



December 14, 2023

MEMORANDUM

FOR : The OIC, Regional Executive Director
DENR-MIMAROPA Region

THRU : The Assistant Regional Director for Technical Services

FROM : The In-Charge, Office of the PENRO

SUBJECT : **ALLEGED ILLEGAL ACTIVITIES WITHIN
BARANGAY BUNGANAY, BOAC, MARINDUQUE
(DENRCO-OSEC-2023-0070471)**

In compliance with the marginal note instruction under Memorandum dated November 29, 2023 of the Undersecretary for Field Operations-Luzon, Visayas and Environment Atty. Juan Miguel T. Cuna, CESO I, regarding the abovementioned subject, attached herewith is the investigation report of the technical personnel of this Office dated December 13, 2023.

Please be informed that upon receipt of the instruction to act on the subject complaint, technical personnel from this Office was immediately dispatched to the area to check the veracity of the report. The complainant who preferred anonymity, alleged that certain individuals or businessmen in their community are using their influence, connections as well as machineries to take advantage of the natural resources in their barangay. Despite of some lacking vital information e.g. who the alleged perpetrator is, where is the exact location of the alleged illegal activity, and what specific illegal activity is being undertaken in that area, our technical personnel did their best and proceeded to the Barangay Hall of Bunganay for courtesy and to get some information from Punong Barangay Franklin Magalang and his councilmen that may help to identify the reported illegal activity and its perpetrators.

Based on the report of the Team, no such illegal activity or complaint was recorded in the barangay. Instead, they narrated that the only area which conducted excavation of soil three (3) years ago, is a private resort situated in their barangay. When the Team asked if the soil excavated from the said private resort is transported and sold anywhere, they said that they have no idea. With the guidance of said barangay officials, they proceeded to the said private resort and they were entertained by its caretaker/manager. The resort manager said that they indeed conducted excavation of soil within the premises of their private property three (3) years ago to give way for the construction of a swimming pool, and they said that the extracted soil was dumped to the lower portion of the area to flatten it. The resort manager further said that they never transported the soil outside or anywhere. The Team was permitted by the resort manager to roam around the premises to take pictures for documentation purposes.



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The Team proceeded to another area where there is an ongoing construction of flood control dike being implemented by the DPWH for the possibility that it was the site mentioned in the complaint. Geo-tagged photos were taken for documentation purposes. The Team preferred not to divulge the identity of the resort and its owner considering that the complaint is bereft of any details as to whom and what specific illegal activity he/she is complaining for.

Relative thereto, it is recommended that the said concerned citizen must provide necessary detail about his/her complaint in order for us to act with certainty and accuracy based on our existing laws, rules and regulations. Further, we would like to request clarification to the said concerned citizen the statement that accordingly, the alleged illegal activity was multiple times reported to the DENR Office, but no action was taken after visiting the sites where the said natural resources are being exploited. It was hard for the investigators to act accordingly on the said complaint in the absence of any lead or details of the reported natural resources illegal activity.

Attached are geo-tagged photos for your reference.

For information and further instruction.

“For and in the absence of the PENRO”


SIMEON R. DIAZ
Land Management Officer III
In-Charge, Office of the PENRO




December 13, 2023

MEMORANDUM

FOR : The OIC-PENR Officer
DENR PENRO Marinduque

THRU : The Chief, Technical Services Division

FROM : Investigation Team

SUBJECT : **ALLEGED ILLEGAL ACTIVITIES WITHIN BARANGAY BUNGANAY, BOAC, MARINDUQUE [DENRCO-OSEC-2023-007047]**

This is in connection with the Memorandum dated November 29, 2023 of Atty. Juan Miguel T. Cuna, CESO I, Undersecretary for Field Operations- Luzon, Visayas and Environment, address to the OIC-Regional Executive Director of DENR-MIMAROPA and in compliance with handwritten instruction of the OIC-RED to conduct verification ASAP regarding the electronic mail dated November 05, 2023 by a concerned citizen of Barangay Bunganay, Boac, Marinduque, complaining an alleged illegal activity within the barangay.

Per e-mail, there is an alleged illegal activity being done by some businessmen within Barangay Bunganay, Boac. Accordingly, a certain individual is using their acquired machinery to take advantage of the natural resources of the barangay. He/She further alleged that it has been reported multiple times to the local DENR office but no action has been taken even after their visit to some of the sites where the natural resources are being exploited.

To comply with the instruction and to address the concern on the complaint, the Office of the DENR-PENRO Marinduque immediately acted on the instruction by the OIC-Regional Executive Director by dispatching a Team to conduct the verification. The Team proceeded immediately to the barangay hall of Barangay Bunganay, Boac, Marinduque for a coordination meeting with the barangay official and to gather information regarding the issue considering that the complainant did not mention any details on his/her letter complaint. The Barangay Captain, Hon. Franklin M. Magalang together with his two kagawads one of whom is the one handling the Committee on Environment entertains and meets the Team. The barangay officials accommodated our questions and queries regarding issues such as the illegal extraction of mineral resources using heavy equipment. It was also asked if there are complaints logs in their log book regarding the illegal extraction of mineral resources in their barangay. The barangay officials narrated that the only area that conducted excavation is the private resort that is within barangay Bunganay and accordingly the excavation was done (3) three years ago. When asked by the Team if the soil that was excavated/extracted by the alleged resort owner was transported and sold anywhere, the Barangay officials answered that they had no idea. They further mentioned that other excavation being done is the ongoing construction of slope protection dike for flood control by the DPWH. The information that was gathered prompted the Team to visit all the areas mentioned.

At around 10:00 AM, the Team together with some barangay officials proceeded to a private resort for courtesy and ask permission to enter their premises considering that the area is



private property. The caretaker or the manager on duty at the resort assisted/entertained the team. The Team explained to the resort manager the purpose of our visit. She also requested if she could read the complaint which we agreed on for the sake of transparency. After reading of the letter complaint, the team started the query regarding the issue. The undersigned asked if the resort owner excavated the area. The resort manager answered that she had no idea because she was just recently hired and she called some of the staff who have institutional memory. The staff narrated that there is an excavation conducted on the area purposely for the construction of a swimming pool and the soil that was extracted was used to flatten some portion of the vicinity of the resort. When asked if the excavated soil was transported outside the resort, he answered that “no sir” the soil was used to fill the deep portion of the area to flatten it. The statement and narration of the staff of the resort owner validate the statement of the barangay officials regarding some excavation activity by the private resort owner. “The Team would like to emphasize that the area excavated is part of the whole area of the private resort is private land”.

To complete our documentation, the Team asked permission if we can roam around to observe and to take some pictures to enhance our documentation. After consulting with the owner of the resort, the caretaker allowed and accompanied the Team to go around and take some geo-tagged photos/pictures for documentation to support our ground verification and as proof that we conducted an ocular inspection on the area. Although the team has no idea about the area being complained by the complainant. After the ocular inspection of the area, the caretaker or the manager on duty receives a phone call from the resort owner and asks if he can talk to the Team. The undersign talked to the owner and he mentioned that an excavation was conducted (3) three years ago but they never transported the soil/materials outside and they used it as pilling materials to flatten a portion of the resort, he also requested that we go around the resort including the firing range area and look for any excavation activity because accordingly he never violated any ENR laws. He also appreciated the actions being undertaken by the DENR and the barangay officials for the effort to shed light on the issue and to explain and clear their sides.

After the ground verification in the private resort, the Team also proceeded to the ongoing flood control project by the DPWH for the possibility that this is one of the several sites mentioned in the letter complaint. The team conducted ground observation and took some geo-tagged photos as part of the evidential requirements.

Results and Observations

1. That, the Team cannot provide an exact and definite verification report regarding the complaint because of the lack of information as to the specific site /area and or project being complained because the report/ complaint is hollow as to the details of the several sites mentioned in the letter complaint that can help the Team to easily identify the area and what are the illegal activity being done;
2. That, the subject letter sender (complainant) must provide specific information as to the location of the site/area being complained;
3. That, the Barangay officials have no idea regarding the complaints and they cannot provide details regarding the issues and cannot verify the mentioned several sites because there was no specific area mentioned on the letter complaint;



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4. That no blotter or report in the barangay record about illegal activity undertaken that is damaging to the environment or no extraction of any natural resources;
5. That, to address the concern of the letter complaint and to address the issue, he/she must provide specific details as to the mentioned several sites on his/her complaint;
6. That the barangay officials assumed that the excavation within the private resort was the illegal activity being reported by the concerned citizen;
7. The after the ocular inspection/investigation within the private resort it were observed that indeed an excavation happened (3) three years ago but the materials that was excavated were used as pilling materials on the deep portion of the resort to flatten the area;
8. That, the purpose of the excavation is for the construction of the proposed swimming pool. It was also observed that there no ongoing construction/excavation in the area;
9. That, to address the concerned of the complaint of the letter sender, he or she must provide specific details on the several sites that he or she is mentioning.

Recommendations

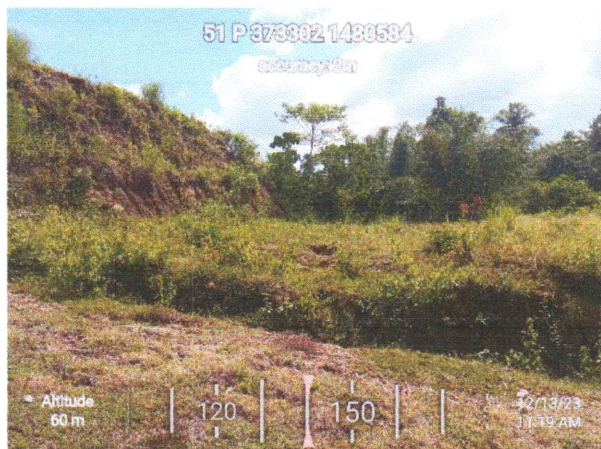
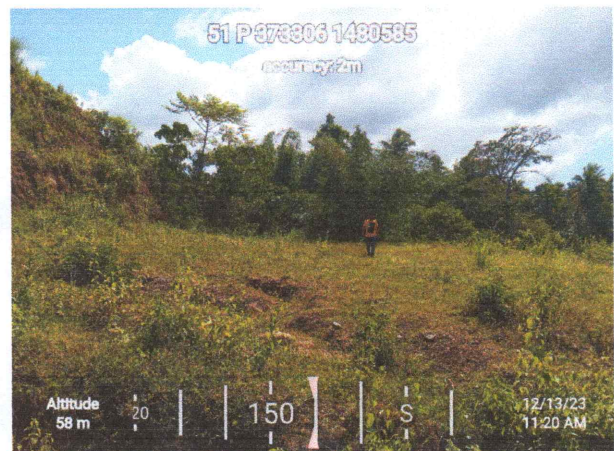
In view of the foregoing, the Team recommended that the concerned citizen who sends the letter complaint must provide the specific details on the several sites that he or she mentioned on his/her complaint. The team also would like to make some clarification on the **“multiple times that he/she reported to the local DENR office. However, it seems that there was no action taken even after their visit to some of the sites where the natural resources are being exploited”**. The Team is humbly requesting the date of the letter complaint of the concerned citizen. Because for us investigators, it is very hard to gather information if the subject matter has no details and is very broad. How can we act on the issues that are being raised if no detailed information was provided

Prepared and Investigated by:

RANDY N. ESTRELLA
Forest Ranger

DON GIBSON MERCADO
Forester I

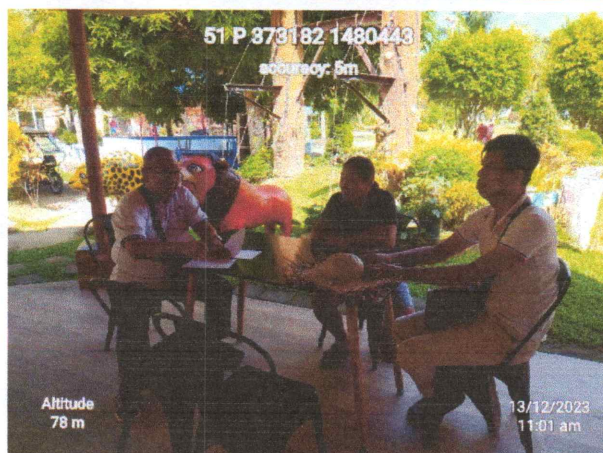
JOYBERT F. MIJARES
Senior Forest Management Specialist



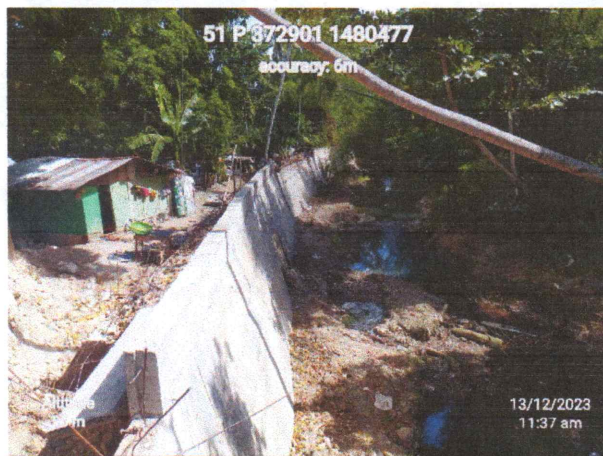
Levelled portion of land owned by the by private resort for the construction of swimming pool



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Coordination to Barangay Officials of Brgy. Bunganay, Boac and caretaker of the private resort discussing the reported issue.



On-going construction of flood control along the Bunganay River



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CO-2023-124126

DENR MIMAROPA RECORDS SECTION	
RECEIVED	
BY:	RM
DATE:	DEC 17 2023
TIME:	01:50

MEMORANDUM

TO : THE REGIONAL EXECUTIVE DIRECTOR
DENR-Region IV-B MIMAROPA
1515 Roxas Blvd., Ermita, Manila

FROM : THE UNDERSECRETARY
Field Operations – Luzon, Visayas and Environment

SUBJECT : ALLEGED ILLEGAL ACTIVITIES WITHIN BRGY. BUNGANAY,
BOAC, MARINDUQUE

DATE : NOV 29 2023

Referred to your office is the Electronic mail dated 05 November 2023 of [redacted] of Brgy. Bunganay, Boac, Marinduque regarding the above-mentioned subject.

Relative to this, you are hereby instructed to conduct verification and to act accordingly on the matter. Furnish this Office and the parties concerned of the actions taken citing document tracking number DENRCO - OSEC-2023-007047 for record and monitoring purposes.

For compliance.

ATTY. JUAN MIGUEL T. CUNA, CESO I

PENRO

12/11

plb. act on
this ASAP and
submit report
of your actions
taken, attach
USBC memo. in
your compliance

11:32 AM

Department of Environment and Natural Resources Mail - Fwd: OSEC-2023-007047: Requesting Assistance Re: Illegal Act...

I am writing this email to inform your good office regarding the alleged illegal activities being done by some businessmen here in our community. I request that your good office start a thorough investigation on this as this is alarming.

Located at Brgy. Bunganay, Boac, Marinduque. A certain individual is using their acquired machineries to take advantage of the natural resources of the barangay. This has been reported multiple times to the local DENR office. However, there seems to be no action taken even after their visit at some of the sites where the natural resources are exploited.

We would like to make sure that our community, especially the natural resource of our barangay and even the country is not being taken advantage of by people who don't seem to want to abide by the Philippine Constitution.

We request that this be stopped immediately with your assistance as we don't have the capability to do this on our own as we were told that these businessmen have power over some and has connections.

We would like to finally see the changes that has been promised by the Philippine Government Officials and we would like to see corruption gone.

We will be monitoring this and hope that you'll be of assistance to us.

Thank you for your consideration.

Regards,
Concerned Citizen of Brgy. Bunganay Boac Marinduque

Please keep my identity confidential