



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

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06 January 2023

MR. MARTIN ANTONIO ZAMORA

President
RIO TUBA NICKEL MINING CORPORATION
29/F NAC Tower, 32nd Street
Bonifacio Global City, Taguig City

Attention : ENGR. RONELBERT A. SUGUITAN
Resident Mine Manager

Dear Mr. M. A. Zamora:

This refers to the attached copy of the 06 October 2022 Letter of Ms. Florecita Palanca, Attorney-in-fact of Ms. Marissa Cruz-Morales, regarding the alleged illegal encroachment of Rio Tuba Nickel Mining Corporation in the parcels of land claimed/owned by Ms. Nieves Cruz adjacent to the permit area.

The abovementioned letter was forwarded to this Office in a Memorandum dated 21 December 2022 of DENR MIMAROPA Region for our appropriate action.

Please submit to this Office your comments on the said allegations within 15 days upon receipt hereof.

Thank you.

Very truly yours,


GLENN MARCELO C. NOBLE
Regional Director

Enc'l: As stated

cf. **The Regional Executive Director**
Department of Environment and Natural Resources
MIMAROPA Region

Ms. Florecita Palanca
Attorney-in-fact
Brgy. Rio Tuba, Bataraza, Palawan

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



October 6, 2022

MA. ANTONIA YULO-LOYZAGA
DENR SECRETARY
VISAYAS AVENUE, DILIMAN, QUEZON CITY,
METRO MANILA

THRU: LORMELYN E. CIUDIO
REGIONAL EXECUTIVE DIRECTOR
DENR MIMAROPA REGION
1515 L&S Building, Roxas Boulevard,
Ermita, Manila, Metro Manila

Madame:

I am the attorney-in-fact of Marissa Cruz- Morales, sole heir of Nieves Cruz who is the claimant/owner of the adjoining parcels of land adjacent to Rio Tuba Nickel Mining Corporation in Rio Tuba, Bataraza, Palawan and I am writing to seek the intervention of your good office, and of possible, to conduct a formal investigation for the possible violation of Rio Tuba Nickel Mining Corporation (RTNMC) its mining concession and ECC by encroaching beyond its permit area and occupying the following properties of Nieves Cruz:

1. Lot No. 4734, CAD-795-D identical to Lot No. 1624, PLS-13, with an area of 99, 733 square meters, covered by Tax Declaration No. 18-05-013-3620, Property Identification No. 066-05-013-07-003;
2. Lot No. 4735, CAD-795-D identical to Lot No. 1625, PLS-13, with an area of 99, 733 square meters, covered by Tax Declaration No. 18-05-013-3621, Property Identification No. 066-05-013-07-008;
3. Lot No. 4736, CAD-795-D identical to Lot No. 1626, PLS-13, with an area of 99, 733 square meters, covered by Tax Declaration No. 18-05-013-3622, Property Identification No. 066-05-013-07-007;
4. Lot No. 4737, CAD-795-D identical to Lot No. 1627, PLS-13, with an area of 99, 736 square meters, covered by Tax Declaration No. 18-05-013-3623, Property Identification No. 066-05-013-07-009;
5. Lot No. 4739, CAD-795-D identical to Lot No. 1629, PLS-13, with an area of 99, 736 square meters, covered by Tax Declaration No. 18-05-013-3618, Property Identification No. 066-05-013-11-004;
6. Lot No. 4740, CAD-795-D identical to Lot No. 1630, PLS-13, with an area of 99, 736 square meters, covered by Tax Declaration No. 18-05-013-3619, Property Identification No. 066-05-013-11-005;
7. Lot No. 4748, CAD-795-D identical to Lot No. 1628, PLS-13, with an area of 99, 736 square meters, covered by Tax Declaration No. 18-05-013-3617, Property Identification No. 066-05-013-11-001;

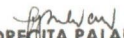
We discover the RTNMC's intrusion and occupation of the abovementioned properties sometime in 2019 and when we inquired further, we discovered that in Tax Declaration Nos. 18-05-013-3617 and Tax Declaration No. 18-05-013-3618, RTNMC was declared as administrator/beneficial user of the land without the prior knowledge and consent of the late Nieves Cruz or her daughter. The Palawan Provincial Assessor's Office confirmed and certified also that no documents were submitted by RTNMC executed by Nieves Cruz or Marissas- Cruz Morales designating it to be the administrator or beneficial user of the land. Despite of lack of proper authority, it came to our knowledge that RTNMC has converted a portion of Ms. Nieves Cruz's property as a mine tailing pond, covering an area of more or less 20 hectares while another portion covering an area of more or less 49 hectares was developed as a golf-course and ice-plant. In building the golf course and ice plant, we understand that the project proponent must

also undergo the Environmental Impact Assessment and secure the necessary ECC.

We believe that the mining concession granted to RTNMC clearly delineate the metes and bounds of its concession area and going beyond that area is a clear violation of the conditions of their concession as well as its ECC and SEP clearance. For this reason, we are also seeking the assistance of your office to cancel any tenurial permit or ECC issued to RTNMC on any project that falls into the land of Ms. Nieves Cruz and to help us recover the land. We have raised this concern in our letter dated March 18, 2021 to then DENR Secretary Roy A. Cimatu, however, the local office of the DENR failed to act on this matter. These acts by RTNMC should be deterred especially that the nature of its project greatly impact the whole community of Bataraza, hence, we are again elevating this concern to your good Office.

Thank you very much and we are looking for a positive response from you.

Very respectfully yours,


FLORENCIA PALANCA
Attorney-in-fact of
Marissa Cruz Morales

