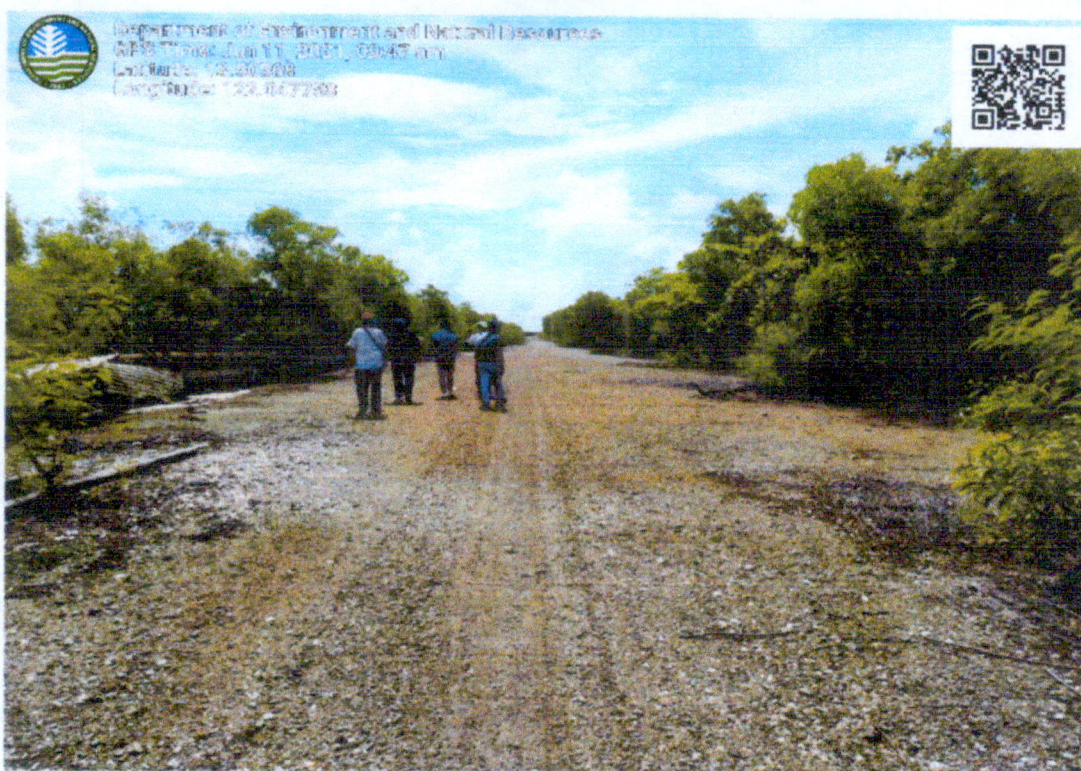
Hon. Presbitero J. Velasco, Jr.
Governor
Provincial Government of Marinduque



Republic of the Philippines
Department of Environment and Natural Resources
PENRO Marinduque



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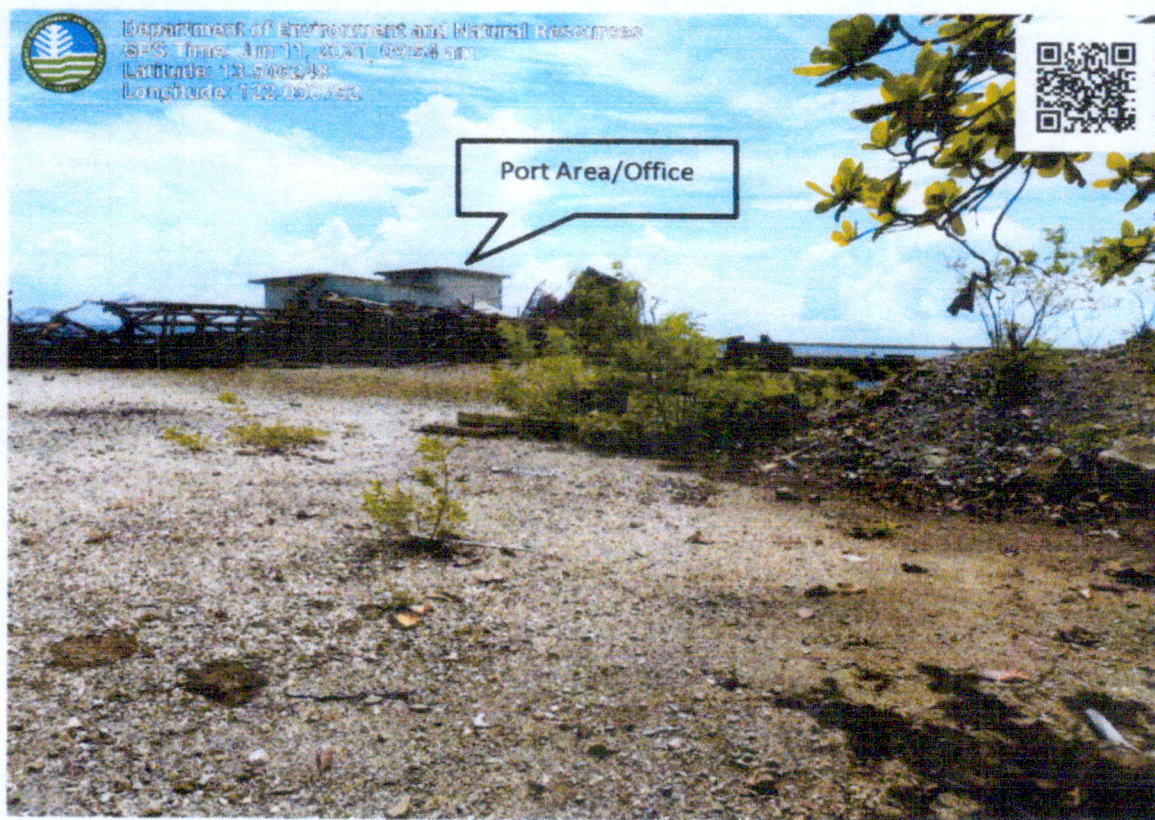


Republic of the Philippines
Department of Environment and Natural Resources
PENRO Marinduque



Geotagged photos of old conveyor connected from bodega to the port

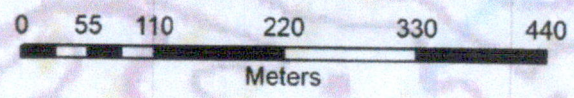
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**BALOGO PORT OF MARCOPPER MINING
COMPANY COVERED BY OLPLA**



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Alienable and Disposable Land

**Timber Land Block E, Project No. 5
LC 789 Map**

Note 1.) Lot 5143 and 5836 were plotted using the technical description on Lot Data Computation record of this Office overlayed to LC 789.
2) LC 789 were georeferenced subject for further verification due to erroneous tickmarks indicated in the LC 789.

