



17 October 2022

MEMORANDUM

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

: **The Regional Director**
Mines and Geosciences Division
MIMAROPA Region

THRU : **The PENR Officer**
Provincial Environment and Natural Resources Office
Province of Palawan

FROM : **The Community Environment and
Natural Resources Officer**
Coron, Palawan

SUBJECT : **INVESTIGATION REPORT ON THE QUARRY OPERATION
ALONG MALABNAO RIVER IN BRGY. SAN RAFAEL,
BUSUANGA, PALAWAN**

Respectfully endorsing the report regarding the abovementioned subject.

This is connection with the verbal complaint received by the MGB embedded personnel last 30 September 2022. Based on the result of the investigation conducted on 06 and 11 October 2022, it was confirmed by the investigating team that Mr. Frederick Sariago was conducting quarry operation in the area. The permit for the said activity, however, is still on process. Therefore, the proponent is recommended to cease its operation until the necessary documents are acquired.

For your information and record.



RODNEY C. VERIAN
OIC-CENRO
CENRO Calamianes Islands



12 October 2022

MEMORANDUM

FOR : The Community Environment and
Natural Resources Officer
Coron, Palawan

FROM : The Undersigned

SUBJECT : INVESTIGATION REPORT ON THE QUARRY OPERATION
ALONG MALABNAO RIVER IN BRGY. SAN RAFAEL,
BUSUANGA, PALAWAN



Background Information

Last 30 September 2022, a verbal complaint was received by the undersigned regarding sand and gravel extraction in Brgy. San Rafael, Busuanga, Palawan. It was mentioned that the quarry activity was operated by Mr. Frederick Sariego. Based on the sent photographs (*see Annex-1*) of the complainant, Mrs. Alexis Libertad-Tolarba, erosion along riverbanks was aggravated by the quarry operation.

Pursuant to Travel Order No. 2022-026, the undersigned – MGB embedded personnel and CENRO Calamianes Islands Technical Staff investigated the abovementioned subject last 06 and 11 October 2022.

Purpose and Scope

The fieldwork was conducted to verify the statements of the complainant about the quarry activity and its damages in the area. The investigation includes an ocular inspection of the site, photo documentation, and a verbal interview with the complainant and defendant.

Findings and Observations

1. The subject area is located along Malabnao River, Brgy. San Rafael, Busuanga. Geographically at 12° 11' 40.45" N, 119° 54' 19.48" E. This is approximately 64 km away from CENRO which can be reached by an approximately 1 hour and 20-minute car drive (Figure 1).
2. Prior to the on-site inspection, the undersigned first paid a courtesy to the barangay to discuss the purpose of the fieldwork. The barangay officials, Kgd. Bernard Rodriguez and Kgd. Marilyn Sariego was asked by the undersigned if the barangay was aware of the operation of the proponent (*see Photo Documentation*). Based on Kgd. Sariego, her husband (Mr. Frederick Sariego) has an ongoing application for commercial sand

and gravel permit and has permission from the PMRB to conduct extraction in the area. Both councilors accompanied the undersigned to the quarry site in Malabnao River for the actual inspection.

3. Mr. Sariego was not present during the investigation as he was in Coron for a personal errand. Hence, Kgw. Sariego was the one who answered all the questions of the undersigned.



Figure 1. Location map of the investigated quarry activity in Brgy. San Rafael, Busuanga, Palawan. The image is from Google Earth.

4. Upon arrival in the area, stacks of hollow blocks and stockpiles were observed. Parked heavy equipment was also noted. As mentioned by the councilors, these trucks are owned by the province of Palawan and were only parked in the area. Moreover, an ongoing sand and gravel operation was observed along the bank of the river (*see Photo Documentation*). As per the statements of the councilors, the proponent supplies to different government projects such as Rural Health Unit, slaughterhouse, and others within the municipality of Busuanga. The undersigned asked Kgw. Sariego if her husband has the necessary permits for the activity but unfortunately, she was not certain about the papers of the business.
5. Mr. Sariego was then interviewed via phone call. It was mentioned that he paid the PMRB for his extraction in the area. Furthermore, he added that a PMRB technical team conducted few months ago an aerial and on-site survey. Based on the result of the PMRB inspection, the proponent has almost exhausted or consumed ~95% of the paid earth material. The undersigned requested to present the receipt and/or other related document(s) such as but not limited to PMRB Resolution to support his claim. It was also stated that his application is ongoing and is now waiting for the endorsement of the Sangguniang Panlalawigan ng Palawan.
6. It was noted along Malabnao River that some portion of it was blocked by a makeshift road (*see Photo Documentation*). Some bamboos have also been destabilized and have fallen into the river without the soil to anchor and support it.

7. Mrs. Alexis Libertad-Tolarba was also interviewed by the undersigned (*see Photo Documentation*). It was mentioned that Mr. Sariego was conducting extraction further upstream of the inspected area. Given the undersigned's limited time during inspection, the mentioned area will be inspected the following week. She added that on this site, a lot of bamboos have already fallen due to the removal of earth materials beneath its roots. She also mentioned that the erosion along cutbank (Figure 2) has also been hastened due to the quarry activity in the area.

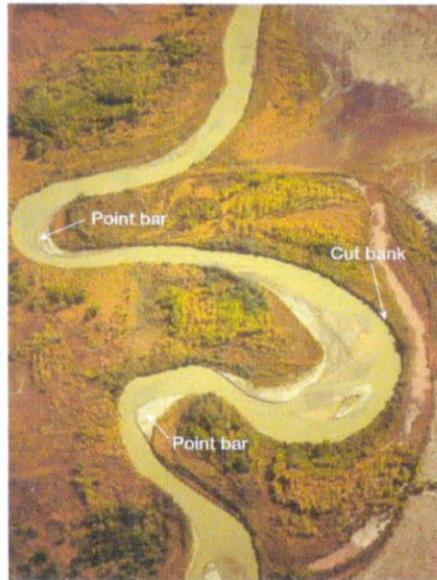


Figure 2. Parts of a river. *Excerpted from Essentials of Geology by Lutgens, Tarbuck, & Tasa (2011).*

8. Last 10 October 2022, Mr. Sariego presented all the documents he holds. It was discovered by the MGB embedded personnel that the payment the proponent had paid was for a penalty fee for 100 cu. m. earth materials worth Php 100,000.00. Interestingly, the name of the receipt was not under the proponent but rather after a certain Mr. Ariel Aranas (*see Annex-2*).
9. A follow-up monitoring was conducted on 11 October 2022 on the mentioned site of Mrs. Tolarba. Numerous fallen bamboos were indeed confirmed in the area, a likely result of very rapid erosion of the cut bank as the bamboos are still alive without it being properly attached to a soil substrate. To add, a large pile of sand and gravel obstructs the flow of the river and narrowed the channel width (*see photo documentation*). As river system is dynamic in nature, it compensated for the blocked inner bank by moving laterally outward towards the cutbank. As a result, the cutbank became more prone to erosion. The locals were also asked regarding the occurrence of flooding during the investigation to verify other possible causes of the rapid erosion in the site. According to them, the last flood has occurred two years ago.

Comments and Recommendations

1. It is recommended to Mr. Sariego that extracting without a valid permit is considered to be illegal, hence, should cease from conducting extraction in the area. It is advised to first secure the necessary permits prior to the extraction of sand and gravel.
2. Provided that the proponent conducted extraction without a permit, this constitutes to violation of Section 103 of Republic Act 7942, otherwise known as the Philippine Mining Act of 1995.

Theft of Minerals – Any person extracting minerals and disposing the same without mining agreement, lease, permit, license, or steals minerals or ores or the products thereof from mines or mills or processing plants shall, upon conviction, be imprisoned from six (6) months to six (6) years or pay a fine from ten thousand pesos (Php 10, 000.00) to twenty thousand pesos (Php 20,000.00), or both, at the discretion of the appropriate court. In addition, he shall be liable to pay damages and compensation for the minerals removed, extracted, and disposed of. XXX


The extracted materials are also considered to be illegally sourced mineral/mineral products. Section 116 Chapter XII of DAO 2010-21 defines this as,

Illegally sourced minerals/mineral products are those which are mined, extracted, removed, and/or disposed of without the authority or permit under existing mining laws, rules and regulations.

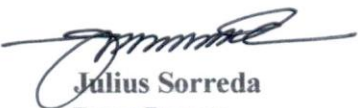
3. Mr. Sariego is also recommended to rehabilitate the area to limit the effects of erosion. Removing the blockage of sand and gravel along the river channel is suggested.
4. Endorse this to PMRB to clarify why they have issued an order of payment for the penalty. Moreover, the PMRB Coron is also requested to further explain for allowing the proponent to conduct extraction without a permit.

For your reference, record, and further instruction(s).


Casandra Lynda Jalac
Science Research Specialist II
MGB MIMAROPA – Embedded Personnel


Mark Angelo Factuar
Forest Ranger
CENRO Calamianes Islands


Reniel Oliver Fuentes
Forest Technician I
CENRO Calamianes Islands


Julius Sorreda
Forest Ranger
CENRO Calamianes Islands


Annex-1



Photographs sent by the complainant, Mrs. Alexis Libertad-Tolarba. As mentioned by her, these were taken last 02 October 2022. No ongoing excavation was seen however, evidence of recent movement may be observed.

Annex-2

Change: 00
ACCOUNTABLE FORM No. 51-C
Revised January, 1992 (ORIGINAL)

| | | | |
|---|-----------------|---|------|
|  | | Official Receipt of the Republic of the Philippines | |
| | | Nº 9813575 D | |
| | | Date March 15, 2021 | |
| Agent: RTO | | Fund: 01 | |
| Payor: MR. ARIEL ARANAS | | | |
| Nature of Collection | Account Code | Amount | |
| Penalty Fee | 402-07-002 P | 100,000.00 | |
| Remarks: | | | |
| 100 cc. SAC Motivation of PMRB Resolution No. P-010-2019 Source: San Rafael Barr-Pal | | | |
| TOTAL | | 100,000.00 P | |
| One Hundred Thousand Pesos Only Amount in Words | | | |
| X | | | |
| <input type="checkbox"/> Cash | Drawee Bank | Number | Date |
| <input type="checkbox"/> Check | | | |
| <input checked="" type="checkbox"/> Money Order | | ELINO P. MONDRAGON | |
| Received the amount stated above Provincial Treasurer | | | |
| ANN/03/15/21 14:10:23:680 | | | |
| Collecting Officer | | | |
| NOTE: Write the number and date of this receipt on the back of check or money order received. | | | |

he Philippines
ment of Palawan
REGULATORY BOARD

MARCH 8, 2021
Date

1 Hollow blocks () Boulders ()

1, BAYANGA PAL.
BAYANGA
1

FREDERICK B. SARIEGO / ARIEL ARANAS

NOTE: Macanas
MR. MEDARDO B. MACANAS SR.
PUNONG BAYANGAT

INSPECTED BY

MA. TERESA J. CASARENO
Project Officer III
PMRB Enforcement & Monitoring Team

Receipt of the paid earth materials of Mr. Frederick Sariego. It can be noted that it was named to not to the proponent but rather to Mr. Ariel Aranas.



Republic of the Philippines
Provincial Government of Palawan
PROVINCIAL MINING REGULATORY BOARD



MARCH 8, 2021

Date

RICHRISTOPHER C. MAGBANUA

Program Director
Mining & Quarrying Regulatory Program
Province of Palawan

THRU: MA. TERESA J. CASARENO

Project Officer III
PMRB Monitoring & Enforcement Team

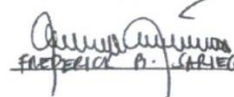
Dear Sir,

The undersigned would like to request for :

WHAT : Transport (✓) Extraction ()
ITEM : Gravel & Sand (✓) Waste Materials (✓) Hollow blocks () Boulders ()
VOLUME : 400 CB. M.
SOURCE : SD. MALADJAO, BGY. SAN RAFAEL, BUCUANGA PAL.
DESTINATION : W/IN MUNICIPALITY OF BUCUANGA
PURPOSE : Personal use () Commercial (✓)

Thank you very much for your kind consideration.


Respectfully yours,


FREDERICK A. SARIEGO / ARIEL ARDANS

INSPECTED BY :


DAVE M. CERVANTES
PMRB Monitoring Staff

NOTE : Macanas ✓
HON. MEDARDO B. MACANAS SR.
PUNONG BARANGAY


MA. TERESA J. CASARENO
Project Officer III
PMRB Enforcement & Monitoring Team

Receipt of the paid earth materials of Mr. Frederick Sariego.



Republic of the Philippines
Provincial Government of Palawan
PROVINCIAL MINING REGULATORY BOARD
Puerto Princesa City

C.N. PMR - 2021

3/15/2021
Date

ORDER OF PAYMENT

The attached payment of Mr. Ariel Aranas in the amount of (P 100,000.00) in cash/money order/check no. _____ may be accepted and Official Receipt thereof is issued.

| | |
|-------------------------------|-------------------|
| Fine/Penalty | <u>100,000.00</u> |
| Monitoring Trust Fund | _____ |
| Delivery Receipt | _____ |
| Application Form | _____ |
| Application Fee | _____ |
| Permit Fee | _____ |
| Filing Fee | _____ |
| Processing Fee | _____ |
| Projection Fee | _____ |
| P.D. 1856 | _____ |
| Registration Fee | _____ |
| Verification Fee | _____ |
| Regulatory Fee/Extraction Tax | _____ |
| Certification Fee | _____ |
| TOTAL | <u>100,000.00</u> |

Violation of PMRB Reso. No. P-018-2010

Sec. 1. Transport of Sand and Gravel & Other Quarry Resources w/out valid Delivery Receipt:

1st Offense - 1,000 / cu. m. x 100 cu. m. 100,000.00

2nd Offense - 3,000 / cu. m. x _____ = _____

3rd Offense - 5,000 / cu. m. x _____ = _____

Sec. 2. Excess of allowed volume in the permit

P 1,000 / cu.m. x _____ = _____

Sec. 3. Transport of Sand and Gravel and Other Quarry Materials Extracted from Areas NOT covered by Valid Permit- _____

Total Fine/Penalty = 100,000.00

Source: San Rafael, Buaya, Pal.

For and By Authority of the Board:

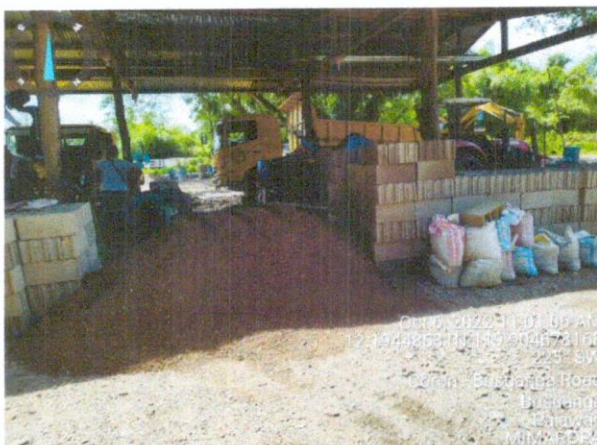
Richristopher C. Magbanua
RICHRISTOPHER C. MAGBANUA
Security Officer V / MGRP Director

Receipt of the paid earth materials of Mr. Frederick Sariego. It can be noted that it was named to not to the proponent but rather to Mr. Ariel Aranas.

Photo Documentation



Courtesy call in Brgy. San Rafael, Busuanga. Discussion with the barangay officials regarding the issue of Mr. Sariego regarding quarry operation in Malabnao River. In the image are (from left to right) Kgw. Marilyn Sariego, Kgw. Bernard Rodriguez, and Ms. Casandra Jalac (MGB embedded personnel).



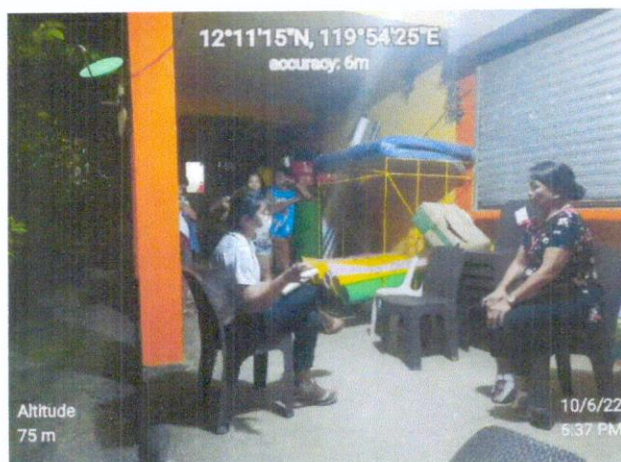
The observed hollow blocks and stockpiles near the quarry site of Mr. Sariego. It was explained by the barangay councilors that the yellow heavy equipment in the area is owned by the province of Palawan and was only parked in the site.



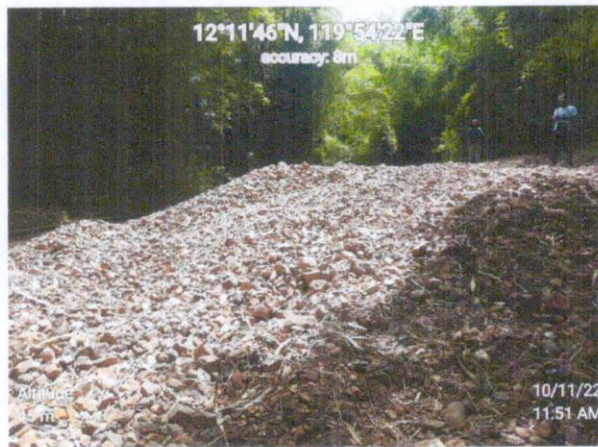
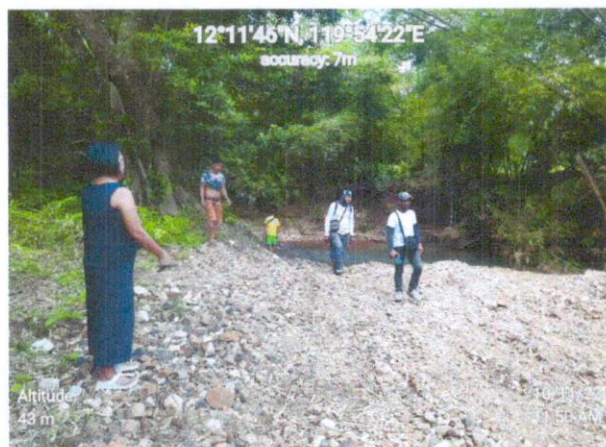
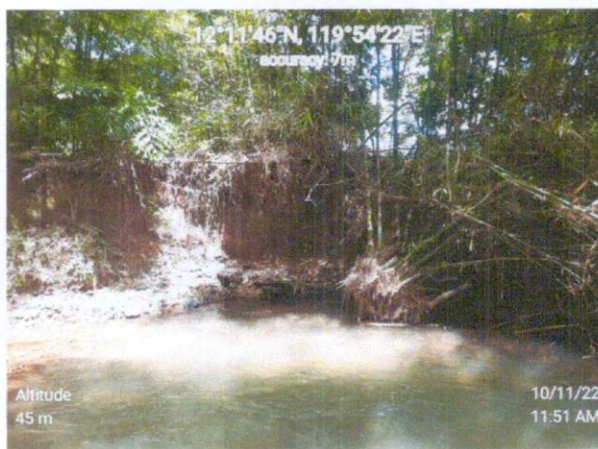
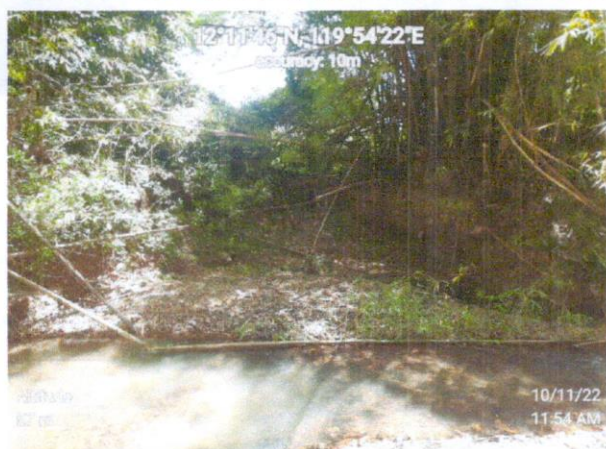
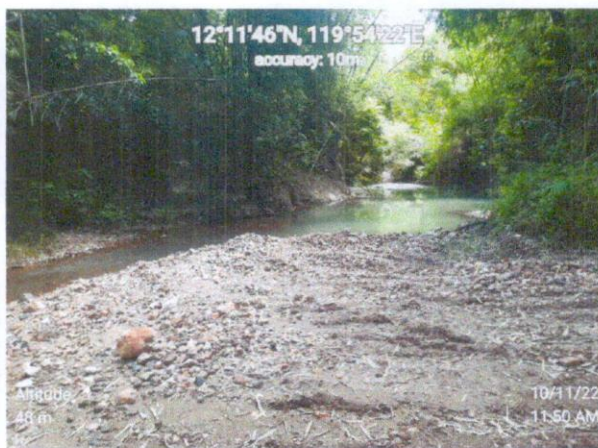
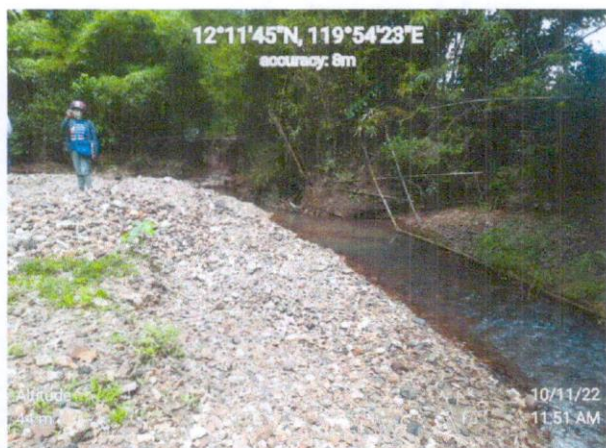
Ongoing extraction on the stockpiles of the proponent. The necessary permits/clearances were asked to Kgw. Sariego however, all the documents were kept by Mr. Sariego.



Current state of Malabnao River. The makeshift road slightly blocks the flow of the river. Few fallen bamboos were also noted.



Discussion of the MGB personnel with Mrs. Alexis Libertad-Tolarba.



The current state of the quarry site mentioned by Mrs. Tolarba. It was observed that earth materials obstruct the flow of Malabnao River. Further, bamboos were seen detached and some that have fallen to ground.