



Republic of the Philippines
Department of Environment and Natural Resources
MINES AND GEOSCIENCES BUREAU
MIMAROPA Region

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16 August 2023

MR. HANNIEL T. NGO

President

Altai Philippines Mining Corporation

1901 Tycoon Center, Pearl Drive

San Antonio, Ortigas Center

Pasig City

Dear Mr. H. T. Ngo:

This refers to the 08 June 2023 Letter of Altai Philippines Mining Corporation (APMC) requesting permission to transfer its dump trucks, backhoes, and other miscellaneous equipment from Bato Port to a safer place outside Sibuyan Island, Romblon.

Please be informed that the matter was forwarded to the Mines and Geosciences Bureau Central Office (MGB CO) through the 15 June 2023 Memorandum for comments and clarifications in view of the 06 February 2023 Joint Order of the Department of Environment and Natural Resources (DENR) MIMAROPA Region, Environmental Management Bureau (EMB) MIMAROPA Region, and this Office.

The MGB CO responded through the attached 04 August 2023 Memorandum citing that the above request of APMC may be allowed, provided that:

1. Confirmation from DENR MIMAROPA Region and EMB MIMAROPA Region allowing the transfer of equipment shall be secured by APMC;
2. The transfer of equipment shall be strictly supervised by representatives of this Office, EMB MIMAROPA Region, and DENR MIMAROPA Region to ensure that APMC will not engage in any activity other than transferring its equipment to a safer place outside Sibuyan Island;
3. The designated area where the said equipment will be transferred shall be disclosed to the same authorities previously mentioned;
4. There shall be an inventory of the equipment due for transfer to the designated area before and after the said transfer activity;
5. There shall be a timeline as to the movement and transfer of the said equipment which shall be completed as scheduled; and

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IN SUSTAINING WEALTH CREATION AND IMPROVED QUALITY OF LIFE."**

6. All permits necessary for the transfer of equipment, if any, shall be secured by APMC.

Please be guided accordingly. Thank you.

Very truly yours,


FELIZARDO A. GACAD, JR.
Regional Director

Enc'l: As stated

cf: **The Regional Executive Director**
Department of Environment and Natural Resources
MIMAROPA Region
Roxas Boulevard, Ermita, Manila

The PENR Officer
Provincial Environment and Natural Resources Office
Province of Romblon
Brgy. Tabing Dagat, Odiongan, Romblon

The Mayor
Municipality of San Fernando
San Fernando, Romblon



MINES AND GEOSCIENCES BUREAU
MIMAROPA Region



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Department of Environment and Natural Resources
MINES AND GEOSCIENCES BUREAU

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MEMORANDUM

TO : **THE REGIONAL DIRECTOR**
Mines and Geosciences Bureau Regional Office No. IV-B
7th Floor, DENR Building, 1515 Roxas Boulevard,
Ermita, Manila

FROM : **THE OIC DIRECTOR**
Mines and Geosciences Bureau
North Avenue, Diliman, Quezon City

SUBJECT : **REQUEST FOR PERMISSION TO TRANSFER DUMP TRUCKS, BACKHOES, AND OTHER MISCELLANEOUS EQUIPMENT FOR BATO PORT BY ALTAI PHILIPPINES MINING CORPORATION**

DATE : **4 AUGUST 2023**



This refers to the Memorandum dated 15 June 2023 from the of Mines and Geosciences Bureau (MGB) Regional Office No. IV-B (MGB IV-B) requesting for comments on the request of Altai Philippines Mining Corporation (APMC) for permission to transfer its dump trucks, backhoes and other miscellaneous equipment (equipment) to a safer place outside of Sibuyan Island.

APMC is the holder of Mineral Production Sharing Agreement (MPSA) No. 304-2009-IVB executed by and between the Philippine Government, through the DENR and APMC on 23 December 2009. The MPSA covers a 1,580.8010-hectare contract area situated in San Fernando, Sibuyan Island, Romblon and is currently in its *exploration stage*.

To recall, the Regional Executive Director of the Department of Environment and Natural Resources (DENR) – MIMAROPA, the Regional Director of the Environmental Management Bureau (EMB) Regional Office No. IV-B (EMB IV-B) and the Regional Director of MGB IV-B issued a Joint Order dated 6 February 2023 ordering APMC the following:

"WHEREFORE, this Office hereby ORDERS the following:

- 1. For APMC to CEASE AND DESIST from the construction and operation of its causeway in Sitio Bato, Brgy. España, San Fernando, Romblon as*

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precautionary measure against potential irreparable damage to the environment;

2. Ore Transport Permit No. OTP-APMC-162-001-2022-MIMAROPA issued to APMC is TEMPORARILY SUSPENDED by virtue of Item No. 1 hereof;

3. APMC to STOP transporting ore from the contract area to the causeway;

4. APMC's application for Miscellaneous Lease Contract is DENIED for its violations of Commonwealth Act 141, otherwise known as the Public Land Act, as amended, and other related issuances;

5. PENRO Romblon to FILE appropriate legal actions, if warranted, on the reported cutting of trees without permit; and

6. PENRO Romblon to CONDUCT investigation on the potentially damaged sea grass and other marine resources."

Since APMC is still in its exploration stage, its usage of the said heavy equipment should be in accordance with its approved Exploration Work Program (ExWP). Otherwise, its use of the said equipment, even the mere presence of the same in APMC's contract area is questionable. However, the Joint Order did not include any restriction on APMC's equipment deployed in the contract area and did not also restrain APMC from accessing the contract area.

It should be noted, though, that on 13 June 2023, the Supreme Court issued a Resolution in G.R. No. 265146, Petition for Writ of Kalikasan with Prayer for Issuance of a Temporary Environmental Protection Order (TEPO), entitled *Veronica Batan, Elmor A. Borda and Alfreo B. Pascual versus MGB, DENR and APMC*, issuing a Writ of Kalikasan against the respondents, referring the case to the Court of Appeals for further reception of evidence and denying the prayer for the ex-parte TEPO. Nevertheless, the said Resolution as well as the Resolution issued by the Court of Appeals on 12 July 2023 does not contain conditions pertaining to the Writ of Kalikasan nor this Office received a separate Writ of Kalikasan setting forth the conditions that must be complied by this Office.



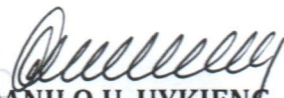
Thus, if the purpose of APMC is to move its equipment to a safer area to avoid exposure to elements and to protect the operational capabilities and road worthiness of the same, APMC may be allowed to do so, provided that:

1. APMC shall secure confirmation from DENR-MIMAROPA and EMB IV-B to allow the transfer of the said equipment;
2. The transfer of AMPC's equipment shall be strictly supervised by representatives from the MGB IV-B, EMB IV-B and DENR-MIMAROPA to ensure that AMPC will not engage in any activity other than transferring its equipment to a safer place outside Sibuyan Island;
3. The designated area where the said equipment will be transferred shall be disclosed to the authorities mentioned above;
4. There shall be an inventory of the equipment due for transfer to the designated area before and after the said transfer activity;
5. There shall be a timeline as to the movement of the said equipment and the transfer of the said equipment shall be completed as scheduled; and
6. APMC shall secure all permits necessary to the transfer of its equipment, if any.

This, however, is without prejudice to any further Orders and/or issuances that the Supreme Court and/or the Court of Appeals may direct this Office and its co-respondents in relation to Petition for Writ of Kalikasan pending before the Court of Appeals.

For your information and consideration.




ATTY. DANILO U. UYKIENG
