



Republic of the Philippines
Department of Environment and Natural Resources
MIMAROPA Region
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE
Brooke's Point, Palawan - 5305
Email Address: cenrobrokepoint@denr.gov.ph

Ika 25 ng Agosto, 2023

G. BILLY C. ELEFANE

Barangay Rio Tuba, Bataraza,, Palawan

Minamahal na Ginoo:

Ito po ay may kaugnayan sa pagkakatanggap ng Email na may petsa August 24, 2023 galing sa Head, DENR Action Center na may Reference Code No. C20230824-893-8 na himihingi ng tungkol sa inyong lupang titulado na nakatala bilang Lot No. 1644-C, Csd-4A-001066-D na matatagpuan sa Barangay Rio Tuba, Bataraza, Palawan.

Base po sa talaan ng aming Opisina, ang nasabing lupa ay titulado kay Gng. Benigna Sendito na iginawad taong 1984, sa ngayon po ang nasabing lupa ay isa ng pribadong pagmamay-ari.

Kalakip po dito ay ang mga kopya ng aming sagot sa inyong mga liham:

1. Sulat na may petsa June 5, 2018 na nilagdaan ni Supervising EMS/Chief, EnMU Mercedita B. Almorfe;
2. Sulat na may petsa Setyembre 2, 2019 at inindorso sa PENRO na may petsa Setyembre 16, 2019;
3. Sulat na may petsa Setyembre 16, 2019 na may katunayan ng inyong pagkatanggap noong Setyembre 25, 2019;

Ang inyong liham na may petsa na December 6, 2022 na kung saan ay inirereklamo ninyo ang ginagamit ng Rio Tuba Nickel Mining Corp. na Road Right of Way, iyon ba ay katabi ng tituladong lupa na pagmamay-ari ni Gng. Benigna Sendito? Ang aming Opisina ay magsasagawa ng isang pagsisiyasat sa nasabing usapin.

Ang aming tanggapan ay umaasa na kayo ngayon ay mas nabigyan ng kaliwanagan.

Maraming salamat.

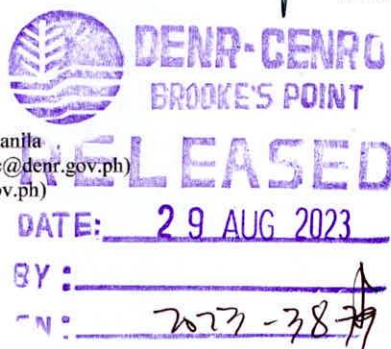
Gumagalang,


LEONARD T. CALUYA
CENRO

Doc. Ref. No. 2023-3879

Copy Furnished:

The Presidential Complaint Center (PCC), Malacañang, Manila
Office of the Secretary, DENR Action Center/Hotline(osec@denr.gov.ph)
DENR MIMAROPA Region, 8888 DENR (denr@8888.gov.ph)
PENRO





Republic of the Philippines
Department of Environment and Natural Resources
MIMAROPA Region
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE
Brooke's Point, Palawan - 5305
Email Address: cenro_brkspt@yahoo.com

June 5, 2018

MR. BILLY C. ELEFANE
Barangay Rio Tuba, Bataraza, Palawan

Dear Mr. Elefane :

This refers to the letter dated April 26, 2018 about your concern on the alleged violation of Rio Tuba Nickel Mining Corporation in the issued ECC condition under item no. 34 of ECC -CO-9612-008-302 that states " the proponent shall immediately execute a Perpetual Lease Agreement and/or Lease Agreement with the landowner of the 7km. Macadam Road linking the quarry areas and the pier sites".

In our initial investigation of the issue, it appears that the area that you are referring to has already been purchased by the mining company and has long been acted upon by the concerned authorities as manifested in the documents provided by the RTN mining company, such as :

- a) Court Order of the RTC of Puerto Princesa City, Palawan, Branch 46 issued dated December 1988;
- b) Deed of Absolute Sale;
- c) Deed of Assignment;
- d) Waiver of Rights;
- e) Right of Way Agreement; and
- f) Other pertinent documents in favor of the company

Further, in view of the project expansion of the company, a new ECC was issued to them per ECC-CO-1312-0043 dated March 09, 2015 that **supersedes the previous ECC as indicated above issued to RTN mining company.**

However, you may provide also this Office any additional supporting documents of your claim over the issue at hand that may form part of our further investigation and action, as necessary.

Thank you.

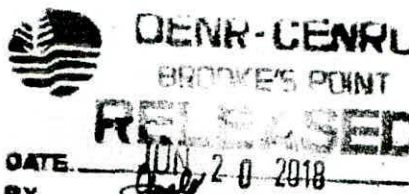
Very truly yours,

MERCEDITA B. ALMORFE
Sup EMS/Chief, EnMU

Noted :

CONRADO M. CORPUZ
In-charge, Office of the CENRO

cc. The Chief, PEMU
ENR-Pal. DDO





Republic of the Philippines
Department of Environment and Natural Resources
MIMAROPA Region
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE
Brooke's Point, Palawan

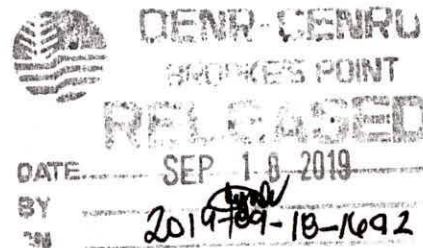
Receiving Copy
CENRO - Brooke's Point

16 September 2019

MR. BILLY C. ELEFANE

Barangay Rio Tuba, Municipality of Bataraza
Province of Palawan

Dear Mr. Elefane,



This is in response to your letter, dated and received by this Office on 02 September 2019, requesting for assistance with your standing concern on the alleged violation of Rio Tuba Nickel Mining Corporation (RTNMC) with the issued Environmental Compliance Certificate (ECC) docketed under ECC – CO – 9612 -008 – 302, specifically condition Item No. 34 stating that:

"The proponent shall immediately execute a Perpetual Lease Agreement and/or Lease Agreement with the landowners of the 7-km Macadam Road linking the quarry areas and the pier facilities."

In consonance to your previous letter dated 23 August 2019 requesting for the issuance of a document supporting your claim that there was no legal acquisition that transpired further demanding the concerned mining company to pay all the damages caused and related to this issue, we are reiterating the Order of the Regional Trial Court of Palawan and Puerto Princesa City given on December 1988 for the Civil Case No. 861 for Road Right of Way, which we believe we had already provided you with a copy, stating that:

"...this case has long been terminated and the decision in this case long been final and executory. Considering the instant motion to be well-taken and meritorious, as prayed for, the defendants, their heirs, assigns, and successors – in – interests are hereby enjoined and/or restrained from blocking and closing any portion of the road right of way and/or in any manner doing any act that would be inimical to the plaintiff and/or impede the peaceful and continuous operation of the plaintiff's mining business in Rio Tuba, Bataraza, Palawan, in order to maintain the status quo."

Additionally, with regard to the circumstance of the new ECC denominated under ECC – CO – 1312 – 0043 superseding the formerly issued compliance certificate, the appropriate authority to provide you the necessary discussion would be the EMB Regional Office or EMB Central Office. Thus, this Office does not have the legal personality to issue any document related to the ECC without the consent and/or approval of EMB Regional/Central Office. Consequently,

Received: 09/25/19
BILLY C. ELEFANE

please be informed that we had referred this matter to the above-cited government units for their respective actions.

Lastly, you may refer to the matrix provided for the details of the actions taken by this Office based on the compiled documents from the Environmental Management Bureau – Provincial Environment Management Unit of Puerto Princesa (EMB – PEMU Puerto Princesa).

Document	Document Date / Receiving Date	From / Addressed To	Brief Content	Remarks
Complaint Letter	26 April 2018	Complainant / OIC - PENRO Felizardo B. Cayatoc	Subsumed within the complaint regarding the alleged violation of RTNMC of one of the ECC conditionalities under ECC - CO - 9612 - 008 - 302	Responded through an official letter dated 05 June 2018 discussing the the result of the initial investigation disclosing the documents provided by the mining company and informing the complainant of the new ECC under ECC - CO - 1312 - 004 issued to RTNMC dated 09 March 2015 superseding the previous ECC
Request Letter	02 August 2019 / 05 August 2019	Complainant / OIC - CENRO Conrado M. Corpuz	Requested for a copy of the following documents: (1) Court Order of the Regional Trial Court - Puerto Princesa City Branch 46 issued on December 1988; (2) Deed of Absolute Sale; (3) Deed of Assignment; (4) Waiver of Rights; (5) Right of Way Agreement; and (6) other pertinent documents in favor of the mining company	Provided a copy of the requested documents acknowledging receipt through a letter dated 23 August 2019
Follow-up / Request Letter	23 August 2019 / 23 August 2019	Complainant / OIC - CENRO Conrado M. Corpuz	Apprised the CENRO that the documents provided by the EMB are "irrelevant" and "not a single document is accurate". Requested the CENRO - Brooke's Point to issue an official letter supporting the complainant's claim ("That there is no acquisition that transpired").	Retorted through an information letter dated 27 August 2019 from Supervising EMS Mercedita Almorfe informing the complainant that this concern has been raised during one of the Mine Rehabilitation Fund Committee (MRFC) Meetings last 2018 further remarking that the issue "has already been decided by the Court and the body can no longer intervene in the issue."
Request Letter	02 September 2019 / '02 September 2019	Complainant / OIC - CENRO Conrado M. Corpuz	Requesting assistance as the complainant's "not getting a direct / straight answer from Supervising EMS Mercedita B. Almorfe".	Responded through an official letter summarizing all the pertinent actions taken by the concerned government units in addressing this pressing issue

We hope we have provided you with the pertinent information and action in addressing your concern.

Very truly yours,

CONRADO M. CORPUZ
Officer-in-Charge, CENRO

Copy furnished:
Provincial Environment and Natural Resources Office – Palawan
Provincial Environmental Management Unit – Palawan
File

M.Rodriguez St. Poblacion District I, Brooke's Point Palawan 5305
Mobile Phone: Globe: 0945-257-1402; Smart: 0912-429-0856
Email/Gmail: cenro_brkspt@yahoo.com; cenrobrkspt@gmail.com

CENRO
COP-1



Republic of the Philippines
Department of Environment and Natural Resources
MIMAROPA Region
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE
Brooke's Point, Palawan - 5305
Email Address: cenro_brkspt@yahoo.com

Receiving Copy
CENRO-BP

September 16, 2019

MEMORANDUM

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

THRU : The Officer – In – Charge
Provincial Environmental Management Unit – Palawan
Sta. Monica, Puerto Princesa, Palawan

FROM : The Officer – In – Charge
Community Environment and Natural Resources Office
Brooke's Point, Palawan

SUBJECT : **COMPLAINT OF MR. BILLE ELEFANE REGARDING THE ALLEGED VIOLATION OF RIO TUBA NICKEL MINING CORPORATION WITH THE ISSUED ENVIRONMENTAL COMPLIANCE CERTIFICATE SPECIFICALLY CONDITION ITEM NO. 34**

DENR PENRO
PALAWAN REGIONAL
RECEIVED
BY: *(Signature)*
DATE: 09/25/19 ON 19-7271
10:15 AM

This pertains to the letter of Mr. Billy Elefane, dated and received by this Office on 02 September 2019, underscoring his standing request for the issuance of certificate stating that no acquisition of the claimed subject area had transpired between him and Rio Tuba Nickel Mining Corporation (RTNMC).

In this light, may we respectfully refer this matter to your Office, subsequently, recommending for the prompt conduct of a technical conference as fitting ground for discussion and provision of the pertinent information/explanation Mr. Elefane is demanding.

DENR-CENRU
BROOKE'S POINT
RELEASED
DATE: SEP 18 2019
BY: *(Signature)*
2019-89-18-1693
2019-3620

(Signature)
CONRADO M. CORPUZ