



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

October 21, 2022

MEMORANDUM

FOR : The PENRO
Sta. Monica, Puerto Princesa City, Palawan

FROM : The CENRO
Roxas Palawan

SUBJECT : **REPORT ON THE MONITORING ACTIVITY ON THE
ISSUED CEASE AND DESIST ORDER TO MR. JOHN
BAGUNA FOR THE ILLEGAL EXTRACTION OF SAND AND
GRAVEL IN CARAMAY RIVER, BARANGAY CARAMAY,
ROXAS PALAWAN.**

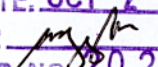
Respectfully forwarding the memorandum report of our MGB Embedded Personnel dated 19 October 2022 regarding the above-cited subject.

For your action and recommendation.


PABLO L. CRUZ

Cc: **The Regional Executive Director**
Department of Environment Natural Resources – MIMAROPA Region

The Regional Director
Mines and Geosciences Bureau – MIMAROPA Region

DENR-CENRO ROXAS
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October 19, 2022

MEMORANDUM

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

FROM : The Undersigned

SUBJECT : **REPORT ON THE MONITORING ACTIVITY ON THE
ISSUED CEASE AND DESIST ORDER TO MR. JOHN
BAGUNA FOR THE ILLEGAL EXTRACTION OF SAND
AND GRAVEL IN CARAMAY RIVER, BARANGAY
CARAMAY, ROXAS PALAWAN.**



Background Information

On 14th to 15th October, 2022, the Undersigned together with Forest Protection Officer Donne Sabroso conducted Cease and Desist Monitoring issued on 6th April, 2022 to Mr. John Baguna based on the field findings on the report "INVESTIGATION REPORT ON THE ILLEGAL EXTRACTION OF SAND AND GRAVEL MATERIALS IN BRGY. CARAMAY, ROXAS, PALAWAN" dated 15th March, 2022.

Findings and Observation

1. Upon arriving at the Caramay River, the undersigned observed sacked sand and gravel materials alongside a certain Mr. Kim Baguna (photo 1).
2. The undersigned then asked Mr. Kim Baguna if he 'owns' the sacked materials. He confirmed this and said that he intends to use this to construct his house in Brgy. Caramay.
3. The undersigned then explained to Mr. Kim Baguna that such extractions without valid permits is illegal.



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4. Mr. Kim Baguna then replied that his family owns a portion of the lot adjacent to the Caramay River.
5. The undersigned then recommended Mr. Kim to apply for a Private Gratuitous Permit to the PMRB to utilize these resources legally.
6. The undersigned asked if he is in any way related to Mr. John Baguna.
7. He stated that Mr. John Baguna is his uncle.
8. The undersigned then inquired if there are ongoing extraction of SAG materials which were used for hollow blocks production of Mr. John Baguna. He said that there wasn't any.
9. Upon traversing the Caramay River, the Undersigned validates that there is no ongoing production of Hollow Blocks, although there are sacked SAGs with unidentified owners (photo 3)

FINDINGS AND RECOMMENDATIONS

1. No evidence of extraction and utilization of the SAG materials of Mr. John Baguna is observed in Caramay River.
2. Mr. Kim Baguna may apply for a Private Gratuitous Permit with the Provincial Governor/City Mayor through the Palawan Provincial Mining Regulatory Board (PMRB) for the extraction, removal and utilization of quarry, sand and gravel from his land. Provided, that, there is adequate proof of ownership and that the materials shall be for personal use.
3. Based on the field findings, Mr. Kim Baguna is found to be in violation of Section 103 of RA 7942, otherwise known as the Philippine Mining Act of 1995, which provides:

Section 103. Theft of Minerals – Any person extracting minerals and disposing the same without a mining agreement, lease, permit, or 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 to pay a fine from Ten thousand pesos (P 10,000.00) to Twenty thousand pesos (P 20,000.00), or both at the



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discretion of the appropriate court. In addition, he shall be liable to pay damages and compensation for the materials removed, extracted, and disposed of.

A **Cease and Desist Order** must be issued to affect the same

4. Continuous Monitoring of issued CDOs and intensive IEC to the Barangay officials and constituents of Brgy. Caramay on Mining Laws.

For the CENRO'S consideration and further instruction

DOMINIK L. ECHANO
Science Research Specialist II

PHOTO DOCUMENTATION



Photo 1. Mr. Kim Baguna about to transport the sacked SAG materials on his Carabao sledge.



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Photo 3. No hollowblocks production was observed during the inspection. However, there are sacked and stockpiled SAGs noted.

MAPS

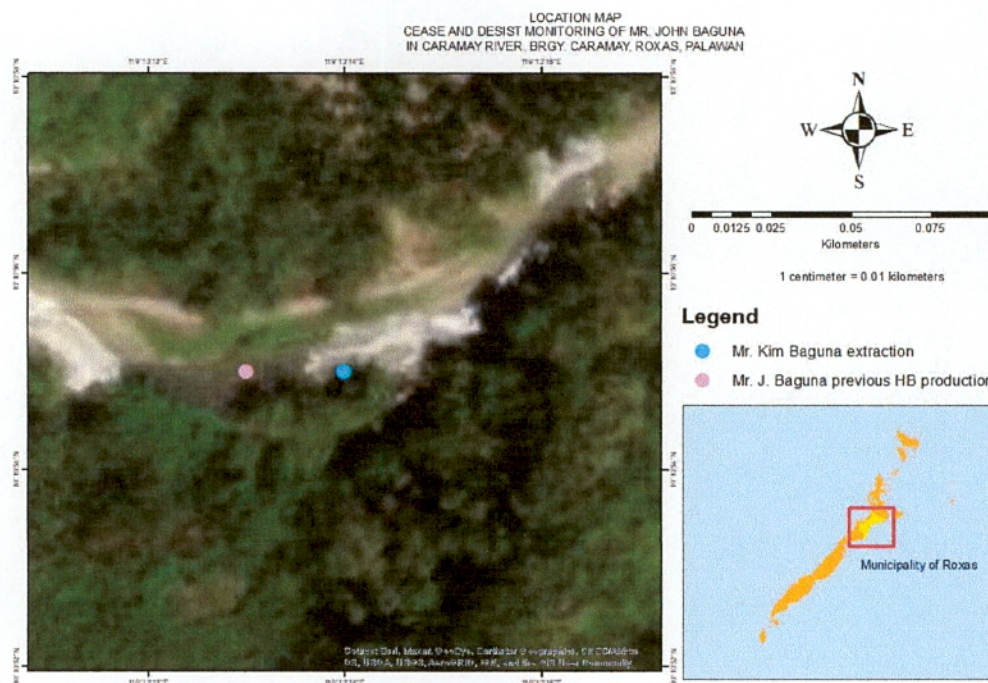


Figure 1. Location Map