



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

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09 March 2020

MR. CLODOVEO PALATINO, JR.
Palatino Trading
Brgy. Cabuyo, Torrijos, Marinduque

Dear Mr. C. Palatino, Jr.:

This refers to the site investigation report dated February 03, 2020 of the validating team of this Office pertaining to the extraction and crushing/batching operations of your crushing/batching plants located in Brgy. Cabuyo, Torrijos, Marinduque.

The investigation is in view of the issues and concerns raised by the Marinduque Council for Environmental Concerns (MACEC) embodied in Resolution No. 44 Series of 2019 entitled, *"RESOLUTION EARNESTLY REQUESTING THE PROVINCIAL MINING REGULATORY BOARD (PMRB) OF THE PROVINCE OF MARINDUQUE TO CONDUCT INSPECTION ON THE EXISTING QUARRYING OPERATION AT BARANGAY CABUYO, TORRIJOS, MARINDUQUE."* The said Resolution was one of the agenda raised during the conduct of the Sangguniang Panlalawigan Committee on Public Works and Structures' meeting held last January 27, 2020 and attended by the OIC-PENR Officer Imelda M. Diaz, pertaining to MACEC's concern to the total destruction of Cabuyo River due to your existing quarrying and crushing operations as well as strong opposition of residents of Brgy. Cabuyo to the said operations

During the conduct of field investigation, the team did not encounter any actual extraction activities as well as crushing operation in Cabuyo River. There were no movement of heavy equipment. No hauling and transport of gravel stockpiles were also noted. However, during an interview with one of your staff named Nikki Eissa, the team was informed that the last quarrying and crushing operations of the crushing plant was on November 2019.

It may be recalled that this Office issued two (2) Cease and Desist Orders (CDOs) dated February 23, 2018 and May 10, 2019. Both CDOs advised you to refrain from further conducting quarrying and crushing operations primarily because you are not a holder of the required Mineral Processing Permit, Mechanical and Electrical Installation Permit for the crushing plant and Industrial Sand and Gravel (ISAG) Permit for the quarrying activities in Cabuyo River. To date, both CDOs are still in effect, hence you are in violation of Sections 109, 150, and 72b of DAO No. 2010-21, the Implementing Rules

**"MINING SHALL BE PRO-PEOPLE AND PRO-ENVIRONMENT
IN SUSTAINING WEALTH CREATION AND IMPROVED QUALITY OF LIFE."**

and Regulations of Republic Act No. 7942, otherwise known as the Philippine Mining Act of 1995.

Also, in your Letter dated June 6, 2019 to this Office, in response to the CDO dated May 10, 2019, you requested for an extension of time to submit all the requirements necessary for your extraction and crushing operations, but to date no documents have been submitted to this Office.

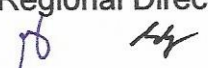
Considering that the extension of time granted to you have reached a period of 9-months from now and no compliance has been made, this Office is instructing you to abide and comply to the issued CDOs until such time you have secured the needed permits to legalize your extraction and crushing/batching operations.

Failure to do so, this Office will be constraint to file appropriate charges against you in court for violation of the applicable provisions of Republic Act No. 7942 and DAO No. 2010-21, and the possibility of dismantling/seizure/confiscation of the equipment used to commit the illegal act.

Thank you.

Very Truly Yours,


ROLAND A. DE JESUS, CESO V
Regional Director


a/s : Investigation Report dated February 3, 2020
cc : The PENR Officer
PENRO-Boac
: The Provincial Governor
Boac, Marinduque
: The Municipal Mayor
Torrijos, Marinduque
: The Punong Barangay
Cabuyo, Torrijos, Marinduque
: The Sangguniang Panlalawigan
Boac, Marinduque



MEMORANDUM

FOR : IMELDA M. DIAZ
OIC, PENR OFFICER

THRU : CYNTHIA U. LOZANO
CHIEF, TECHNICAL SERVICES DIVISION

FROM : HENRY D. GERVASIO
JONATHAN M. MOTOL

SUBJECT : SITE INVESTIGATION REPORT TO THE QUARRYING/CRUSHING OPERATION OF THE BATCHING AND CRUSHING PLANTS OF PALATINO TRADING LOCATED IN BRGY. CABUYO, TORRIJOS, MARINDUQUE

DATE : FEBRUARY 03, 2020

This respectfully refers to the above subject that was investigated by the undersigned. Please find the issue, methodology, findings and recommendations relative to the matter.

I. ISSUE:

The issue was based on Resolution No. 44 Series of 2019 of the Marinduque Council for Environmental Concerns (MACEC) adopted on September 16, 2019 entitled "*RESOLUTION EARNESTLY REQUESTING THE PROVINCIAL MINING REGULATORY BOARD (PMRB) OF THE PROVINCE OF MARINDUQUE TO CONDUCT INSPECTION ON THE EXISTING QUARRYING OPERATION AT BARANGAY CABUYO, TORRIJOS, MARINDUQUE.*" The said Resolution was one of the agenda raised during the conduct of the Sangguniang Panlalawigan Committee on Public Works and Structures' meeting held last January 27, 2020 and attended by OIC-PENR Officer Imelda M. Diaz. The said resolution embodied the concerns of MACEC to the total destruction of Cabuyo River due to its continuous quarrying and crushing operation and the strong opposition of residents of Brgy. Cabuyo to said operation.

II. METHODOLOGY:

Pursuant to Travel Order No. 059 dated January 29, 2020, the undersigned conducted site investigation in Brgy. Cabuyo to verify the status of quarrying and crushing operation in the area. The team first proceeded to Barangay Hall of Cabuyo for a courtesy call to Punong Barangay Andres Villalva of Cabuyo, Torrijos,

Marinduque. Accompanied by Brgy. Tanod Julio Briones, the undersigned proceeded to the crushing and batching plants.

III. FINDINGS:

1. The crushing and batching plants of Palatino Trading (PT) located within an approximately 700m farm to market road located in Brgy. Cabuyo, Torrijos, Marinduque is owned and operated by Mr. Clodoveo Palatino, Jr.
2. No actual extraction/quarrying operation were observed along Cabuyo River within the vicinity of the crushing plant. However, the undersigned noticed the presence of a screen classifier (salandra) at the middle of the river with screened aggregates. Accordingly, the salandra was owned by Palatino Trading based on interview conducted by the undersigned to one of the laborers of a flood control project being undertaken by Monolithic Construction and Concrete Products Corporation.
3. No actual crushing and batching operation were also observed. There were no movements of heavy equipment. A backhoe, under repair and maintenance status and dump truck were idle. Workforce personnel at the time of the field investigation consisted of two (2) secretaries of PT namely Nikki Eissa and Ruby Ann Delmo. No other workforce was noted.
4. According to Ms. Nikki Eissa, the last operation of the crusher plant was last week of November 2019. Since then, no operation has been conducted by PT.
5. Presence of gravel stockpiles of varying sizes were noted. According to Ms. Nikki Eissa the gravel stockpiles were the remnants of the previous crushing operation in November of 2019. No hauling and transport of gravel stockpiles were noted.
6. Presence of mixed soil and boulder stockpiles were observed within the yard of PT which were presumably extracted from Cabuyo River.
7. PT is a holder of an Environmental Compliance Certificate (ECC) denominated as ECC-01-R4B-2018-0064 issued by Environmental Management Bureau (EMB) on June 2, 2018 for the proposed Industrial Sand and Gravel with a total area of 66,177.00 sqm. located at Cabuyo River, Brgy. Cabuyo, Torrijos, Marinduque.
8. PT is also a holder of ECC denominated as ECC-OL-R4B-2017-0122 issued by EMB on October 17, 2017 for the proposed batching and crushing plants located at Brgy. Cabuyo, Torrijos, Marinduque. A minor amendment to its ECC was also issued by EMB on April 3, 2018 increasing the production rate by 100 metric tons per day from the previous 100 metric tons per year.
9. PT is a holder of a Permit to Operate one unit Jaw Crusher and one unit 170KVA "Volvo" Generator Set issued by EMB on November 23, 2017.

IV. CONCLUSIONS AND RECOMMENDATIONS:

1. Considering that the latest crushing operation of PT was on November 2019, PT disregarded the Cease and Desist Order (CDO) dated May 10, 2019 issued by the Mines and Geosciences Bureau (MGB)-Mimaropa Region for operating the said crushing plant without a **Mineral Processing Permit** which is required pursuant to Section 109 of DAO No. 2010-21, the Implementing Rules and Regulations of Republic Act No. 7942 or the Philippine Mining Act of 1995 which states that:


"Section 109. No person shall engage in the processing of minerals without a Mineral Processing Permit."


2. PT also failed to secure from MGB-Mimaropa Region the required **Mechanical and Electrical Installation Permit** pursuant to Section 150 of DAO No. 2010-21 of the same RA and stipulated in the CDO dated February 23, 2018 issued by MGB Mimaropa Region. The provision states that:

"Section 150. No electrical and/or Mechanical installation permit shall be undertaken inside a mining/quarrying operation without a permit issued for the purpose by the Regional Director concerned."

3. PT is **not a permit holder of Industrial Sand and Gravel (ISAG) Permit**, hence any quarrying activities undertaken by him in Cabuyo River is deemed illegal and in violation of Section 72b of the same DAO.
4. Although the team did not notice any extraction/crushing activities in Cabuyo River, PT must be reminded that his ECCs for ISAG and crushing/batching plant ~~does~~ not give him the right to extract sand and gravel as well as to operate the crushing/batching plant, respectively.
5. PT must stop and refrain from his extraction and crushing operation until such time a valid permit is secured. PT is advised to pursue his filing of application for ISAG/MPP at MGB Mimaropa Region to legalize his operation.
6. PT is still subject to secure other relevant permits from other government agencies deemed necessary like barangay permit, municipal business permit, municipal health permit, etc.
7. LGUs must police and monitor all mining activities/operations in their respective areas to avoid the proliferation of illegal mining activities.
8. Conduct further site validation/inspection in the area and file appropriate criminal charges if PT continuously ignored the issued CDOs and still proceeds to his extraction and crushing operation.

For the PENRO's information and further instruction.


HENRY D. GERVASIO
Science Research Specialist II


JONATHAN M. MOTOL
Environmental Monitoring Officer

PHOTOS/DOCUMENTATION



Figure 1 The crusher plant of Palatino Trading in Brgy. Cabuyo, Torrijos, Marinduque

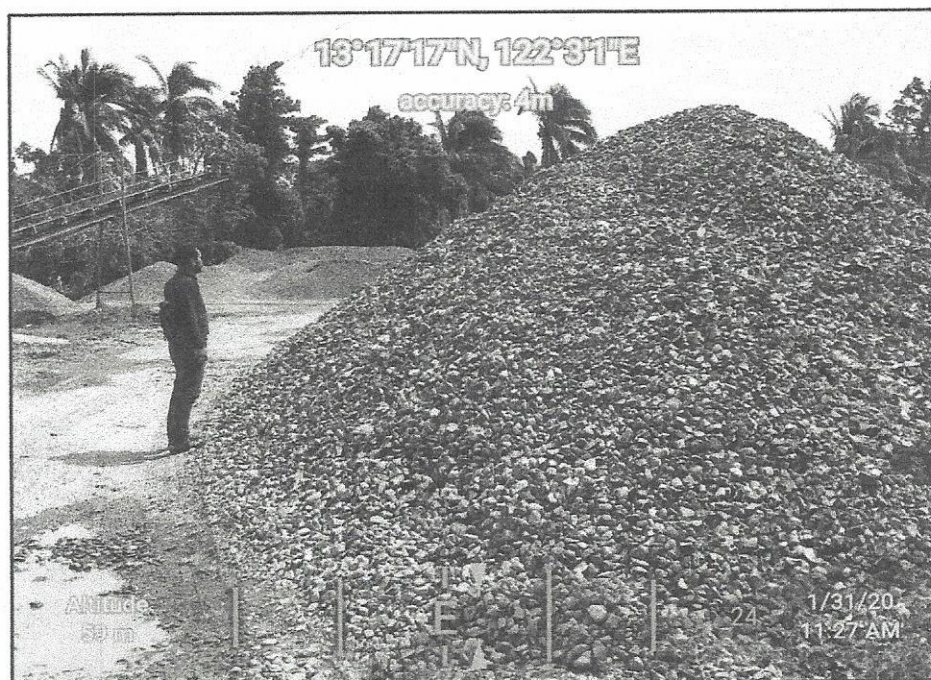
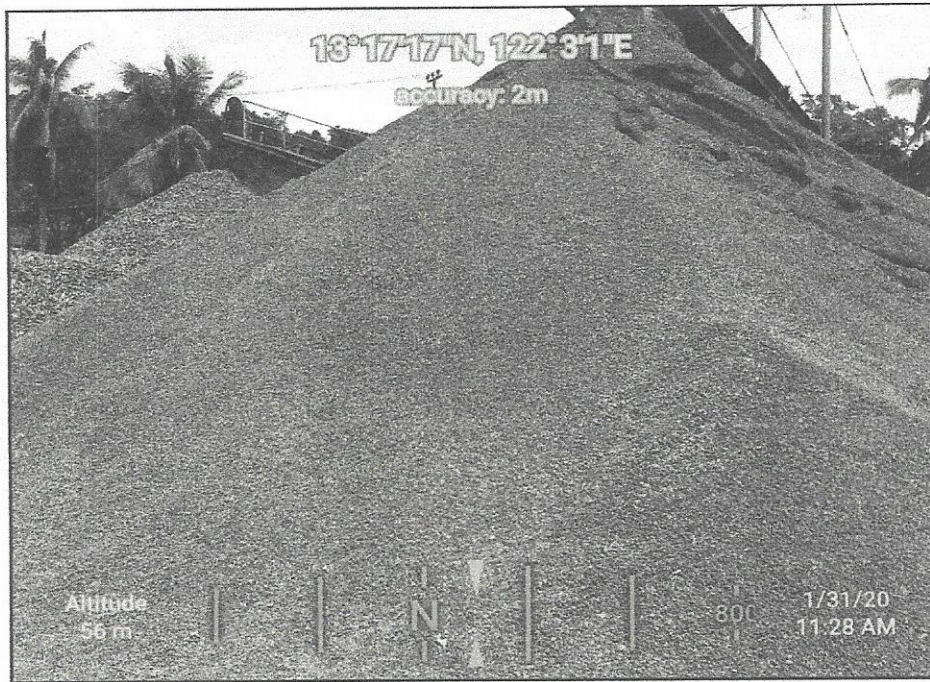
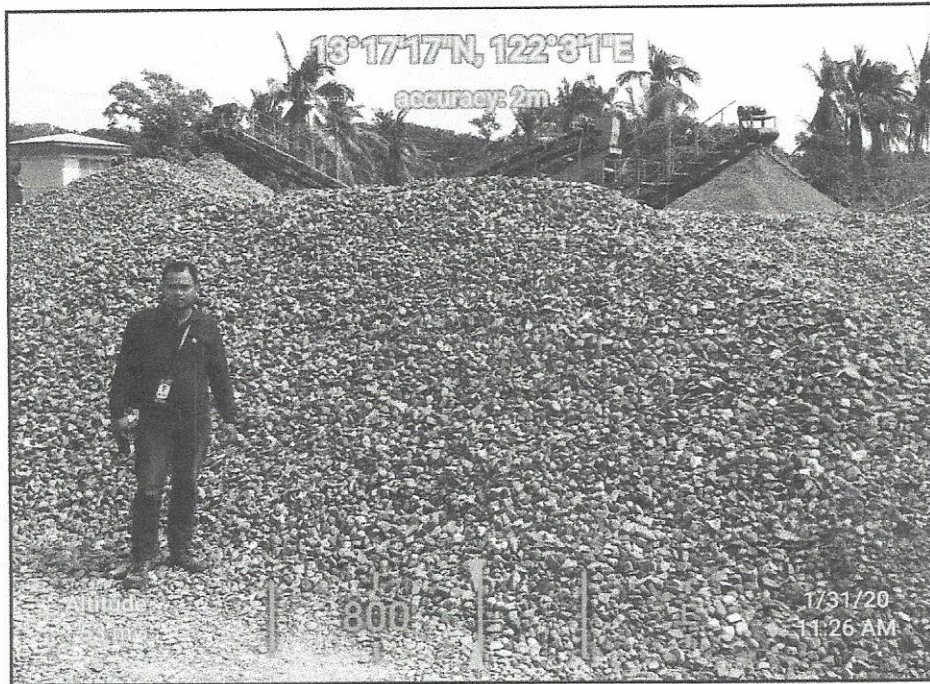


Figure 2. The gravel stockpiles of various sizes within the perimeter of the crushing plant



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Figure 3. More photos of gravel stockpiles

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Figure 4. Backhoe under repair and maintenance and dump truck of Palatino Trading

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Figure 5. Stockpiles of mixed soil and boulders along the perimeter of Palatino Trading

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Figure 6. The screen classifier (salandra) at the mid portion of Cabuyo River



Figure 7. The tailings pond of Palatino Trading overflowing with sludge materials



Figure 8. The 170 KVA Volvo Generator set

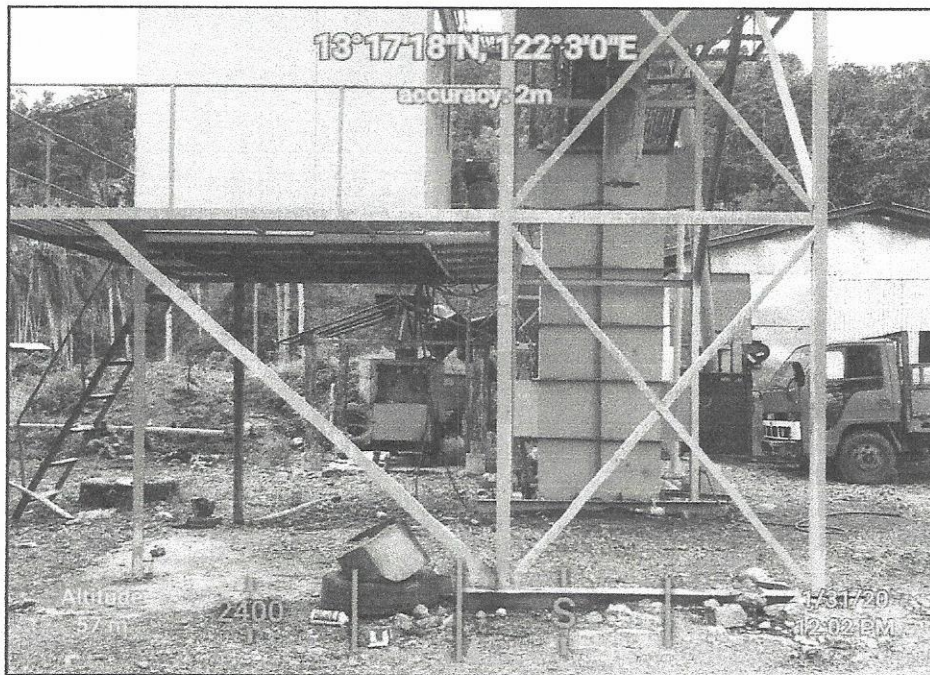


Figure 9. The batching plant of Palatino Trading

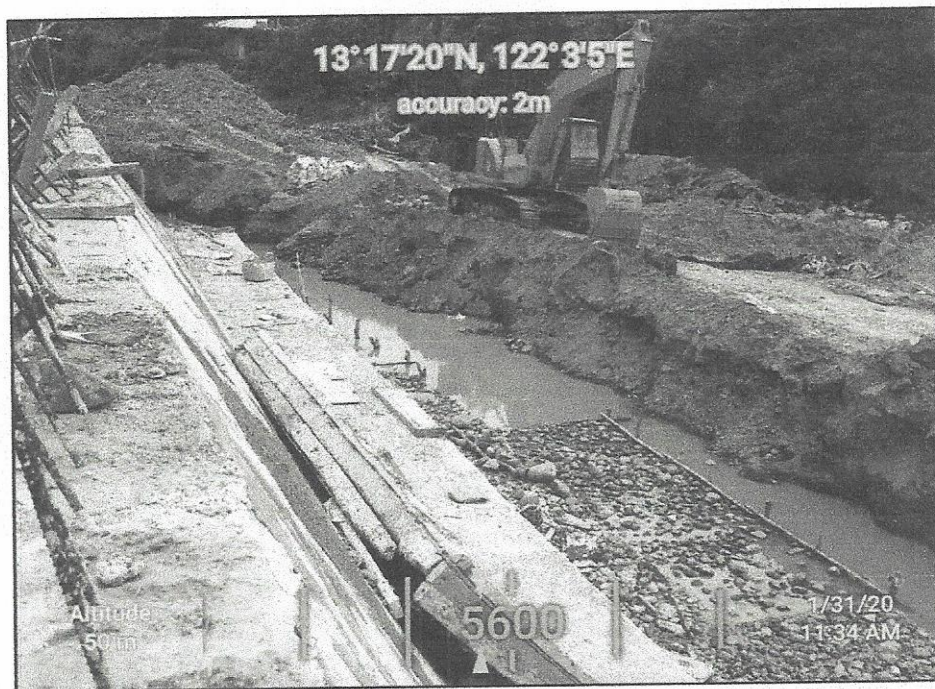


Figure 10. The flood control project of DPWH at Cabuyo River undertaken by Monolithic Construction