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Republic of the Philippines

SUPREME COURT

Manila



**VERONICA R. BATAN, ELMOR A.
BORDA and ALFREO B. PASCUAL,**
Petitioners,

- versus -

**MINES AND GEOSCIENCES BUREAU,
DEPARTMENT OF ENVIRONMENT
AND NATURAL RESOURCES, ALTAI
PHILIPPINES MINING
CORPORATION**

Respondents.

x ----- x

G.R. No. _____
*For: Writ of Kalikasan with Prayer
For Issuance of Temporary
Environmental Protection
Order (TEPO)*

PETITION FOR WRIT OF KALIKASAN
(With Prayer for the Issuance of a
Temporary Environmental Protection Order (TEPO))

Petitioners, by counsel and invoking their constitutional right to a balanced and healthful ecology, respectfully state:

Nature of and Urgency of the Petition

1. This is a petition for the Writ of Kalikasan with prayer for the issuance of a Temporary Environmental Protection Order (TEPO) under the Rules of Procedure for Environmental Cases, urgently seeking to enjoin the ongoing environmental destruction of Sibuyan Island and the attempt to illegally export nickel ore for shipment to Hong Kong, China sans the requisite permits and public consultations, which have spawned heavy-handed police action in recent days directed against the exercise of the right of the people to a balanced and healthful ecology.

2. The constitutional right of Petitioners and that of present and future generations to a balanced and healthful ecology is being seriously undermined, and is actually being grossly violated, by the unlawful acts and omissions of Respondents which were done in reckless haste, in utter disregard of due process and at the expense of the fundamental rights of the

people to a balanced and healthful ecology, to be consulted in matters of public interest, and the freedom to peaceably assemble and petition their government for redress of grievances.

3. As of this writing and as will be elaborated in the allegations in support of the issuance of a TEPO, the UNARMED local residents of Sibuyan Island have been dispersed by riot police wearing shields and truncheons and threatened with the filing of baseless legal charges for simply insisting on their right to a healthful and balanced ecology.

4. The nickel ore in question was and will continue to be extracted in violation of the approved Exploration Work Program (EWP) and other pertinent environmental laws unless otherwise invalidated. Its transport and shipment abroad are currently justified on the basis of an Ore Transport Permit (OTP) and Mineral Ore Exploration Permit (MOEP), both of which are not only expired but went over and beyond what the Private Respondent's exploration permit allowed for test sampling, the sheer excessiveness of the volume hinting at the extent of environmental abuse and degradation that was inflicted on this fragile ecosystem. Such destruction which is only just the beginning, was done without observing any of the environmental, social and institutional safeguards and processes that the law requires to protect the environment. It threatens to decimate this island and the livelihood of the residents who depend on its rich biodiversity with its perniciousness.

5. Petitioners seek recourse to this extraordinary remedy to stop this looming environmental catastrophe of such a magnitude and scale, it will not just affect the municipality of San Fernando, Romblon in Sibuyan Island or the surrounding waters of adjacent provinces, cities and municipalities where this illegal shipment will traverse if not enjoined, but one that will tragically reverberate across the globe from the unquantifiable loss of natural heritage and global environmental patrimony that this illegal activity will wreak if allowed to continue. This ongoing unbridled and wanton destruction will adversely affect the endemic species of Sibuyan Island which—lest it be lost in the jargon—can only be found nowhere else in the world but in this pristine environmental paradise.

6. As will be explained, despite the minimal extraction that the mining company's exploration permit allows, 50,000 wet metric tons (WMT) of nickel ore was illegally allowed to be extracted. By way of estimate, at 12.5 m.t. per truck, 50,000 WMT is equivalent to 4,000 hauls by a single truck. Based on what local residents have witnessed, there were about 5 dump trucks used to haul and stockpile the nickel ore in the private port facility that was erected practically overnight for loading to a cargo ship waiting nearby. Already, the mangroves and other tree species in the area have been cut, soil

and gravel dumped on the surrounding fishing grounds to make way for a makeshift wharf, all without permit from national and local authorities.

7. An equally frightening environmental and safety threat from this brazen attempt at commercial mineral export is the danger of this cargo vessel capsizing within Philippine waters as nickel ore has the potential for liquefaction that can instantly and catastrophically cause a cargo ship to capsize within a matter of minutes. This occurs when the moisture content of the nickel ore exceeds the allowable content which at the moment, is undetermined, having been exposed for weeks on end to constant rains in Sibuyan. As the sinking is unpredictable, it can strike anywhere en route from Sibuyan Island to its destination in Hong Kong, putting at risk from massive pollution the marine ecosystems in various parts of the country where the cargo vessel will traverse, as well as place in danger the lives and safety of its crew.

The Parties

8. Petitioners VERONICA R. BATAN, ELMOR A. BORDA and ALFREO B. PASCUAL are all Filipinos, senior citizens and residents of San Fernando, Romblon in Sibuyan Island, where they grew up and trace their familial roots. They are members of a group of local residents who collectively refer to themselves as "**Bantay Kalikasan ng Sibuyan**", an *ad hoc* group established in response to the looming threat of environmental destruction in their hometown. They are suing in their individual capacities as Filipino citizens as well as in representation of others, including minors and generations yet unborn, in order to uphold and protect their right to a balanced and healthful ecology. They may be served with court processes at the office address of the undersigned counsel.

9. Public respondent MINES AND GEOSCIENCES BUREAU (MGB) is the agency with direct charge in the administration and disposition of mineral lands and mineral resources by R.A. 7942¹ or the Philippine Mining Act of 1995. Its Central Office and Regional Office in Region IV-B (MIMAROPA) issued the contentious MOEP and OTP respectively. Its office address is located at MGB Compound, North Avenue, Diliman, Quezon City.

10. Public respondent DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES (DENR) is the primary government agency responsible for the conservation, management, development, and proper use of the country's environment and natural resources, specifically forest and grazing lands, mineral resources, including those in reservation and watershed areas, and lands of the public domain, as well as the licensing and regulation

¹ AN ACT INSTITUTING A NEW SYSTEM OF MINERAL RESOURCES EXPLORATION, DEVELOPMENT, UTILIZATION AND CONSERVATION (1995).

of all natural resources as may be provided for by law in order to ensure equitable sharing of the benefits derived therefrom for the welfare of the present and future generations of Filipinos, under E.O. 192² or the Reorganization Act of the Department of Environment and Natural Resources. The DENR has administrative supervision over the MGB. Its office address is located at DENR Compound, Visayas Avenue, Quezon City.

10.1 The OFFICE OF THE SOLICITOR-GENERAL (OSG) is furnished a copy of this petition as the representative of the national government in proceedings before this Honorable Court, as required by the RPEC. It may be served with court processes at the OSG Bldg, 134 Amoroso St., Legaspi Village, Makati City 1229.

11. Private Respondent ALTAI PHILIPPINES MINING CORPORATION ("Altai Mining") is a corporation duly organized and existing under Philippine laws with office address at 1901 Tycoon Center, Pearl Drive, Bgy. San Antonio, Ortigas Centre, Pasig City, where it can be served with summons, notices, orders and other court processes. It is the contractor/grantee of Mineral Production Sharing Agreement (MPSA) No. 304-2009-IVB.

Factual Antecedents

12. On 23 December 2009, Altai Mining was granted a Mineral Production Sharing Agreement (MPSA) over an area covering 1,580.8 hectares situated in San Fernando, Romblon in Sibuyan Island.

12.1 Altai Mining's **MPSA No. 304-2009-IVB** is attached herein and made an integral part hereof as ANNEX "A".

12.2 In accordance with Sec. 6 of A.M. 11-9-4-SC or the Efficient Use of Paper rule, documents already in possession of the other parties are no longer included in the copies of this pleading furnished to them.

13. Said MPSA was suspended by the MGB through a Cease-and-Desist Order (CDO) dated 19 September 2011. The CDO was lifted by the DENR in September 2021, justifying the same as follows:

"First, the MPSA of Altai was merely in the Explorative Phase, meaning that a full-scale mining project is still subject to another application and assessment for Declaration of Mining Project Feasibility (DMPF), the grant of which is contingent on whether or

² PROVIDING FOR THE REORGANIZATION OF THE DEPARTMENT OF ENVIRONMENT, ENERGY AND NATURAL RESOURCES, RENAMING IT AS THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES, AND FOR OTHER PURPOSES (1987).

not the project is technically, socially, environmentally, and financially feasible and compliant. It is only at this point that the concerns of the then Municipal Mayor could be raised as the applicant would be required to secure an Environmental Compliance Certificate, develop an Environmental Protection and Enhancement Program, and Mine Rehabilitation and/or Decommissioning Plan.

"Second, the activities of Altai are limited only to activities to determine the feasibility of the project and is not a full-scale mining operation..."³

13.1 The DENR **Decision** dated 09 September 2021 in DENR Case No. 10218⁴ is attached herein and made an integral part hereof as ANNEX "B".

14. Thereafter, the Sangguniang Panlalawigan of Romblon passed a resolution opposing and prohibiting all forms of environmentally destructive and irresponsible mining in the province.

14.1 SP-Romblon's **Resolution No. 07-2022-20** dated 05 July 2022 is attached herein and made an integral part hereof as ANNEX "C".

15. The three municipalities comprising Sibuyan Island, namely, San Fernando, Cajidiocan and Magdiwang, immediately followed suit, issuing a joint resolution on the same month strongly opposing metallic large-scale mining in the island of Sibuyan. It decried the fact that Altai Mining was given an MPSA for nickel exploration and extraction with an area of 1,580.80 hectares which would affect more than 20 tributaries and rivers in Bgys. España and Taclobo in San Fernando, including major rivers such as Punong, Olango, Binayaan, and Cabitangahan. The mining area also threatened to affect a watershed that leads to the Cantingas River, the cleanest inland body of water (river category) in the country.

15.1 **Joint Resolution No. 1, series of 2022** dated 28 July 2022 by the three Sangguniang Bayan of San Fernando, Cajidiocan, and Magdiwang is attached herein and made an integral part hereof as ANNEX "D".

16. Bgy. Taclobo of San Fernando, Romblon also passed a resolution denying and/or disapproving the application for barangay clearance and community tax certificate of Altai Mining for the purpose of exploration. It deemed ironic and ridiculous that Altai Mining had already commenced

³ Page 13, **Decision** dated 09 September 2021 (Annex B); *citations omitted*

⁴ Sibuyan Nickel Properties Development Corporation vs. MGB et al.

activities related to mining months before it tried to secure a clearance from their barangay.

16.1 Bgy. Taclobo's **Resolution No. 24, series of 2022** dated 09 December 2022 is attached herein and made an integral part hereof as ANNEX "E".

17. Notwithstanding these clear expressions of discontent and disapproval to the mining activities in their island as manifested by these local legislative pronouncements, Altai Mining carried on with its "mining exploration" activities, which involved the cutting of trees, construction and operation of an access road and a causeway located at Bgy. España, San Fernando. The latter raised the concern among Sibuyanons including their local barangay officials as no local permit or clearance was ever secured from their barangay for the private port facility.

18. As a result of the rapid development in the areas occupied by Altai Mining, Petitioners wrote an email letter to Public Respondents DENR and MGB, including the Environmental Management Bureau (EMB), seeking clarification on the scope of the exploration permit and status of the ECC application of Altai Mining last 13 January 2023. Unfortunately, this elicited no response from the said agencies.

18.1 The **Letter** of Bantay Kalikasan ng Sibuyan to the DENR, MGB and EB dated 13 January 2023 is attached herein and made an integral part hereof as ANNEX "F".

19. On 19 January 2023, a scoping⁵ session was held in Bgy. Taclobo, San Fernando attended by local stakeholders including a representative of Bantay Kalikasan ng Sibuyan, other local residents and officials. During this scoping presided over by EMB-Region IV-B (MIMAROPA), San Fernando Mayor Nanette B. Tansingco openly admitted that she was not aware of the private port in Bgy. España and her helplessness in stopping Altai Mining's activities in the island as being out of her jurisdiction despite the seeming violations.

20. Appalled by this all too convenient excuse for inaction by their mayor and in order to prevent the taking out of mineral resources from their island in violation of environmental laws, local residents from all three municipalities of the island took it upon themselves to monitor the area by setting up an outpost near the vicinity of Altai Mining's causeway/port to

⁵ Under DENR Administrative Order (DAO) 2003-30, scoping is the stage in the EIS System where information and project impact assessment requirements are established to provide the proponent and the stakeholders the scope of work and terms of reference for the EIS. (Sec.3(dd), Art. 1) It is one of the preliminary steps in the EIA process and is required for undertakings classified as environmentally-critical projects (ECPs) such as mining.

document any potential violation and to visibly register their protest to company personnel and officials. Said outpost is located across Altai Mining's causeway, on a privately-owned property and used with the consent of its owner.

21. The local residents' fears came true when just days after the January 19 scoping, several dump trucks arrived in the area loaded with nickel ore and were headed towards Altai Mining's causeway/port for loading to a large cargo vessel waiting nearby. Alarmed by these reports, local residents trooped to the area to put-up a barricade just outside Altai Mining's property line to prevent further stockpiling and loading of nickel ore.

22. To prove that it was properly authorized to transport and ship the nickel ore, Altai Mining presented the following documents to Bgy. España officials:

- a. an approved Exploration Work Program
- b. Altai Mining's letter to the MGB requesting for the issuance of an Ore Transport Permit⁶
- c. Ore Transport Permit (OTP) issued by MGB-MIMAROPA
- d. Mineral Ore Export Permit (MOEP) issued by the MGB Central Office
- e. Two (2) authorities to transact issued by the Philippine Ports Authority (PPA)
- f. Two (2) certificates of accreditation issued by the PPA

22.1 Altai Mining's **Exploration Work Program** approved on 21 December 2022, including its annexes, is attached herein and made an integral part hereof as ANNEX "G".

22.2 Altai Mining's **Letter** to the MGB dated 07 December 2022 is attached herein and made an integral part hereof as ANNEX "H".

22.3 Altai Mining's **Ore Transport Permit No. OTP-APMC-162-001-2022-MIMAROPA** dated 28 December 2022 is attached herein and made an integral part hereof as ANNEX "I".

22.4 Altai Mining's **Mineral Ore Export Permit No. DENR-MGB-22-008** dated 29 December 2022 is attached herein and made an integral part hereof as ANNEX "J".

⁶ Not enumerated in Altai Mining's cover letter but included in the attachments.

22.5 **Authority to Transact (BAT-ATT-2023-013)** issued in favor of North Coast Shipping-NCS Corporation for cargo handling services is attached herein and made an integral part hereof as ANNEX "K".

22.6 **Authority to Transact (BAT-ATT-2023-014)** issued in favor of North Coast Shipping-NCS Corporation for lighterage/barging services is attached herein and made an integral part hereof as ANNEX "L".

22.7 **Certificate of Accreditation No. 000771** issued in favor of North Coast Shipping Corp. for lighterage and various port related services is attached herein and made an integral part hereof as ANNEX "M".

22.8 **Certificate of Accreditation No. 002296** issued in favor of North Coast Shipping Corp. for cargo handling services is attached herein and made an integral part hereof as ANNEX "N".

23. Both OTP and MOEP issued in favor of Altai Mining indicated that the commodity to be transported was "Nickel Lateritic Ore" with a tonnage or volume of "50,000 WMT⁷ ±10% (Estimate) with a declared value of US\$1.85 million or ₱103.4 million. The OTP, issued by MGB-MIMAROPA, was valid for 30 days from its date of issuance, or until 27 January 2023.

24. On the other hand, the MOEP issued by the MGB Central Office indicated that the ore was subject to payment of excise tax in the amount of ₱4.136 million and destined for shipment to its buyer, Transamine Far East Limited, based in Hong Kong, China. The MOEP was valid until 28 January 2028.

25. Because of this sudden turn of events, on 29 January 2023, residents from all municipalities of Sibuyan Island numbering more than a thousand mounted an indignation rally at the public plaza of San Fernando to express their frustration at their local leaders and the seeming collusion by the environmental agencies in allowing what appears to be a full-blown mining operation by Altai Mining without undergoing any of the mandatory legal requirements.

26. For its part, detecting the serious irregularities in the transport and export permits presented by Altai Mining, Bantay Kalikasan ng Sibuyan through herein Petitioners brought to the attention of the DENR, MGB (both Central and MIMAROPA offices) and EMB their concerns through letters sent

⁷ WMT stands for wet metric ton.

by email and also hand-carried to the said agencies. The group also sent a letter to the PPA through its main office and the one in Batangas to call attention to the lack of permit in the construction and operation of Altai Mining's makeshift port in Bgy. España, San Fernando, Romblon.

26.1 Bantay Kalikasan ng Sibuyan's **Letter** dated 30 January 2023 to the DENR, MGB and EMB-MIMAROPA dated 30 January 2023 is attached herein and made an integral part hereof as ANNEX "O".

26.2 Bantay Kalikasan ng Sibuyan's **Letter** dated 30 January 2023 to the PPA and PPA-Batangas dated 30 January 2023 is attached herein and made an integral part hereof as ANNEX "P".

27. Only EMB-MIMAROPA replied by email, attaching a memo endorsing Bantay Kalikasan ng Sibuyan's letter to its Central Office, noting that Altai Mining has a pending ECC application therein and that scoping was done last 19 January 2023.

27.1 EMB-MIMAROPA's **Email Reply** dated 31 January 2023 including its attached **Memorandum** addressed to its Central Office are attached herein and made an integral part hereof as ANNEX "Q" and ANNEX "Q-1", respectively.

28. Since then, the situation in Sibuyan Island has deteriorated in a manner prejudicial and violative of the rights of the people, posing serious risk to the personal safety of local residents of Bgys. España and Taclobo, along with other environmental woes.

29. Beginning 01 February 2023, riot police wearing shields and carrying truncheons, were deployed in the area despite the fact that the site-based protest of the local residents had been nothing but peaceful and orderly. The riot police were sent to break-up the barricade and escort the trucks bearing nickel ore amidst the protestations of the local community that these were extracted without undergoing the requisite local consultation and other legal requirements.

30. Then in the morning of 03 February 2023, the riot police proceeded to break the barricade in order to allow the successful entry of Altai Mining's dump trucks loaded with nickel ore into its private port. Scenes of this dispersal were covered by news agencies, both TV and online.

31. It bears noting that at this point, the OTP and MOEP which Altai Mining furnished to the barangay officials (i.e., Annexes I and J herein) have

already expired on 27 January 2023 and 28 January 2023 respectively. When asked, the police refused to identify who authorized their deployment and ordered the break-up of the barricade. As a result, Altai Mining's trucks were able to dump their nickel ore to the stockpile at the private port of Altai Mining and subsequently load the same to the cargo ship docked nearby.

31.1 Petitioner Alfreo Pascual's Judicial-Affidavit attesting to these incidents dated 03 February 2023 is attached herein and made an integral part hereof as ANNEX "R".

32. In the morning of 04 February 2023, DENR personnel posted two notices at the entrance of Altai Mining's private port with the heading "NOTICE OF VIOLATION". One was from EMB-MIMAROPA for constructing/operating a causeway without an ECC, suspending further developments relative to the construction and operation of the said causeway, and requiring the company to explain why it should not be meted out a ₱50,000 fine.

33. The other notice of violation was meted out by the DENR PENRO of Romblon for violation of P.D. 705, as amended, or the Revised Forestry Code the cutting of trees, to wit:

"The results of monitoring conducted by this office on January 18, 2023 revealed that a number of trees are damaged and cleared, at the exploration site of the Altai Philippines Mining Corporation at Sitio Bato, Brgy. España, San Fernando, Romblon. No cutting permit for said trees was presented during the site inspection.

Foregoing considered, you are directed to stop cutting/clearing activities.."

33.1 These notices were posted on the entrance of the private port of Altai Mining, hence, only a photo thereof could be taken.



EMB & PENRO Notices of Violation posted at the entrance of Altai Mining's private port. Several of the dump trucks used to haul nickel ore can be seen in the background.

34. Lastly, owing to the sudden deterioration of situation in the area requiring resort to this petition, and the fact that many of the documents of Altai Mining only came to light in the past two weeks coupled with the logistical challenges of traveling to and from Sibuyan Island, certified true copies of the mining company's permits could not be obtained in time for the filing hereof.

Arguments

- A. THE EXTRACTION OF 50,000 METRIC TONS OF NICKEL ORE AND THREATENED SHIPMENT THEREOF IS TANTAMOUNT TO THE CONDUCT OF MINING OPERATIONS WITHOUT SOCIAL ACCEPTABILITY, SANGGUNIAN APPROVAL, AND AN ENVIRONMENTAL COMPLIANCE CERTIFICATE (ECC), CONSTITUTING A VIOLATION OF THE RIGHT OF THE PEOPLE TO A BALANCED AND HEALTHFUL ECOLOGY.
- B. THE SHIPMENT OF NICKEL ORE WITHOUT THE REQUISITE SIGNED CERTIFICATES OF MOISTURE CONTENT INCLUDING TRANSPORTABLE MOISTURE LIMIT POSES A SERIOUS THREAT TO PHILIPPINE WATERS FROM MARINE POLLUTION AND PUTS THE LIVES AND SAFETY OF ITS SHIPPING CREW AT VERY SERIOUS RISK.

Discussion

- A. THE EXTRACTION OF 50,000 METRIC TONS OF NICKEL ORE AND THREATENED SHIPMENT THEREOF IS TANTAMOUNT TO THE CONDUCT OF MINING OPERATIONS WITHOUT SOCIAL ACCEPTABILITY, SANGGUNIAN APPROVAL, AND AN ENVIRONMENTAL COMPLIANCE CERTIFICATE (ECC), CONSTITUTING A VIOLATION OF THE RIGHT OF THE PEOPLE TO A BALANCED AND HEALTHFUL ECOLOGY.

35. In order to understand the anger and frustration of the Sibuyanons on what is happening to their island, it is important to know first why the 50,000 WMT permitted by Respondent MGB's Central and MIMAROPA offices is so questionable especially in the light of the assurances made by the DENR in lifting Altai Mining's CDO:

"[T]he activities of Altai are limited only to activities to determine the feasibility of the project and is not a full-scale mining operation, and any disturbances that may happen to the environment are properly addressed in Altai's approved Environmental Work Programme (EWP)."⁸ (*underscoring supplied*)

Altai Mining's EWP allows the "bulk sampling" of only 3 cubic meters of nickel ore, not 50,000 wet metric tons.

36. The Exploration Work Program (EWP) of Altai Mining approved by the MGB on 21 December 2022 indicates that the volume of nickel ore for bulk sampling is only just three (3) cubic meters. The following sections are pertinent and quoted hereunder for quick reference:

"Sec. 5.5.5 METALLURGICAL BULK SAMPLING AND ANALYSIS

x x x x

5.5.5.2 NUMBER AND OVERALL LENGTH

To complete the metallurgical study as required in the permitting process, three (3) metallurgical bulk sampling of three different types of ores one from the main saprolite zone, one from the transition saprock zone and one from the limonite zone shall be collected which shall be loaded and transported by interisland vessel to a reliable foreign metallurgical laboratory in order to test the concentration of multi-elements in all three samples.

⁸ Page 13, Decision dated 09 September 2021 (Annex B); citations omitted.

5.5.5.3 ESTIMATED NUMBER OF SAMPLES

The estimated number of samples to be collected shall be three (3) from the identified main zones of mineralization previously identified during the later phases of exploration period.

x x x x

5.5.5.6 ESTIMATED COST

Excavation, loading and shipping @P1,500,000/m ³	P4,500,000.00
Metallurgical and elemental analysis @P350,000/m ³	P1,050,000.00
Total	P5,550,000.00"

(underscoring supplied)

37. While the exact volume of the bulk samples was not specified by the EWP, Sec. 5.5.5.3 is clear that three (3) samples will be taken, one (1) from each zone.

38. The total volume of the bulk samples can then be inferred from the estimated cost or the budget prepared by Altai Mining. In each of the items, it is clear that the total volume is just three (3) cubic meters. Thus:

P4,500,000 divided by P1.5 million/cu.m. is equal to **3 cu.m.**

P1,050,000 divided by P350 thousand/cu.m. is equal to **3 cu.m.**

At a specific gravity of 3.3 tons/cu.m., this 3 cu.m. allowed by Altai Mining's EWP is equivalent to 9.9 tons, or simply 10 tons for ease of computation.

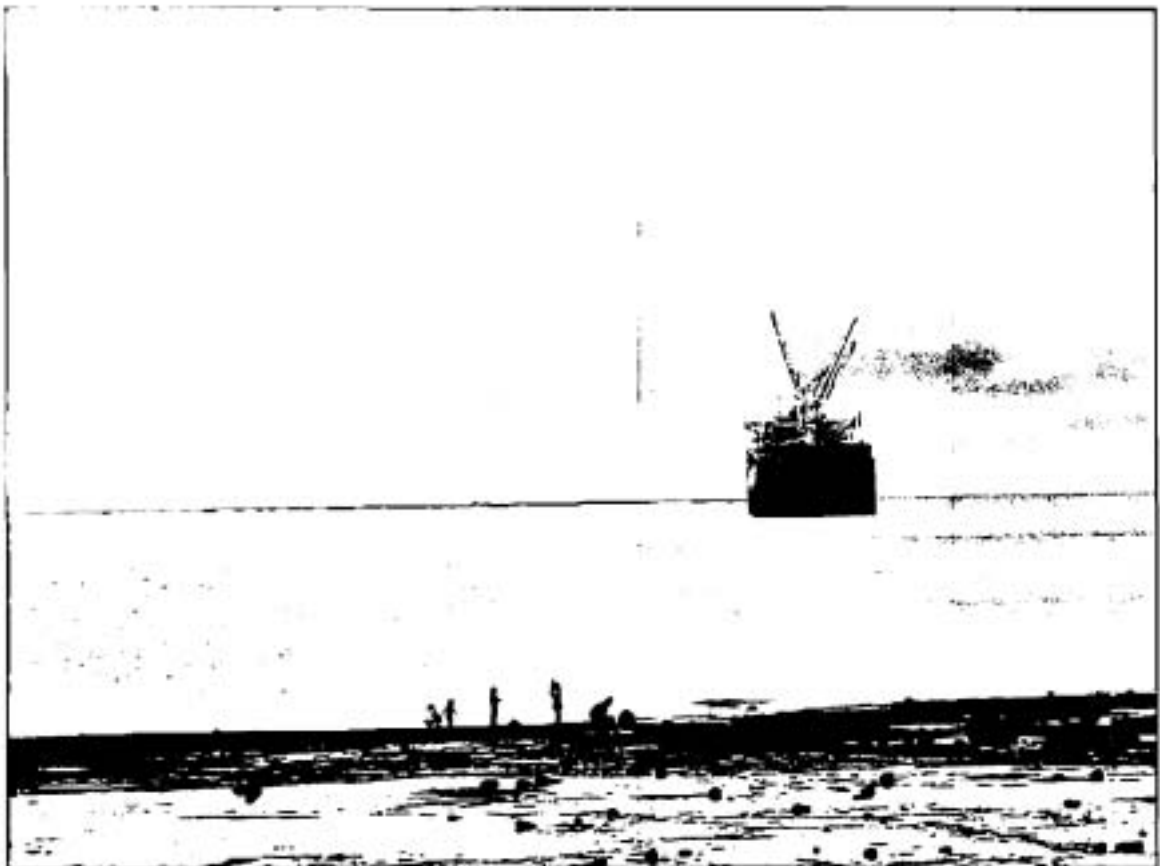
39. Where the MGB Central Office and the MGB-MIMAROPA then got their 50,000 WMT, or 5,000 times than what the EWP authorizes, is a mystery. Nowhere can it be found or inferred from the EWP.

40. One possible answer can be found in Altai Mining's letter dated 07 December 2022 (Annex H) requesting for the issuance of an OTP for 15,000 cu.m. Even from this request, the 50,000 WMT is still way more than the amount sought by Altai Mining. But more to the point, this 15,000 cu.m. requested by Altai Mining itself has no basis and this grant of unwarranted benefits, advantage or preference to the prejudice of the Government, the Filipino citizens and the natural environment is plain and simple anomalous.

Altai Mining's extraction of 50,000 WMT of nickel ore is worth ₱103.4 million.

41. The 50,000 WMT permitted by Respondent MGB to be transported and shipped abroad is a volume typical of a full-blown mining operation that would have ordinarily required an ECC, sanggunian approvals and social acceptability.

42. Respondents tried to pass off the extraction of 50,000 WMT of nickel ore as a harmless case of "bulk sampling". But the sheer scale of the undertaking betrays the real score. First, 50,000 WMT of nickel ore is no measly mound of soil. As earlier explained, a single dump truck with a capacity of 12.5 tons will need to go back and forth 4,000 times to finish the job. It will also require a large cargo ship to transport abroad just like the one waiting at the private port of Altai Mining.



43. Second, based on the OTP and MOEP, the declared value of the nickel ore is 1.85 million. This is in US dollars. In Philippine pesos, this translates to ₱103,415,000.00, an amount usually associated with big companies. And this is just for a single shipment. In fact, on excise taxes alone, it stands at ₱4,136,600.00. How anyone could downplay this as just part of exploratory activities is being disingenuous.

The consignee of Altai Mining's 50,000 m.t. of nickel ore is not a metallurgical laboratory but a mineral commodities trader.

44. Even more telling is the Buyer of the 50,000 WMT nickel ore—Transamine Far East Limited—based in Unit 1, 7/F Bank of America Tower, 12 Harcourt Road, Admiralty, Hong Kong, China.⁹ Based on the website of Transamine based in Geneva, Switzerland from which this Hong Kong unit is presumably affiliated, it is the “world’s oldest independent and privately held commodities trading company specializing in non-ferrous raw materials.”¹⁰

This is a SALE of minerals, not a contract for testing.

45. To be sure, Transamine has its own metallurgical testing laboratory. But even more surely, testing is not its main line of business. It is commodities trading. This is contrary to Sec. 5.5.5.2 of the EWP¹¹ which states that the bulk sample will be shipped to a “reliable foreign metallurgical laboratory in order to test the concentration of multi-elements in all three samples.”

46. Altai Mining’s 07 December 2022 letter¹² stating that it is sending the nickel ore to “a reliable DSO pyro-plant and testing company in order to complete the necessary metallurgical study” is a clear pretense. The MGB-MIMAROPA’s note in its OTP that it is “[s]ubject to the submission of Analysis Report within 30 days from arrival at Discharge Point” plays along this ruse.¹³ Transamine Far East Ltd. is a buyer and seller of minerals. It may issue such mineral analysis report but more than that, it will also very likely report a windfall profit from the nickel ore it imported which, in its concentrated form, currently fetches an average of \$30,060 per metric ton.¹⁴

47. For if the purpose of the shipment is to have 50,000 WMT of Sibuyan soil to be tested for its mineral content, why is the consignee referred to as “Buyer” in the MOEP?¹⁵ Lest it be argued that this was just a proforma mistake, why is this buyer paying \$1.85 million instead of being paid for the mineral testing services it will supposedly render in favor of Private Respondent? To recall, Altai Mining even budgeted the sum of ₱1.050 million for the testing.¹⁶ Lastly, if this is truly just testing, will

⁹ MOEP No. DENR-MGB-22-008 (Annex J).

¹⁰ See <https://www.transamine.com/cat/13/about-us.html>; last visited on 02 February 2023.

¹¹ Annex G.

¹² Annex H.

¹³ OTP No. OTP-APMC-162-001-2022-MIMAROPA (Annex I).

¹⁴ See <https://www.transamine.com/price-and-review.html>; last visited on 02 February 2023.

¹⁵ MOEP No. DENR-MGB-22-008 (Annex J).

¹⁶ Sec. 5.5.5.6, EWP (Annex G).

Transamine Far East Ltd. be required to return the soil and all the minerals it finds therein after it is paid ₱1.050 million for its testing services? This is the \$1.85 million question. The fact that riot police had been called to break-up the local residents of Sibuyan just to conduct this test, all the more makes this transaction highly dubious.

48. Based on the above circumstances, only one conclusion can be arrived at—Altai Mining engaged in commercial mining operation and is now in the process of profiting from its illegal operations, facilitated by no less than its regulator, the MGB, in total disregard of the right of the people to a balanced and healthful ecology.

Altai Mining did not procure the necessary local government approvals.

49. Among the institutional safeguards are the requirements imposed by R.A. 7160¹⁷ or the Local Government Code of 1991, which states:

Sec. 2. Declaration of Policy. —

x x x x

(c) It is likewise the policy of the State to require all national agencies and offices to conduct periodic consultations with appropriate local government units, nongovernmental and people's organizations, and other concerned sectors of the community before any project or program is implemented in their respective jurisdictions.¹⁸

Sec. 26. Duty of National Government Agencies in the Maintenance of Ecological Balance. — It shall be the duty of every national agency or government-owned or controlled corporation authorizing or involved in the planning and implementation of any project or program that may cause pollution, climatic change, depletion of non-renewable resources, loss of crop land, rangeland, or forest cover, and extinction of animal or plant species, to consult with the local government units, nongovernmental organizations, and other sectors concerned and explain the goals and objectives of the project or program, its impact upon the people and the community in terms of environmental or ecological balance, and the measures that will be undertaken to prevent or minimize the adverse effects thereof.¹⁹

¹⁷ AN ACT PROVIDING FOR A LOCAL GOVERNMENT CODE OF 1991 (1991).

¹⁸ Sec. 2(c), R.A. 7160.

¹⁹ Sec.26, *Ibid.*

Sec. 27. Prior Consultations Required. - No project or program shall be implemented by government authorities unless the consultations mentioned in Sections 2 (c) and 26 hereof are complied with, and prior approval of the sanggunian concerned is obtained: Provided, That occupants in areas where such projects are to be implemented shall not be evicted unless appropriate relocation sites have been provided, in accordance with the provisions of the Constitution.²⁰

50. These were not complied with. In fact, the opposite is true if the number of resolutions issued by the pertinent local government units against mining in their area is an indication, to wit:

- a. Sanggunian Panlalawigan Resolution No. 07-2022-20 of the Province of Romblon²¹
- b. Joint Resolution²² of the Sangguniang Bayan of San Fernando, Cajidiocan and Magdiwang dated 28 July 2022, and
- c. Sangguniang Barangay Resolution No. 24²³ of Bgy. Taclobo, San Fernando, Romblon dated 09 December 2022.²⁴

51. All these resolutions have expressed the sentiment of these local government units against destructive and irresponsible mining, which as previously discussed, Altai Mining has engaged in.

Altai Mining has no ECC.

52. Another safeguard is environmental under P.D. 1586²⁵ or the Philippine EIS System. To date, Altai Mining has not yet secured an ECC. In fact, the initial process of scoping under the EIS system was conducted only last 19 January 2022 in Bgy. Taclobo, San Fernando, Romblon. The worst part of this scoping is that it placed the community in a false sense of complacency that this environmental legal safeguard is at work, when in reality, the island is being already ravaged albeit surreptitiously.

53. The extent of the damage is currently unknown given that there is no ECC issued, no EIS having yet been prepared. As opposed to just small drillings measuring an average of about 3 inches in diameter and 5 meters in

²⁰ Sec.27, *Ibid.*

²¹ Annex C.

²² Annex D.

²³ Annex E.

²⁴ Additionally, Bgy. España of San Fernando, Romblon recently passed an ordinance imposing a moratorium on mining in the light of the significant threat from climate change impacts that has affected the country in recent years.

²⁵ ESTABLISHING AN ENVIRONMENTAL IMPACT STATEMENT SYSTEM INCLUDING OTHER ENVIRONMENTAL MANAGEMENT RELATED MEASURES AND FOR OTHER PURPOSES. (1978)

depth²⁶ plus the additional 3 cu.m. of bulk sample discussed earlier, Altai Mining has instead managed to leverage this to 50,000 WMT of nickel ore with utmost impunity, the various environmental agencies tasked to protect the people's right to a balanced and healthful ecology complicit to this serious infliction of harm to this bastion of biodiversity.

There is no question that the environmental stakes are high.

54. According to the Foundation for the Philippine Environment,²⁷ in terms of flora, "Sibuyan is home to 700 vascular plant species, and 144 recorded species of trees, ten of which are in the IUCN...Red List. Thirty-three are Philippine endemic tree species, while two are island endemic (*Elaeocarpus argenteus* var. *gitingensis* and *Astronia gitingensis*).²⁸ Fifty-four plant species are endemic to the island." (*underscoring supplied*)

55. In terms of fauna, "[t]here are at least 83 recorded Philippine endemics in Sibuyan, with four of them island endemics.²⁹ Eighteen...are in the IUCN Red List of Threatened species. A total of 130 bird species were recorded in Sibuyan, including the Rufous-lored Kingfisher (*Halcyon winchelli nesydrionetes*), and the Philippine Hawk-Eagle (*Spizaetus philippensis*). Sibuyan is home to 9 native terrestrial mammal species (four of which are endemic rodents), 9 bat species (including the endemic Sibuyan Pygmy Fruit Bat (*Haplonycteris* sp. A), 16 Philippine endemic reptiles, among others." (*underscoring supplied*)

56. Few countries in the world can boast of a high rate of endemism like the Philippines. Fewer islands in the country can boast such a high rate of endemism like Sibuyan. Just how much then of Sibuyan's endemic tree species were felled in the course of the mineral extraction of 50,000 WMT of nickel ore? Just how many endemic bird species were affected by their operation? How many endemic terrestrial mammals were affected?

57. Nobody knows because nobody was even supposed to know that this was happening.

58. The fact that many of these species, both flora and fauna, are endemic only serve to underscore the magnitude of the environmental

²⁶ See p.5, **Decision** (Annex B) describing the planned exploration activities of Altai Mining and its "minimal disturbance".

²⁷ See [https://www.fpe.ph/conservation_site/location_details/sibuyan-island-romblon#:~:text=Sibuyan%20is%20home%20to%20700,island%20endemic%20\(Elaeocarpus%20argenteus%20var.](https://www.fpe.ph/conservation_site/location_details/sibuyan-island-romblon#:~:text=Sibuyan%20is%20home%20to%20700,island%20endemic%20(Elaeocarpus%20argenteus%20var.;); last visited on 02 February 2023.

²⁸ Citing "Sibuyan Island Rapid Biodiversity Baseline Assessment". Fauna & Flora International and the Foundation for the Philippine Environment. 2013.

²⁹ *Ibid.*

damage of the activities sought to be enjoined by this petition. It is not just two or more cities or provinces being affected, it is the whole world—both present and future generations—because the Philippines is the steward of this global environmental patrimony. When they disappear, the whole world bears the brunt of their extinction.

Public consultation was not done.

59. Section 16, Article XIII of the 1987 Constitution provides:

The right of the people and their organizations to effective and reasonable participation at all levels of social, political, and economic decision-making shall not be abridged. The State shall, by law, facilitate the establishment of adequate consultation mechanisms.

60. In the environmental context, this provision finds its way in the public consultation requirements of the Local Government Code and the EIS system. Given that no ECC or sanggunian approval has yet been issued, it goes without saying that the various modalities for public consultation are absent as well. In fact, only an IEC (information, education and communication) activity was done at the covered court of Bgy. Panangcalan, San Fernando, Romblon last 19 October 2022. Little did they know that in just seven weeks, Altai Mining was already asking the MGB for permission to transport 15,000 WMT of nickel ore.

OTP No. OTP-APMC-162-001-2022-MIMAROPA and MOEP No. DENR-MGB-22-008 are both expired.

61. One final point. Add to these problems is the fact that both transport and export permits of Altai Mining have expired on 27 January 2023 and 28 January 2023 respectively. This alone should have ended the current stand-off. Instead, riot police were sent several days after to ensure that the transport and export shipment of these ores still take place notwithstanding the fact that their only semblance of legality had since faded away.

62. All told, there was a total failure of the various checks and safeguards intended to protect the right of the people to a balanced and healthful ecology.

B. THE SHIPMENT OF NICKEL ORE WITHOUT THE REQUISITE SIGNED CERTIFICATES OF MOISTURE CONTENT INCLUDING TRANSPORTABLE MOISTURE LIMIT POSES A SERIOUS THREAT TO PHILIPPINE WATERS

FROM MARINE POLLUTION AND PUTS THE LIVES AND SAFETY OF ITS SHIPPING CREW AT VERY SERIOUS RISK.

There is an immediate threat of the ship capsizing within Philippine waters on its way to Hong Kong.

63. Nickel ore has the sordid reputation in the shipping industry as the world's most dangerous cargo because of the risk of liquefaction³⁰ especially nickel ores coming from the Philippines, Indonesia and India. Liquefaction can cause a vessel to list and capsize in a matter of minutes. It occurs when the moisture content (MC) of the nickel ore exceeds the transportable moisture limit (TML). At this point, the erstwhile solid material begins to act like a liquid and becomes uncontrollable. Between 2010 and 2013, six vessels from Indonesia carrying such ore sank en route to China resulting in the loss of life of 81 seafarers.³¹

64. Chapter VI of the International Convention for the Safety of Life at Sea (SOLAS) and Section 4 of the International Maritime Solid Bulk Cargoes Code (IMSBC Code)³² require the shipper to provide the ship master with detailed information about the cargo. More specifically, Sec. 4.3.2 of the IMSBC Code require that cargo which may liquefy should have a signed certificate of moisture content and a signed certificate of transportable moisture limit by a competent authority at the port of loading.³³

³⁰ <https://safety4sea.com/carrying-nickel-ore-worlds-dangerous-cargo/#:~:text=Nickel%20ore%20is%20a%20cargo,create%20a%2010%25%20safety%20margin;last> visited on 03 February 2023.

³¹ *Ibid.*

³² Adopted on 04 December 2008 by the Maritime Safety Committee (MSC) through resolution MSC.268(85) and entered into force on 01 January 2011, from whence it became mandatory under the SOLAS Convention.

³³ "4.3 Certificates of test

4.3.1 To obtain the information required in 4.2.1, the shipper shall arrange for the cargo to be properly sampled and tested. The shipper shall provide the ship's master or his representative with the appropriate certificates of test, if required in this Code.

4.3.2 When a concentrate or other cargo which may liquefy is carried, the shipper shall provide the ship's master or his representative with a signed certificate of the TML, and a signed certificate or declaration of the moisture content, each issued by an entity recognized by the competent authority of the port of loading. The certificate of TML shall contain, or be accompanied by, the result of the test for determining the TML. The declaration of moisture content shall contain, or be accompanied by, a statement by the shipper that the moisture content is, to the best of his knowledge and belief, the average moisture content of the cargo at the time the declaration is presented to the master.

4.3.3 When a concentrate or other cargo which may liquefy is carried, procedures for sampling, testing and controlling moisture content to ensure the moisture content is less than the TML when it is on board the ship shall be established by the shipper, taking account of the provisions of this Code. Such procedures shall be approved and their implementation checked by the competent authority of the port of loading. The document issued by the competent authority stating that the procedures have been approved shall be provided to the master or his representative.

4.3.4 If the cargo is loaded on to the ship from barges, in developing the procedures under 4.3.3, the shipper shall include procedures to protect the cargo on the barges from any precipitation and water ingress.

65. In the case at hand, the stockpile of Altai Mining has been drenched non-stop by incessant rains, a situation that has been affecting a major swath of the country since the start of 2023 resulting in major flooding from Mindoro to Mindanao, a result of the shear line across the central and southern parts of the Philippines. Good industry practice requires constant testing of the cargo as basis for the certifications, with the ship master being mindful of the weather conditions (i.e., significant precipitation) between the time of testing and loading. Given that as will be elaborated earlier, tremendous effort is exerted to ship this nickel ore at once despite the fact that it has been exposed for weeks under constant rain, the threat is real, not just of marine pollution but loss of lives as well.

**Allegations in Support of the Issuance of a
Temporary Environmental Protection Order (TEPO)**

66. Petitioners replead and incorporate, by way of reference, all the averments in the foregoing insofar as they are pertinent, relevant, and material hereto.

67. The matter is of extreme urgency. Petitioners, the residents of San Fernando, Cajidiocan, and Magdiwang, ordinary Filipinos and the whole world, both present and future generations, will suffer grave injustice and irreparable injury if no TEPO is issued. The extent of environmental damage that has been inflicted on Sibuyan Island and its endemic species is an irreparable damage that is hard to fathom. This is environmental impunity at its height and the island's isolation from urban centers only adds to the brazenness and audacity by which Sibuyan Island's natural heritage is being pillaged.

68. The volume of nickel ore that the MGB allowed Altai Mining to extract and export in the guise of bulk sampling is excessive, going over and beyond what its permit allows. The force used against the locals to facilitate a mere "testing" or "sampling" was equally excessive. It was allowed to be perpetuated despite the fact that the permits have already expired. Moreover, environmental officials already knew about Altai Mining's

4.3.5 When a concentrate or other cargo which may liquefy is to be loaded into more than one cargo space of a ship, the certificate or the declaration of moisture content shall certify the moisture content of each type of finely grained material loaded into each cargo space. Notwithstanding this requirement, if sampling according to internationally or nationally accepted standard procedures indicates that the moisture content is uniform throughout the consignment, then one certificate or declaration of average moisture content for all cargo spaces is acceptable.

4.3.6 Where certification is required by the individual schedules for cargoes possessing chemical hazards, the certificate shall contain, or be accompanied by, a statement from the shipper that the chemical characteristics of the cargo are, to the best of his knowledge, those present at the time of the ship's loading. However, it is important to ensure that the samples taken are representative of the whole depth of the stockpile. (IMSBC Code; *underscoring supplied*)

violations based on the belated notices they issued. Worse, local officials opted to side with the company instead of listening to their constituents. Now, they fall flat on their faces after the PENRO and EMB-MIMAROPA eventually proved the local residents right. But this is only but the calm before the storm.

69. With 50,000 WMT permitted by the MGB still outstanding, the current stockpile found inside the site is but a fraction of the haul that remains to be gouged and scraped from Sibuyan's verdant mountains. The notices of violation are mere inconveniences that can be easily brushed aside by the speed by which permits are issued to legitimize this ecological plunder. Only a TEPO can abate the irreparable damage to be wrought by this environmental threat.

70. None of the notices of violation issued by the EMB and PENRO delved into the main issue at hand—the illegality of Altai's mining operations. Rather, these focused on the illegal construction of a causeway and cutting of trees, nothing that a belatedly-issued permit can mend, or a simple transfer of loading activities to a public port can resolve. In other words, no MGB or DENR order has invalidated the 50,000 WMT nickel ore granted to Altai Mining despite having been informed by Petitioners through their January 30 letter. Nor has their cold indifference been rattled by the constant reporting of the ensuing tensions in the area by local media. The transport and export permits may have expired but these can be extended or renewed, if this has not yet been done already. The environmental threat thus still remains.

71. All told, the urgent issuance of the TEPO has become a necessity (a) to protect the persons and rights of the people; (b) to temper and reduce further tensions and confrontations between the people, the police, Altai Mining, and the municipal government; (c) to prevent any violence or any other untoward incidents from happening; (d) to enjoin Altai Mining's ongoing full-blown mining activities; (e) to enjoin the police's illegal and baseless intervention; and (f) to give the relevant parties time to pursue the proper legal remedies as provided by law.

72. With no meaningful and effective recourse left, the immediate issuance of the TEPO has surpassed being an urgency and has transcended into a necessity for the purpose of protecting not only the environment of Sibuyan Island, but also its people, their right to a healthful and balanced ecology, and for the world and environment that would be inherited by generations of Filipinos yet unborn.

73. One final point. The recent issuance of notices of violation against Altai Mining by the EMB and PENRO offices did not only prove the

local residents right but it made the use of the police by the local government against its unarmed constituents, not only excessive but uncalled for. It would be easy to describe the situation as ironic if not for the fact that the willingness to sacrifice the civil liberties and safety of the people of Sibuyan including the potential loss of a global environmental patrimony, is simply beyond egregious. It is a frightening portent of things to come when this mining operation is finally permitted to decimate this environmental sanctuary.

Respectfully submitted.

PRAYER

WHEREFORE, premises considered, Petitioners respectfully pray that this Honorable Court:

1. ISSUE a Temporary Environmental Protection Order (TEPO) ordering Respondents and all acting in their interest to refrain from transporting and/or exporting the nickel ore shipment;
2. DIRECT Respondent Altai Philippines Mining Corporation to cease and desist from engaging in any mining-related activity, exploration or otherwise, in its contract area unless and until a full-blown, thorough and independent investigation of all of the Respondents' illegal activities is conducted and the extent of their liabilities are determined and meted appropriate penalties;
3. DECLARE null and void OTP No. OTP-APMC-162-001-2022-MIMAROPA and MOEP No. DENR-MGB-22-008, including any extension or renewal thereof;
4. DIRECT Respondent Altai Philippines Mining Corporation to restore and rehabilitate the damaged forests, mangroves, foreshore, coral reefs and other ecosystems affected by the illegal mining activities and port construction to its original state;
5. REQUIRE Respondent DENR to make periodic reports on the execution of final judgment.

Petitioners pray for such other reliefs which relate to the right of the people to a balanced and healthful ecology or to the protection, preservation, rehabilitation or restoration of the environment.

Quezon City for Manila, 06 February 2023.

By:


RONALDO R. GUTIÉRREZ

Counsel for the Petitioners

Upholding Life And Nature (ULAN)
Unit 402 Kamuning Place, 60 Kamuning Road
Quezon City, Metro Manila 1103

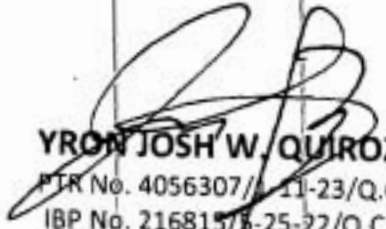
litigation@ulan-ph.org

PTR No. 3985759/1-6-23/Q.C

IBP Lifetime No. 07908/Q.C.

MCLE Exm. No. VI-000680/6-14-18

Roll No. 41383


YRON JOSH W. QUIROZ

PTR No. 4056307/1-11-23/Q.C

IBP No. 216815/6-25-22/Q.C.

MCLE Exempted – Admitted in 2022³⁴

Roll No. 77265

Explanation

Due to distance, time and logistical constraints, service of this petition was done by registered mail/private courier.


RONALDO R. GUTIERREZ

Copy furnished:

MINES AND GEOSCIENCES BUREAU

MGB Compound, North Avenue
Diliman, Quezon City

**DEPARTMENT OF ENVIRONMENT
AND NATURAL RESOURCES**

DENR Compound, Visayas Avenue
Quezon City

³⁴ 8th MCLE compliance period is until 14 April 2025.

OFFICE OF THE SOLICITOR-GENERAL
134 Amorsolo St., Legaspi Village
Makati City 1229

ALTAI PHILIPPINES MINING CORPORATION
1901 Tycoon Center, Pearl Drive
Bgy. San Antonio, Ortigas Centre
Pasig City

LIST OF DOCUMENTARY EXHIBITS		
A	MINERAL PRODUCTION SHARING AGREEMENT (MPSA) No. 304-2009-IVB dated 23 December 2009	To prove the existence of a mining contract in favor of Altai Mining.
B	DENR DECISION dated 09 September 2021	To prove the lifting of the cease-and-desist order on Altai Mining and the reasons therefor.
C	Sangguniang Panlalawigan RESOLUTION No. 07-2022-20 of the Province of Romblon	To prove the sentiment of Romblon Province against illegal and destructive mining in the entire province.
D	JOINT RESOLUTION dated 28 July 2022 by the Sangguniang Bayan of San Fernando, Cajidiocan and Magdiwang	To prove the sentiment of all the municipalities of Sibuyan Island against large-scale mining in the island and its destructive impacts on the environment and livelihood.
E	Sangguniang Barangay RESOLUTION No. 24 dated 09 December 2022 of Bgy. Taclobo	To prove the sentiment of Bgy. Taclobo against the ongoing activities of Altai Mining that were being done without its approval.
F	Bantay Kalikasan ng Sibuyan LETTER dated 13 January 2023	To prove that the group sought information on the pertinent agencies on the status and extent of the permits issued in favor of Altai Mining.
G	EXPLORATION WORK PROGRAM approved on 21 December 2022	To prove the limited extent of the mining exploration activities allowed by the MGB to Altai Mining.
H	Altai Mining's LETTER to MGB dated 07 December 2022	To prove that Altai Mining requested for the issuance of an ore transport permit for 15,000 cu.m. of nickel ore for testing.
I	ORE TRANSPORT PERMIT No. OTP-APMC-162-001-2022-MIMAROPA dated 28 December 2022	To prove the issuance of an ore transport permit by MGB-MIMAROPA and the excessive amount of 50,000 WMT of nickel ore allowed, contrary to the EWP.

J	MINERAL ORE EXPORT PERMIT No. DENR-MGB-22-008 dated 29 December 2022	To prove the issuance of an ore export permit by MGB Central Office, the excessive amount of 50,000 WMT of nickel ore allowed, contrary to the EWP, the value of the shipment, the excise tax to be paid and the buyer/consignee of the nickel ore shipment.
K	AUTHORITY TO TRANSACT (BAT-ATT-2023-013) for cargo handling services	To prove the only PPA documents given by Altai Mining to Bgy. España.
L	AUTHORITY TO TRANSACT (BAT-ATT-2023-014) for lighterage/barging services	To prove the only PPA documents given by Altai Mining to Bgy. España.
M	CERTIFICATE OF ACCREDITATION No. 000771 for lighterage and various port services	To prove the only PPA documents given by Altai Mining to Bgy. España.
N	CERTIFICATE OF ACCREDITATION No. 002296 for cargo handling services	To prove the only PPA documents given by Altai Mining to Bgy. España.
O	Bantay Kalikasan ng Sibuyan LETTER to DENR, MGB, AND EMB dated 30 January 2023	To prove that Petitioners immediately reported the violations of Altai Mining in its conduct of exploration activities to these agencies and sought the desistance of the same.
P	Bantay Kalikasan ng Sibuyan LETTER to PPA dated 30 January 2023	To prove that Petitioners immediately reported the violations of Altai Mining in constructing and operating a port/wharf facility to PPA and sought the desistance of the same.
Q to Q1	EMB LETTER to Bantay Kalikasan ng Sibuyan dated 31 January 2023 and MEMO to EMB Central Office dated 31 January 2023	To prove that EMB acknowledged Bantay Kalikasan ng Sibuyan's letter
R	JUDICIAL AFFIDAVIT of Alfredo Pascual	To prove that he is testifying in his personal capacity as a concerned Filipino citizen, a concerned resident of the municipality of San Fernando in Sibuyan Island, as one of the founders and members of the ad

				<p>hoc group Bantay Kalikasan ng Sibuyan, and as one of the persons on-the-ground in Sibuyan Island who personally witnessed the incidents surrounding Altai Mining and its activities, the participation of the municipal government of San Fernando, the police, the MGB, DENR, EMB, and PPA, as well as the escalation of the confrontations between the locals and the police, the necessity for the issuance of a TEPO and the Writ of Kalikasan. He is also testifying to identify and authenticate the documents and other evidence in this Petition.</p>
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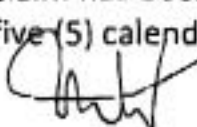
LIST OF WITNESSES ³⁵	
Engr. Alfredo Pascual	See Judicial-Affidavit (Annex Q).
Aldrin Mallari, Ph.D.	To testify on the rich biodiversity of Sibuyan Island characterized by a high level of endemism.
Mark Chernaik, Ph.D.	To testify on the dangers of listing and capsizing in mishandled shipment of nickel ore.

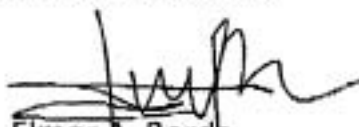
³⁵ Due to the extremely urgent circumstances under which this Petition was being filed, the indulgence of this Honorable Court is requested for the presentation of additional witnesses to testify on the damage that the island has already sustained, the violence and intimidation inflicted among local residents, among others.

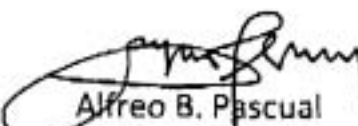
VERIFICATION AND CERTIFICATION

We, **VERONICA R. BATAN**, **ELMOR A. BORDA** and **ALFREO B. PASCUAL**, all of legal age, married, Filipino and residents of San Fernando, Romblon, after having been sworn to in accordance with the law, depose and state:

1. We are the Petitioners in this case and we have caused the preparation of the foregoing Petition for Writ of Kalikasan with Prayer for the Issuance of Temporary Environmental Protection Order (TEPO);
2. We have read the contents thereof and the same was explained to us by our counsel;
3. The allegations in the petition are true and correct based on personal knowledge and based on authentic documents;
4. We attest to the authenticity of the attachments and exhibits hereof;
5. The Petition is not filed to harass, cause unnecessary delay, or needlessly increase the cost of litigation;
6. The factual allegations therein have evidentiary support or, if specifically identified, will likewise have evidentiary support after a reasonable opportunity for discovery;
7. We have not commenced any action or filed any claim involving the same issues in any court, tribunal, or quasi-judicial agency other than what is stated herein; and, to the best of our knowledge, no such other action or claim is pending therein; and
8. If we should hereafter learn that the same or similar action or claim has been filed or is pending, we shall report such fact within five (5) calendar days therefrom to this Honorable Court.


Veronica R. Batan
OSCA ID #R-25721
10-19-2018/Las Piñas


Elmor A. Borda
OSCA ID #1168844
5-13-2015/San Fernando, Romblon


Alfredo B. Pascual
OSCA ID #38842
6-2-2016/Parañaque

SUBSCRIBED AND SWORN TO BEFORE ME this 03 February 2023, affiants exhibiting to me their respective IDs with details indicated immediately below their names.

Doc. No. 108

Page No. 23

Book No. 11

Series of 2023


NOTARY PUBLIC

UNTIL DECEMBER 31, 2023

ROLL NO. 13003

ADM. NO. NP-148 (2022-2023)

IBP NO. 0289409 / 01-17-2023 / PASIG CITY

PTR NO. 2130126 / 01-16-2023 / CT. CITY

MCLE NO. VII-0019901 / 05-04-2022 / PASIG CITY

RCH BLDG. TIMOG COR. PANAY AVE. Q.C.



OFFICE OF THE SANGGUNIANG PANLALAWIGAN

EXCERPT FROM THE MINUTES OF THE 2ND REGULAR SESSION OF THE SANGGUNIANG PANLALAWIGAN OF ROMBLON HELD AT THE RITPO BOARD ROOM, ROMBLON INVESTMENT AND TOURISM PROMOTIONS OFFICE, ROOM 201, 385 GJ BUILDING, QUEZON AVENUE CORNER WEST AVENUE, QUEZON CITY, ON JULY 15, 2022 AT 9:30 O'CLOCK IN THE MORNING

ATTENDANCE:

Hon. Armando M. Gutierrez - Vice Governor
Presiding Officer (Present)

For the 1st District

Hon. Narciso R. Bernardo, Jr. - SP Member (Present)
Hon. Maria Rhosarean A. Solis - SP Member (Present)
Hon. Rachel M. Bañares - SP Member (Present)
Hon. Herminio R. Mortel - SP Member (Present)

For the 2nd District

Hon. Natalio F. Beltran III - SP Member (Present)
Hon. Venizar F. Maravilla, MD - SP Member (Present)
Hon. Fred R. Dorado - SP Member (Present)
Hon. Rubelyn S. Solis - SP Member (Present)

Ex-Officio Members

Hon. Daphne R. Robiso - SP Member/PFSK President (Present)
Hon. Asher C. Visca - SP Member/Liga ng mga Brgy. Pres. (Present)
Hon. Elmer N. Fortu - SP Member/PCL Interim President (Present)

Sectoral Representative

Hon. Lettie F. Magango - SP Member/IPMR (Present)

RESOLUTION NO. 07-2022-20

A RESOLUTION OPPOSING AND PROHIBITING ALL FORMS OF ENVIRONMENTALLY DESTRUCTIVE AND IRRESPONSIBLE MINING IN THE PROVINCE OF ROMBLON, ENSURING HERETO THE RIGHTS OF ITS CONSTITUENTS TO A SAFE AND HEALTHY ENVIRONMENT

Sponsors:

HON. NATALIO F. BELTRAN III

Chairman, Committee on Environment and Natural Resources

HON. RACHEL M. BAÑARES

Chairman, Committee on Tourism, Culture and Arts

HON. NARCISO R. BERNARDO, JR.

Chairman, Committee on Peace and Order, Public Safety and Police Matters

Co-Sponsors:

HON. VENIZAR F. MARAVILLA, MD, HON. RUBELYN S. SOLIS

HON. FRED R. DORADO, HON. MARIA RHOSAREAN A. SOLIS

HON. HERMINIO R. MORTEL, HON. ASHER C. VISCA

HON. DAPHNE R. ROBISO, HON. LETTIE F. MAGANGO, HON. ELMER N. FORTU

WHEREAS, the 1987 Constitution of the Republic of the Philippines provides in Article XII, Section 2 that all lands of the public domain, waters, minerals, coal, petroleum and other natural resources are owned by the State and that the exploration, development and utilization of natural resources shall be under the full control and supervision of the State;

WHEREAS, Section 16 of Republic Act No. 7160 otherwise known as the Local Government Code of 1991 states that "[e]very local government unit shall exercise the powers expressly granted, those necessarily implied therefrom, as well as powers necessary, appropriate, or incidental for its efficient and effective governance, and those which are essential to the promotion of the general welfare. Within their respective territorial jurisdictions, local government units shall ensure and support, among other things, the **preservation and enrichment of culture**, promote health and safety, enhance the right of the people to a balanced ecology, encourage and support the development of appropriate and self-reliant scientific and technological capabilities, improve public morals, enhance economic prosperity and social justice, promote full employment among their residents, maintain peace and order, and preserve the comfort and convenience of their inhabitants";

WHEREAS, the Province of Romblon is one of the few places in the Philippines with well-preserved natural environment, cleanest inland body of water, and is home to endemic plants and animal species;

WHEREAS, there are continuous threats to the peaceful coexistence between the peoples of Romblon and its environment such as several attempts on mining exploration and excavation in some areas in the Province;

WHEREAS, the Province of Romblon recognizes the power of the State to promote and regulate mining under Republic Act No. 7942 otherwise known as the Philippine Mining Act of 1995, under Republic Act No. 7076 otherwise known as the People's Small-scale Mining Act of 1991, and under laws and policies relative thereto. However, the Sangguniang Panlalawigan strongly stands firm in opposing any form of environmentally destructive mining in any part in the province;

WHEREAS, in recognizing the authority of government institutions and stakeholders under the Philippine Mining Act of 1995, and other laws and policies relative thereto, the Provincial Government of Romblon, as the primary duty-bearer in protecting and safeguarding the rights of its people to a safe and healthy environment, shall ensure that all mining application and/or operations are in strict compliance with the Philippine Mining Act of 1995, and other laws and policies relative thereto, and are observing the protection of the environment, ensuring equitable and fair share of the local communities, and socially and morally responsible for any negative effect of mining activities.

NOW THEREFORE, on the motion of Hon. Rachel M. Bañares, jointly seconded by Hon. Natalio F. Beltran III, Hon. Narciso R. Bernardo, Jr. and Hon. Herminio R. Mortel, the body has -

RESOLVED, as it is hereby Resolved, that the Sangguniang Panlalawigan of the Province of Romblon hereby unequivocally stands firm its position to **oppose and prohibit any form of environmentally destructive and irresponsible mining in the Province of Romblon and ensures the rights of its constituents to a safe and healthy environment**, and by environmentally destructive and irresponsible mining, it refers to the following:

- A. Forms/types of mining that would have negative impacts on the air, water, and land, and tangible and intangible heritage of the communities;
- B. Forms/types of mining that would affect the lives and livelihood of the local communities;
- C. Forms/types of mining that would have irreversible effect to the environment and the health of the local communities;


- D. Forms/types of mining that would have no economic impact to local communities and are not keen in owning social responsibilities;
- E. Mining in areas that falls under Section 19 of Republic Act No. 7942 otherwise known as the Philippine Mining Act of 1995, and mining in other areas deemed prohibited by other laws and policies.

RESOLVED FURTHER, that no application for mining exploration, excavation, and other similar activities that categorically falls on the abovementioned definition shall be allowed and be approved in the Province of Romblon.

RESOLVED FINALLY that copies of this Resolution be furnished the Honorable ELEANDRO JESUS F. MADRONA, Congressman of the lone district of Romblon, the Honorable JOSE R. RIANO, Governor, and all Municipal Mayors in the seventeen (17) municipalities of the province.

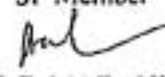
APPROVED UNANIMOUSLY.

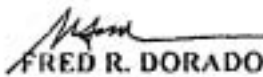
I HEREBY CERTIFY to the correctness of the foregoing resolution.

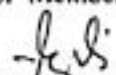

NINA MANGAKING-MINDO
Board Secretary III
Acting Secretary

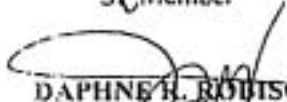
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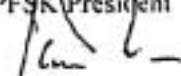

NATALIO F. DELTRAN III
SP Member


VENIZAR F. MARAVILLA, MD
SP Member


FRED R. DORADO
SP Member/FL

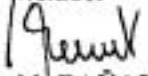

RUBELYN S. SOLIS
SP Member

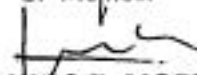

DAPHNE H. ROBISO
SP Member
PFSK President

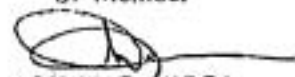

ELMER N. FORTU
SP Member
PCL Interim President

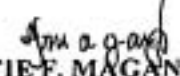

NARCISO R. BERNARDO, JR.
SP Member


MARIA RHOSAREAN A. SOLIS
SP Member



RACHEL M. BAÑARES
SP Member


HERMINIO R. MORTEL
SP Member


ASHER C. VISCA
SP Member
Liga ng mga Barangay President


LETTIE F. MAGANGO
SP Member
IPMR

ATTESTED:


ARMANDO M. GUTIERREZ
Vice Governor
Presiding Officer

ANNEX D



Republic of the Philippines
Province of Romblon

MUNICIPALITIES OF SAN FERNANDO, CAJIDIOCAN AND MAGDIWANG

OFFICE OF THE SANGGUNIANG BAYAN

EXCERPTS FROM THE MINUTES OF THE JOINT SESSION OF THE THREE (3) SANGGUNIANG BAYANS OF SAN FERNANDO, CAJIDIOCAN AND MAGDIWANG, ROMBLON HELD AT THE 4TH FLOOR NEW MUNICIPAL BUILDING OF SAN FERNANDO, ROMBLON ON JULY 28, 2022 AT 9:40 A.M.

PRESENT:

Hon. Domingo B. Marin	..... Vice Mayor/Presiding Officer Mun. of San Fernando
Hon. Kenyo R. Rabino	..... Vice Mayor, Mun. of Cajidiocan
Hon. Antonio R. Menese	..... Vice Mayor, Mun. of Magdiwang
1. Hon. Rodelio R. Relox	..... SB Member, Mun. of San Fernando
2. Hon. Jezrel P. Aquino	..... -do-
3. Hon. Cedmarc Francis A. Renion	..... -do-
4. Hon. Dante M. Marin	..... -do-
5. Hon. Romel R. Repil	..... -do-
6. Hon. Rene L. Baranda	..... -do-
7. Hon. Cynthia R. Rios	..... -do-
8. Hon. Armando R. Rios	..... Liga ng mga Brgy. Pres., Member Mun. of San Fernando
9. Hon. Celedonio R. Tamayo	..... IP Representative, Member Mun. of San Fernando
10. Hon. Rufino Marc R. Gotanco	..... SB Member, Mun. of Cajidiocan
11. Hon. Cleto R. Ramilo	..... -do-
12. Hon. Jayner Jonathan M. Porras	..... -do-
13. Hon. Athena B. Malapitan	..... -do-
14. Hon. Rigor C. Ramos	..... -do-
15. Hon. Shirley R. Dianco	..... -do-
16. Hon. Mabini T. Maca	..... -do-
17. Hon. Haide R. Rabino	..... -do-
18. Hon. Angelyn R. Rizo	..... Liga ng mga Brgy. Pres., Member Mun. of Cajidiocan
19. Hon. Purita R. Romano	..... IP Representative, Member, Mun. of Cajidiocan
20. Hon. Carlo Rey G. Tansiongco, M.D.	..... SB Member, Mun. of Magdiwang
21. Hon. Faith M. Macato	..... -do-
22. Hon. Unique R. Muros	..... -do-
23. Hon. Marcial M. Ruallo	..... -do-
24. Hon. Ado V. Tansiongco	..... -do-
25. Hon. Jhoner S. Rugas	..... -do-
26. Hon. Paulo Norman I. Rabino II	..... SK Federation Pres., Member, Mun. of Magdiwang
27. Hon. Rodel D. Roda	..... IP Representative, Member Mun. of Magdiwang

ABSENT:

- | | | |
|----------------------------------|-------|--|
| 1. Hon. Daxie Benedict R. Rios | | SB Member, Mun. of San Fernando
(Sick Leave) |
| 2. Hon. Freddie R. Abelita Jr. | | SK Federation Pres., Member,
Mun. of San Fernando |
| 3. Hon. Anne Loraine C. Quintana | | SK Federation Pres., Member,
Mun. of Cajidiocan (Sick Leave) |
| 4. Hon. Denisa R. Repizo | ..... | SB Member, Mun. of Magdiwang |
| 5. Hon. Pacifico A. Caleja Jr. | ..... | -do- |
| 6. Hon. Agnes T. Perez | | Liga ng mga Brgy. Pres., Member
Mun. of Magdiwang
(On Official Business) |

JOINT RESOLUTION NO. 01 SERIES OF 2022

(Proponent: Hon. Cedmarc Francis A. Renion)

A RESOLUTION STRONGLY OPPOSING METALLIC LARGE-SCALE MINING IN SIBUYAN ISLAND, REQUESTING PRESIDENT FERDINAND R. MARCOS, JR. AND THE CONGRESS OF THE PHILIPPINES TO DECLARE SIBUYAN ISLAND FREE FROM LARGE-SCALE METALLIC MINING AND CALLING DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES SECRETARY MA. ANTONIA YULO-LOYZAGA TO IMMEDIATELY REVIEW, HALT, REVOKE AND REJECT ALL MINING AGREEMENTS, OPERATIONS, AND APPLICATIONS WITHIN THE TERRITORIAL JURISDICTION

WHEREAS, Sections 15 and 16, under Article II of 1987 Philippine Constitution clearly state that:

"Section 15. The State shall protect and promote the right to health of the people and instill health consciousness among them."

"Section 16. The State shall protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature."

WHEREAS, Section 2, under Article XII of the 1987 Philippine Constitution provides that

"Section 2. All lands of the public domain, waters, minerals, coal, petroleum, and other mineral oils, all forces of potential energy, fisheries, forests or timber, wildlife, flora and fauna, and other natural resources are owned by the State. With the exception of agricultural lands, all other natural resources shall not be alienated. The exploration, development, and utilization of natural resources shall be under the full control and supervision of the State."

WHEREAS, Section 2c of Republic Act 7160 otherwise known as the Local Government Code of 1991 explicitly says that

"(c) It is likewise the policy of the State to require all national agencies and offices to conduct periodic consultations with appropriate local government units, non-governmental and people's organizations, and other concerned sectors of the community before any project or program is implemented in their respective jurisdictions."

WHEREAS, Section 16 of Republic Act 7160 is empowered to protect the general welfare of its constituents, to wit

"Section 16. General Welfare. - Every local government unit shall exercise the powers expressly granted, those necessarily implied therefrom, as well as powers necessary, appropriate, or incidental for its efficient and effective governance, and those which are essential to the promotion of the general welfare. Within their respective territorial jurisdictions, local government units shall ensure and support, among other things, the preservation and enrichment of culture, promote health and safety, enhance the right of the people to a balanced ecology, encourage and support the development of appropriate and self-reliant scientific and technological capabilities, improve public morals, enhance economic prosperity and social justice, promote full employment among their residents, maintain peace and order, and preserve the comfort and convenience of their inhabitants."

WHEREAS, Sections 26 and 27 of Republic Act 7160 indicate the duties of national government agencies to local governments and communities, to state

"Section 26. Duty of National Government Agencies in the Maintenance of Ecological Balance. - It shall be the duty of every national agency or government-owned or -controlled corporation authorizing or involved in the planning and implementation of any project or program that may cause pollution, climatic change, depletion of non-renewable resources, loss of crop land, rangeland, or forest cover, and extinction of animal or plant species, to consult with the local government units, non-governmental organizations, and other sectors concerned and explain the goals and objectives of the project or program, its impact upon the people and the community in terms of environmental or ecological balance, and the measures that will be undertaken to prevent or minimize the adverse effects thereof."

Section 27. Prior Consultations Required. - No project or program shall be implemented by government authorities unless the consultations mentioned in Sections 2 (c) and 26 hereof are complied with, and prior approval of the Sanggunian concerned is obtained: Provided, that occupants in areas where such projects are to be implemented shall not be evicted unless appropriate relocation sites have been provided, in accordance with the provisions of the Constitution."

WHEREAS, Section 2 of Republic Act 9147 otherwise known as the Wildlife Resources Conservation and Protection Act signed in 2001 declares that

"Sec. 2. Declaration of Policy. It shall be the policy of the State to conserve the country's wildlife resources and their habitats for sustainability. In the pursuit of this policy, this Act shall have the following objectives:

- (a) to conserve and protect wildlife species and their habitats to promote ecological balance and enhance biological diversity;*
- (b) to regulate the collection and trade of wildlife;*
- (c) to pursue, with due regard to the national interest, the Philippine commitment to international conventions, protection of wildlife and their habitats; and*
- (d) to initiate or support scientific studies on the conservation of biological diversity."*

WHEREAS, Sibuyan Island eighty-one percent is covered by forest. "In terms of species richness, more than 144 species of trees, 64 birds, 10 amphibians, 25 reptiles, and 18 mammals were recorded for Sibuyan Island".¹¹ Being isolated since the middle to late Pleistocene era, Sibuyan's flora and fauna is exceptional.¹²

July 28, 2022

WHEREAS, conservationists say that Sibuyan is a center of endemism^{iv}; the Philippine National Herbarium (PNH) claims the island as a center of plant diversity^v; hence, making the island as biodiversity hotspot. Further, a paper of a University of the Philippines - Los Baños researcher proves that there are 35 endangered and endemic species in almost all barangays outside the protected area^{vi}.

WHEREAS, Presidential Proclamation No. 746 declared Mt. Guiting-guiting as Natural Park, and further enacted as such under Republic Act 11038 otherwise known as Expanded National Integrated Protected Area Systems Act; and the whole island as an initial component for the National Integrated Areas System (NIPAS) as mangrove forest swamp reserve per Presidential Proclamation No. 2152; proclaimed as an Important Bird Area (PH 058) and Conservation Priority Area (CPA 82) with an area of 15,265 has. Furthermore, within and outside the area, roaming on Sibuyan Island, are one critically endangered, 4 endangered and 8 vulnerable species of biodiversity.^{vii}

WHEREAS, in the final report of the National Biodiversity Strategy and Action Plan in 2004, the seas surrounding Sibuyan and Romblon Islands have been considered as priority conservation areas for Cetaceans.^{viii} Sibuyan Island is considered Conservation Priority Area for amphibians and reptiles.^{ix}

WHEREAS, Altai Philippine Mining Corporation (APMC) was given MPSA for nickel exploration and extraction with an area of 1580.80 hectares which will affect more than 20 tributaries and rivers in Barangays Espana and Taclobo in San Fernando municipality, which include major rivers such as Punong, Olango, Binayaan and Cabitangahan. This will also affect a watershed which provides water to a number of tributaries leading to Cantingas River, the cleanest inland body of water, river category, in the country.

WHEREAS, APMC's MPSA 304-2009-IVB was signed by former DENR Secretary Lito Atienza on 23 December 2009, three days before he resigned from office. The local government units and communities in the municipality of San Fernando was not informed of the said agreement and its terms and conditions prior to its issuance.

WHEREAS, prior to the signing of MPSA, the local councils of Barangays Taclobo^x and Espana^{xi} recalled resolutions favoring mining and manifested their opposition to any mining applications and operations in their respective territorial jurisdictions.

WHEREAS, there is still a suspended Special Permit to cut 69,709 trees that was issued to the subsidiaries of Sibuyan Nickel Properties Development Corporation (SNPDC), assigned by Mineral Production Sharing Agreement (MPSA) holder Altai Philippine Mining Corporation (APMC), in Sibuyan Island by then DENR Sec. Angelo T. Reyes within 406 hectares of land, equal to 9,455.183 m³ or more or less 4 million board feet, in which Haribon Foundation assessed that there are threatened tree species to be cut such as apitong and yakal species included in the national list of endangered plant species.^{xii} While the permit has been suspended, it must be known that APMC has pending exploration application in the said area as of June 2022.

WHEREAS, on September 9 2011, its operations were suspended due to lack of social acceptability; however, the cease and desist order was lifted on September 19 2021

signed by DENR Undersecretary Ernesto D. Adobo, on the grounds that APMC was just in its exploration stage, and that social acceptability can only be raised and required to secure Environmental Compliance Certificate, develop an Environmental Protection and Enhancement Program, and Mine Rehabilitation and/or Decommissioning Plan.^{xiii}

WHEREAS, as of June 2022, there are still three active mining applications in Sibuyan Island: Fil-China Mining Development Corporation for MPSA with 621.2581 hectares to mine feldspar in San Fernando; Altai Philippines Mining Corporation for exploration with 752.1086 hectares for nickel exploration; and Rommel Ibuna to explore nickel and chromite in 1339.9500 hectares in Magdiwang.

WHEREAS, the Mines and Geosciences Bureau (MGB) under DENR granted APMC a renewal of its exploration permit on July 12, 2022, for another two years.

WHEREAS, Section 2 Republic Act 9729 otherwise known as the **Climate Change Act of 2009** recognizes the urgency to address climate change at all levels, noting

"Section 2. Declaration of Policy. – It is the policy of the State to afford full protection and the advancement of the right of the people to a healthful ecology in accord with the rhythm and harmony of nature."

xxx

"Further recognizing that climate change and disaster risk reduction are closely interrelated and effective disaster risk reduction will enhance climate change adaptive capacity, the State shall integrate disaster risk reduction into climate change programs and initiatives."

"Cognizant of the need to ensure that national and subnational government policies, plans, programs and projects are founded upon sound environmental considerations and the principle of sustainable development, it is hereby declared the policy of the State to systematically integrate the concept of climate change in various phases of policy formulation, development plans, poverty reduction strategies and other development tools and techniques by all agencies and instrumentalities of the government."

WHEREAS, Sections 2 (a)(f)(l)(m) of Republic Act 10121 otherwise known as the **Philippine Disaster Risk Reduction and Management Act of 2010**, require the State to

(a) Uphold the people's constitutional rights to life and property by addressing the root causes of vulnerabilities to disasters, strengthening the country's institutional capacity for disaster risk reduction and management and building the resilience of local communities to disasters including climate change impacts;

xxx

(f) Adopt and implement a coherent, comprehensive, integrated, efficient and responsive disaster risk reduction program incorporated in the development plan at various levels of government adhering to the principles of good governance such as transparency and accountability within the context of poverty alleviation and environmental protection;

xxx

(l) Recognize and strengthen the capacities of LGUs and communities in mitigating and preparing for, responding to, and recovering from the impact of disasters;

(m) Engage the participation of civil society organizations (CSOs), the private sector and volunteers in the government's disaster risk reduction programs towards complementation of resources and effective delivery of services to the Citizenry;

(n) Develop and strengthen the capacities of vulnerable and marginalized groups to mitigate, prepare for, respond to, and recover from the effects of disasters;

WHEREAS, since year 2008, the whole province of Romblon has been stricken by flooding, landslides, storm surges and typhoons, to mention Typhoon Frank, among others, which devastated crops and livestock amounting to Php 110 million^{xv}. Further, the combined climate and weather related risks vulnerability of Romblon is relatively high^{xv}.

WHEREAS, according to the geological hazard map records of the Mines and Geosciences Bureau, almost 80% of Sibuyan Island is highly susceptible to landslides and the coastal villages are moderately and highly susceptible to flooding.^{xvi}

WHEREAS, an official map from the Philippine Institute of Volcanology and Seismology (PHIVOLCS) shows that there is an existing active fault line in the Municipality of San Fernando crossing the approved mining area of APMC.^{xvii}

WHEREAS, the cutting of trees, removal of top soil and extraction of minerals shall increase the vulnerability of communities and ecosystems to disaster risks and effects of climate change. Mining will undermine the island's ability to feed itself or develop its significant eco-tourism potential^{xviii}.

WHEREAS, while recognizing Republic Act 7942 or the Philippine Mining Act of 1995, the Sangguniang Bayans of the Municipalities of San Fernando, Magdiwang and Cajidiocan have the duty and responsibility to ensure general welfare of our constituents as mandated by Section 16 of the Local Government Code of 1991.

WHEREAS, Section 23 of DENR Administrative Order No. 2010-21 requires consultation with the concerned Sanggunian, to wit

Section 23. Registration of Exploration Permit

Upon evaluation that all the terms and conditions and all pertinent requirements are in order and that the subject area has been cleared from any conflict, the Regional Director upon clearance by the Director shall approve and issue the Exploration Permit. The Permittee shall cause the registration of the same in the Regional Office concerned within fifteen (15) working days from receipt of the written notice and upon payment of the required fees: Provided, That the Permittee shall comply with the required consultation with the Sanggunian concerned pursuant to the pertinent provisions of RA No. 7160, The Local Government Code of 1991, prior to the implementation of the Exploration Work Program.

WHEREAS, Sections 2c, 26 and 27 of the Local Government Code of 1991 were not properly complied with prior to the signing of MPSA 304-2009-IVB on 29 December 2009, and the granting of APMC's renewal of exploration permit on 12 July, 2022; it is our belief that any project or program, whatever stage of classification it may be, needs prior consultation which requires prior approval.

WHEREAS, Section 16 of the Local Government Code of 1991 compels us to act for the general welfare and Section 5 assures us that

(a) Any provision on a power of a local government unit shall be liberally interpreted in its favor, and in case of doubt, any question thereon shall be resolved in favor of devolution of powers and of the lower local government unit. Any fair and reasonable doubt as to the existence of the power shall be interpreted in favor of the local government unit concerned;

WHEREAS, we choose agriculture, fisheries and ecological tourism as priorities for an environmentally economic growth suited for an island-ecosystem towards a sustainable and resilient Sibuyan Island community.

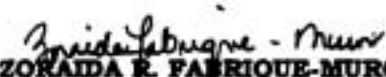
THEREFORE, the Sangguniang Bayan on motion of Hon. Cedmarc Francis A. Renion jointly seconded by all members present.

RESOLVED, AS IT IS HEREBY RESOLVED, TO OPPOSE METALLIC LARGE-SCALE MINING IN SIBUYAN ISLAND, REQUEST PRESIDENT FERDINAND R. MARCOS, JR. AND THE CONGRESS OF THE PHILIPPINES TO DECLARE SIBUYAN ISLAND FREE FROM LARGE-SCALE METALLIC MINING, AND URGE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES SECRETARY MA. ANTONIA YULO-LOYZAGA TO IMMEDIATELY REVIEW, HALT, REVOKE AND REJECT ALL MINING AGREEMENTS, EXPLORATION ACTIVITIES, MINING OPERATIONS, AND APPLICATIONS WITHIN THE TERRITORIAL JURISDICTION


RESOLVED FINALLY, to furnish copy of this resolution His Excellency Ferdinand Romualdez Marcos Jr, President of the Republic of the Philippines, Malacañang Palace, Manila; the Congress of the Philippines, Madam Ma. Antonia Yulo- Loyzaga, Secretary Department of Environment and Natural Resources (DENR), Visayas Ave., Diliman, Quezon City; the Mines and Geosciences Bureau - IVB, DENR Building, Roxas Blvd., Ermita, Manila; the Hon. Eleandro Jesus F. Madrona, Congressman, Lone District of Romblon, Constitution Hills, Quezon City; the Hon. Jose R. Riano, Governor, Romblon, Romblon; the PENRO, Odiongan, Romblon; the Sangguniang Panlalawigan, Romblon, Romblon - for their information, appropriate action and record; the Local Government Unit of Magdiwang, Magdiwang, Romblon; the Local Government of Cajidiocan, Cajidiocan, Romblon; the Local Government Unit of San Fernando, Romblon; the Liga ng mga Barangay, San Fernando, Romblon; the MLGOO and all offices concerned - for their information and record.

Carried unanimously by all members present.

WE HEREBY CERTIFY to the correctness of the foregoing resolution.



ZORAIDA R. FABRIQUE-MUROS
Secretary to the Sanggunian
Municipality of Magdiwang



SHARON S. COMETA
Administrative Assistant III
Acting Secretary to the Sanggunian
Municipality of Cajidiocan


MAY ANN R. SUICON
Secretary to the Sanggunian
Municipality of San Fernando

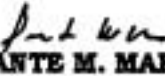
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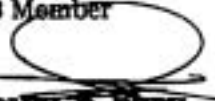
Municipality of San Fernando



RODELIO R. RELOX
SB Member



JETREL A. AQUINO
SB Member



CEDMARC FRANCIS A. RENION
SB Member



DANTE M. MARIN
SB Member


ROMEL R. REPI
SB Member


RENE L. BARANDA
SB Member

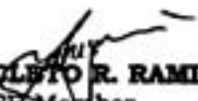

CYNTHIA R. RIOS
SB Member

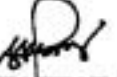

ARMANDO R. RIOS
LnB President, Member



CELEDONIO R. TAMAYO
IPMR, Member

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Municipality of Cajidiocan



RUFINO MARCO R. GOTANCO
SB Member


CLETO R. RAMILO
SB Member


JAYNER JONATHAN M. PORRAS
SB Member


ATHENA B. MALAPITAN
SB Member


RIGOR C. RAMOS
SB Member


SHIRLEY R. DIANCO
SB Member


MABEL T. MACA
SB Member

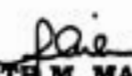

MAIDE S. RABINO
SB Member

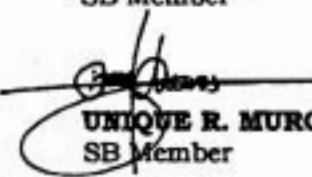

ANGELYN R. RIZO
LnB President, Member



PURITA R. ROMANO
IPMR, Member

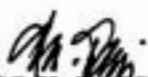
Municipality of Magdiwang

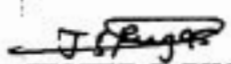

CARLO REY S. TANSINGCO, M.D.
SB Member

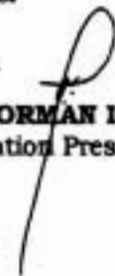

FAITH M. MACATO
SB Member



UNIQUE R. MUROS
SB Member


MARCIAL M. RUALLO
SB Member



ADO V. TANSINGCO
SB Member



JHONER S. RUGAS
SB Member



PAULO NORMAN I. RABINO II
SK Federation Pres., Member


RODEL D. RODA
PMR, Member

ATTESTED:


KENYO R. RABINO
Vice Mayor
Municipality of Cajidiocan


ANTONIO R. MENESE
Vice Mayor
Municipality of Magdiwang


DOMINGO B. MARIN
Vice Mayor/Presiding Officer
Municipality of San Fernando

- ⁴¹ Fauna and Flora International (2015) Sibuyan Island Resource and Socio-Economic Assessment Ibid.
- ⁴² BirdLife International (2022) Important Bird Areas factsheet: Mount Guiting-guiting Natural Park. Downloaded from <http://www.birdlife.org> on 28/07/2022.
- ⁴³ Rickart, E. A., Heaney, L. R., Goodman, S. M., & Sharon Jansa. (2005). Review of the Philippine Genera *Chrotomys* and *Celaenomys* (Murinae) and Description of a New Species. *Journal of Mammalogy*, 86(2), 415–428. <http://www.jstor.org/stable/4094361>
- ⁴⁴ DENR-UNEP. 1997. *Philippine Biodiversity: An Assessment and Action Plan*. 298p. Department of Environment and Natural Resources and the United Nations Environment Programme. Bookmark, Inc., Makati, Philippines.
- ⁴⁵ Miah Mayo Malixi's study on endangered fauna species outside the protected area of Sibuyan funded by World Wildlife Fund-USA.
- ⁴⁶ Priority Sites for Conservation in the Philippines: Key Biodiversity Areas. Published by Conservation International Philippines, Protected Areas and Wildlife Bureau (PAWB) of the Department of Environment and Natural Resources (DENR) and Haribon Foundation.
- ⁴⁷ Ibid.
- ⁴⁸ Ibid.
- ⁴⁹ Barangay Council of Taclobo, Resolution No. 18 series of 2006
- ⁵⁰ Barangay Council of España, Resolution No 1 series of 2008
- ⁵¹ "Tree-cutting permit on Sibuyan slammed" by TJ Burgonio and Jerome Aning. *Philippine Daily Inquirer*. October 09, 2007.
- ⁵² DENR Case No. 10218 Decision. September 19, 2021
- ⁵³ Department of Agriculture Region IV-B data. <http://www.darfu4b.da.gov.ph/index.html> (accessed January 06, 2011).
- ⁵⁴ Combined Risk to Climate Disasters. Center for Environmental Geomatics. Manila Observatory. 2005.
- ⁵⁵ <https://region4b.mgb.gov.ph/28-geohazard-maps/98-geohazard-maps#romblon>
- ⁵⁶ Philippine Institute of Volcanology and Seismology. Active Faults Hazard Map of the Municipality of San Fernando, Romblon Province. (Map) Version 1. 1:45,000. Quezon City, Philippines: PHIVOLCS, October 2018.
- ⁵⁷ Working Group on Mining in the Philippines 2008. Mining or Food Report. <http://www.piplinks.org/system/files/Mining+or+Food+Case+Study+6.pdf>

ANNEX E



Republic of the Philippines
Province of Romblon
Municipality of San Fernando
BARANGAY TACLOBO

EXCERPTS FROM THE MINUTES OF THE SPECIAL SESSION OF THE
SANGGUNIANG BARANGAY OF TACLOBO, SAN FERNANDO, ROMBLON ON
DECEMBER 9, 2022 AT 4:00 O'CLOCK IN THE AFTERNOON

PRESENT

Hon. DEVE B. RAFOL	..... Barangay Kagawad
	Presiding Officer
Hon. ARTHUR R. AMORIN	..... Barangay Kagawad
Hon. JANET R. ROYO	..... Barangay Kagawad
Hon. NOEL V. ROMANO	..... Barangay Kagawad
Hon. MARLON R. ROMERO	..... Barangay Kagawad
Hon. MARIFE M. MARIN	..... Barangay Kagawad
Hon. EFREN RECTO	..... IP Representative

ABSENT

Hon. CIRC RUPERT R. CLAVEL	..... SK Chairman
Hon. JURDSON R. PEREZ	..... Barangay Kagawad

ON LEAVE

Hon. FAUSTO B. BACERO Punong Barangay
-----------------------	-----------------------

RESOLUTION NO. 24 Series of 2022

A RESOLUTION DENYING AND/OR DISAPPROVING THE APPLICATION FOR BARANGAY CLEARANCE AND COMMUNITY TAX CERTIFICATE OF THE ALTAI PHILIPPINES MINING CORPORATION FOR THE PURPOSE OF EXPLORATION AS STATED IN ITS LETTER DATED DECEMBER 6, 2022 SIGNED BY MR. RENIER TUTANA.

WHEREAS, the Section 16 of Republic Act 7160, otherwise known as the Local Government Code of 1991 states that every local government unit shall exercise the powers expressly granted, those necessarily implied there from, as well as powers

Resolution No. 24 s. 2022
December 9, 2022
Page 2

is necessary, appropriate, or incidental for its efficient and effective governance, and those which are essential to the promotion of the general welfare

WHEREAS, the Sangguniang Barangay of Tacloban on May 30, 2022, passed a Resolution strongly opposing the operation of mining and other related activities within the area of jurisdiction of Barangay Tacloban, this Municipality,

WHEREAS, the Sangguniang Bayan of San Fernando on June 6, 2022, also passed a Resolution strongly opposing the Mineral Production Sharing Agreement of Altai Philippines Mining Corporation in San Fernando, Romblon,

WHEREAS, Barangay Tacloban received a letter dated December 6, 2022, from the Altai Mining Philippines Corporation applying for Barangay Clearance and Community Tax Certificate for the purpose of EXPLORATION PERIOD,

WHEREAS, on December 9, 2022, the Sangguniang Barangay of Tacloban called for a Special Session in order to tackle the communication dated December 6, 2022, of the Altai Mining Philippines Corporation regarding its application for Barangay Clearance for the purpose of EXPLORATION PERIOD,

WHEREAS, the Sangguniang Barangay of Tacloban recently received numerous petitions from its constituents and residents opposing mining activities in the Barangay due to threat to the environment and the life, health, safety, and well-being of the people particularly those who are residing near the mining site,

WHEREAS, the Sangguniang Barangay of Tacloban considers it ironic and ridiculous that the Altai Mining Philippines Corporation has already commenced in its activities related to "exploration" a couple of months ago, and yet, it will only secure a Barangay Clearance at this very moment where various mining or exploration activities are already on-going

WHEREAS, the Barangay Clearance, based on existing laws, should have been secured prior to the commencement of any business operation or activity, including mining exploration

NOW, THEREFORE, on motion of Hon. Noel V. Romano duly seconded by all the members present

RESOLVED, AS IT IS HEREBY RESOLVED, to pass a Resolution denying and/or disapproving the application for Barangay Clearance and Community Tax Certificate of the Altai Philippines Mining Corporation for the purpose of exploration as stated in its letter dated December 6, 2022 signed by Mr. Renier Tutana

Resolution No. 24 s. 2022
November 3, 2022
Page 1

RESOLVED FURTHER to furnish copy of this Resolution the Aita Mining Philippines Corporation, the Office of the Municipal Mayor of San Fernando, Office of the Vice Mayor and the Sangguniang Bayan, Municipal Planning and Development Office, Municipal Environment and Natural Resources Office, Municipal Local Government Operations Office and other offices concerned.

Certified unanimously by all members present.

I HEREBY CERTIFY to the correctness of the foregoing resolution.

Leilane V. Perez
LEILANE V. PEREZ
Barangay Secretary

CONFORMED:

Arthur R. Amorin
ARTHUR R. AMORIN
Barangay Kagawad

Janet R. Royo
JANET R. ROYO
Barangay Kagawad

JURDSON R. PEREZ
Barangay Kagawad

Noel V. Romano
NOEL V. ROMANO
Barangay Kagawad

Marlon R. Romero
MARLON R. ROMERO
Barangay Kagawad

Marife M. Marin
MARIFE M. MARIN
Barangay Kagawad

Efren Recto
EFREN RECTO
IP Representative

CIRC RUPERT R. CLAVEL
SK Chairman

ATTESTED:

Deve B. Rafol
DEVE B. RAFOL
Barangay Kagawad
Acting Presiding Officer

BANTAY KALIKASAN NG SIBUYAN

Pescual Compound Gov. Adriano Rios St. Poblacion, San Fernando, Romblon
 EMAIL: vicky@bntanhmcc.com; abpscwizz@bntanhmcc.com JAN 17 2023

13 January 2023

RESPECTFULLY SEEKING THE ATTENTION OF:

Non. Maria Antonia Yulo Loyaga
 Secretary of Environment and Natural Resources
 OFFICE OF THE SECRETARY
 DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
 DENR Compound, Visayas Avenue, Diliman, Quezon City

Atty. Wilfredo G. Moncano
 Director of the Mines and Geosciences Bureau
 OFFICE OF THE DIRECTOR MINES AND GEOSCIENCES BUREAU
 MGB Compound, North Avenue, Diliman, Quezon City

Engr. William P. Oullado
 Director of the Environmental Management Bureau
 OFFICE OF THE DIRECTOR ENVIRONMENTAL MANAGEMENT BUREAU
 DENR Compound, Visayas Avenue, Diliman, Quezon City

SUBJECT: ALTAI Philippines Mining Corporation's Licenses and Permits for Mining Operations in San Fernando, Romblon

Dear Madams and Sirs,

We, the undersigned, are representatives of a group of individuals under the coalition **BANTAY KALIKASAN NG SIBUYAN**, an organization dedicated to conserving the ecosystems and natural resources of Sibuyan Island in the province of Romblon. We are all residents of San Fernando, Romblon where **ALTAI** was granted **MINERAL PRODUCTION SHARING AGREEMENT (MPSA) No. 304-2009-IVB** which has a term of twenty-five (25) years. The said MPSA covers the contract area of 1,580,8010 hectares situated in the Municipality of San Fernando, Sibuyan Island.

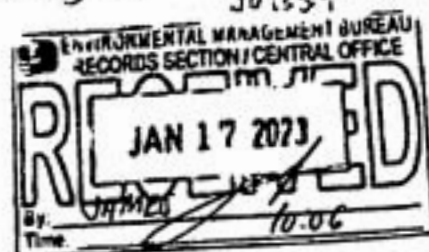
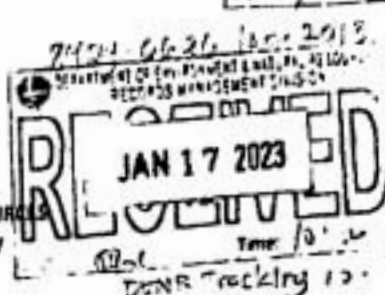
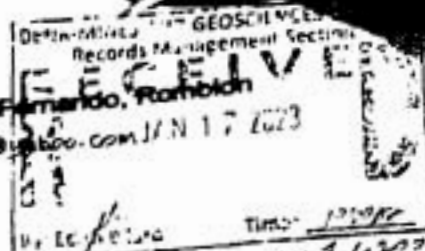
The MPSA was suspended by the Mines and Geosciences Bureau (MGB) through a **CEASE-AND-DESIST ORDER (CDO)** dated 19 September 2011. However, the CDO was lifted by the Department of Environment and Natural Resources (DENR) through **DENR ORDER** dated 09 September 2021.

We are writing this letter to bring to your attention our long-running dismay and concerns regarding **ALTAI's** mining activities in San Fernando, Romblon. To give some historical context on the issue, in 2007, Armin Marín, a staunch anti-mining advocate and a member of the Sangguniang Bayan of San Fernando, died during a rally pushing back against mining activities in the island after he was gunned down by an **ALTAI** security guard.

Presently, and to the best of our knowledge and the information available to us, **ALTAI** is still in its exploration phase and is not yet allowed to commence mining operations. However, as of the time of this writing, **ALTAI** already has a stockpile of ore ready for shipment. Furthermore, **ALTAI** has completed the causeway for barges and has readied the haul roads. Additionally, many trees have already been cut and announcements for hundreds of job vacancies have already been posted by **ALTAI**.

Unfortunately, despite strenuous efforts on our part, we are not getting any further information, clarifications, nor help from our relevant provincial and local officials as to the status of **ALTAI's** mining operations. Significantly, our clamors for the stoppage of **ALTAI's** mining activities have been largely ignored.

With these precedents in mind, we are now constrained to respectfully write to your Honorable Offices to inquire about **ALTAI's** licenses and permits for its mining operations in San Fernando, Romblon, specifically:



BANTAY KALIKASAN NG SIBUYAN

Prescual Compound Gov. Adriano Rios St. Poblacion, San Fernando, Romblon

A. EXPLORATION PERMIT ("EP")

1. Does ALTAI have an EP?
2. If not, what are the requirements for ALTAI to be issued an EP?
3. Who among civil society stakeholders were notified prior to DENR's lifting of the CDO against ALTAI in observance of due process?
4. Specifically, what are the activities allowed under ALTAI's EP?
5. Does ALTAI's EP permit already allow the following acts to be done by ALTAI: (a) large-scale cutting of trees; (b) construction of haul roads; (c) construction of pier/causeway for barges; and (d) the stockpiling of ore?

B. ENVIRONMENTAL CLEARANCE CERTIFICATE ("ECC")

1. What is the status of ALTAI's application for an ECC?
2. At present, is ALTAI permitted to conduct the following acts: (a) large-scale cutting of trees; (b) construction of haul roads; (c) construction of pier/causeway for barges; and (d) the stockpiling of ore?
3. Specifically, what are all the documents and permits required by the DENR, MGB, EMB, and other relevant administrative agencies before ALTAI can start its mining operations in San Fernando, Romblon?

C. MINING ACTIVITIES vis-à-vis EXPLORATIVE PHASE

In the DENR ORDER dated 09 September 2021 that lifted the MGB's CDO against ALTAI's MPSA No. 304-2009-IVB, it was stated in the ruling portion thereof that:

"First, the MPSA of Altai was merely in the Explorative Phase, meaning that a full-scale mining project is still subject to another application and assessment for Declaration of Mining Project Feasibility (DMPF), the grant of which is contingent on whether or not the project is technically, socially, environmentally, and financially feasible and compliant. It is only at this point that the concerns of the then Municipal Mayor could be raised as the applicant would be required to secure an Environmental Compliance Certificate, develop an Environmental Protection and Enhancement Program, and Mine Rehabilitation and/or Decommissioning Plan.

"Second, the activities of Altai are limited only to activities to determine the feasibility of the project and is not a full-scale mining operation..." (Emphasis added)

1. If ALTAI is merely in its Explorative Phase, is ALTAI already permitted to conduct the following acts which are akin to a full-scale mining operation: (a) large-scale cutting of trees; (b) construction of haul roads; (c) construction of pier/causeway for barges; and (d) the stockpiling of ore?

2. Does the acts of the people of Sibuyan Island in continuously raising and communicating their opposition against mining operations in Sibuyan Island enough to demonstrate the social infeasibility of said operations in the island? What more do the people of Sibuyan need to do?

Through this letter, we are expressing our firm opposition to mining operations in the whole of Sibuyan Island. It is the people of Sibuyan Island, whom we represent, that will ultimately suffer when changes caused by mining to the terrain of our island makes it susceptible to landslides, flooding, siltation of agricultural lands and rivers, as well as the destruction and pollution of watersheds, coral reefs, and fishing grounds.

Notably, Sibuyan Island's ecosites and landmarks will also be significantly affected. Cantingas River, which was declared the cleanest inland body of water in the country, will be severely affected. Olango River where Dagubdob Falls is located will also be seriously affected. Significantly, Cantingas River and Dagubdob Falls, two of the main nature attractions of the island for tourism, will be negatively affected by mining operations in the Cantingas and Olango rivers, not to mention the other rivers that will be affected, if not obliterated, by the mining operations.

BANTAY KALIKASAN NG SIBUYAN

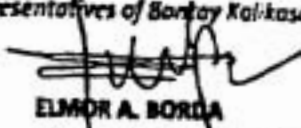
Pascual Compound Gov. Adriano Rios St. Poblacion, San Fernando, Romblon

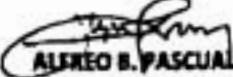
Sibuyan Island is also home to numerous species of birds, flora, and fauna which are endemic to the island. Stripping the topsoil will seriously affect the stability of the landscape. No amount of rehabilitation will be able to restore the deforestation of the mined out areas which will consequently affect not only the people of Sibuyan but also all the species of birds, flora, and fauna found therein.

We are now earnestly praying that your Honorable Offices will take action on not only the contents of our letter but also to halt the continuation of ALTAI's mining operations in Sibuyan Island. Let it be known once more that the people of Sibuyan Island are against mining, whether it be ALTAI or any other mining company or organization.

We respectfully expect a clear, candid, and straightforward response to the issues and concerns we have raised herein. Thank you.

Representatives of Bantay Kalikasan ng Sibuyan:



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PRISCILLA R. REY
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RECORDS SECTION
EMB-MIMAR
11/17/2023
RECEIVED BY


Copies furnished:

LORMELYN E. CLAUDIO

DENR Regional Executive Director for Region IV-B (MIMAROPA) DENR Regional Office for Region No. IV-B 3/F,
1515 DENR Building, Roxas Boulevard, Ermita, Manila

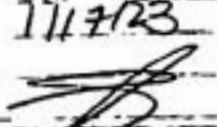
ENGR. GLENN MARCELO C. NOBLE

MGB Regional Director for Region IV-B (MIMAROPA) MGB Regional Office for Region No. IV-B 7/F, 1515 DENR Building, Roxas Boulevard, Ermita, Manila

JOE AMIL M. SALINO

EMB Regional Director for Region IV-B (MIMAROPA) EMB Regional Office for Region No. IV-B 6th Flr. DENR by the Bay Bldg., 1515 Roxas Blvd., Ermita, Manila

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r4brecords@emb.gov.ph


11/17/23
EMB AND GEOLOGICAL BUREAU - MIMAROPA REGION
310-1369

region4B@yaho.com

Onco, Maricar. "Campaign on to save 'cleanest' river in PH" INQUIRER.net, 22 September 2014,
<https://newsinfo.inquirer.net/639773/campaign-on-to-save-cleanest-river-in-ph>

Foundation for the Philippine Environment, https://www.fpe.ph/conservation_site/location_details/sibuyan-island-romblon

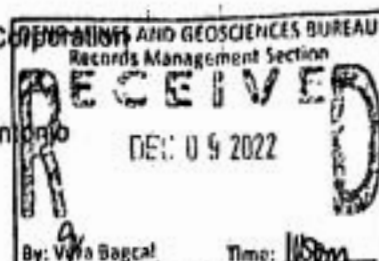
ANNEX G

Republic of the Philippines
Department of Environment and Natural Resources
Mines and Geosciences Bureau
North Avenue, Diliman, Quezon City

EXPLORATION WORK PROGRAM

1.0 PROPONENT INFORMATION

Proponent Name: Altai Philippines Mining Corporation
Address: 1901 Tycoon Center
Pearl Drive, Brgy. San Antonio
Pasig City
Contact Person: Mr. Hanniel T. Ngo
President
Telephone No.: 7958-3533



2.0 PROJECT LOCATION

The mineral property of Altai Philippines Mining Corporation is located within the Barangays of España and Taclobo, Municipality of San Fernando (Sibuyan Island), Province of Romblon. The property is described by the geographical coordinates as follows:

Technical Description:

2.1 Parcel 1: Area 1,140.7790 hectares

Cornet	Latitude	Longitude
1	12° 25' 07.999"	122° 31' 33.631"
2	12° 24' 45.000"	122° 31' 33.631"
3	12° 24' 45.000"	122° 32' 00.167"
4	12° 23' 23.856"	122° 32' 00.167"
5	12° 23' 23.856"	122° 33' 19.611"
6	12° 23' 12.792"	122° 33' 07.500"
7	12° 22' 57.821"	122° 33' 07.500"
8	12° 22' 57.821"	122° 32' 55.000"
9	12° 22' 31.786"	122° 32' 55.000"
10	12° 22' 31.786"	122° 30' 53.952"
11	12° 23' 23.856"	122° 30' 53.952"
12	12° 23' 23.856"	122° 30' 40.710"
13	12° 23' 49.885"	122° 30' 40.710"
14	12° 23' 49.885"	122° 31' 07.196"
	12° 25' 07.999"	122° 31' 07.196"

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Mines and Geosciences Bureau

2.2 Parcel 2: Area 440.0220 hectares

Corner	Latitude	Longitude
1	12° 22' 05.774"	122° 33' 19.611"
2	12° 22' 05.774"	122° 34' 10.000"
3	12° 21' 10.000"	122° 34' 39.713"
4	12° 20' 47.643"	122° 34' 39.713"
5	12° 20' 47.643"	122° 33' 46.096"
6	12° 21' 13.678"	122° 33' 46.096"
7	12° 21' 13.678"	122° 33' 19.611"

2.3 Total Area: 1,580.8010 hectares

3.0 AREA OR SIZE OF COVERAGE

The project area covers a total of 1,580.8010 (+/-) hectares.

4.0 PROJECT DESCRIPTION

4.1 TERRAIN/ PHYSIOGRAPHY

The topography of San Fernando (Sibuyan Island) Romblon ranges from gently undulating areas to a highly mountainous region. The rise in elevation and increase in slope follow an eastward direction. The south western and northeastern fringes of the island are gently undulating to gently sloping areas while the central core is characterized by mountainous areas and rugged terrain. Three (3) promontory peaks, aligned in a northwest direction with elevations of 2044, 1962, and 1520 ASL are noticeable.

4.2 ACCESSIBILITY

Sibuyan Island can be conveniently accessed from Manila by land trip to the Port of Batangas thence by regular ferry that leaves every afternoon arriving the next morning on the port of Magdiwang or Cajidiocan. From the local ports, the mining area at Sitio Talaba, Brgy. Taclobo in San Fernando can be reached thru the Sibuyan circumferential road.

4.3 DRAINAGE SYSTEM

There are four (4) main river systems within the mining claims namely: Punong, Olango, Binayaan and Cabitangahan (Talaba) rivers. These rivers generally flow in a southwest direction towards Sibuyan Sea. The head water systems of these four (4) major rivers consist of numerous tributary and display a semi dendritic to dendritic drainage pattern influenced by structure and lithology. During heavy downpour causes flash floods along

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Mines and Geosciences Bureau

the flat lying deltaic areas but lasts only for a few hours. Surface run-off waters within the catchment basin flows downstream due to low water retention in the upstream. This is due to the character of the headwaters with rocky ravines, sharp wall rocks and high-water gradient.

4.4 VEGETATION

Vegetation of the area is classified into four (4) major uses such as forested, cultivated / private land, grassland and brush land. The forested area occupying the mining property is composed of the dominant Dipterocarp and Non-dipterocarp species mostly second growth generation. The adjacent cultivated lands are situated in the flat deltaic area while patches of cogon grass are found occupying the gaps and riparian zones. Grassland can be observed in Parcel 2 of the property. It is an elevated logged over plateau vegetated mainly by cogon grass or as grassland.

4.5 LAND USE

The land of Barangays España and Taclobo over the flat coastal areas are utilized for agriculture and township while the upper forested areas are utilized as source for timber and charcoal products.

5.0 DESCRIPTION OF EXPLORATION PROGRAM

5.1 RESEARCH WORK

5.1.1 PREVIOUS WORKS

5.1.1.1 NATURE OF STUDY

A detailed geological mapping in the project which covers part of the mining claims was conducted in the early part of 1970 by the Japanese investors for nickel deposit. Pacific Metal Corporation followed by Mitsui group of companies extensively explored the property in search for high grade nickel ore to supply the Japanese smelting plant. The Japanese group completed geological mapping, test pitting and soil sampling for nickel ore and its associated metal. Said company later withdrew from the project after it established the nickel ore to be of medium grade.

5.1.1.2 DURATION

The geological survey conducted by previous exploration, lasted for a period of three (3) years

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Department of Environment and Natural Resources
Mines and Geosciences Bureau

5.1.1.3 COVERAGE

The area covered in the exploration was estimated at 400 hectares.

5.1.1.4 PROPONENT

Sta. Barbara Development Corporation was the original proponent of the Mining Lease Contracts (MLC's). The subject instrument was then converted into a mineral production sharing agreement by application by Altai Philippines Mining Corporation in compliance to the new mining law.

5.1.1.5 RESULTS CONCLUSION

The previous exploratory work defined the presence of direct shipping ore of nickel within the mining claims. The initial inferred resource needs to be validated by additional exploratory program.

5.1.2 DATA COMPILATION

5.1.2.1 PREVIOUS WORKS

Several geological works were carried out in the mineral property. This works includes test pitting and geologic mapping. Data were compiled as reference to any follow up works to be undertaken in the future.

5.1.2.2 LITHOLOGICAL DATA

Sibuyan Island is underlain by the following rock units as described in the Geology and Mineral Resources of the Philippines published by the Mines and Geosciences Bureau in 1981.

- Romblon Metamorphics
- Sibuyan Ultramafics
- Intermediate Intrusive Rocks
- Quaternary Alluvium

Romblon Metamorphics

The Paleozoic metamorphic rocks represent the basement complex consisting of amphibolite schist, quartz-chlorite mica schist, slates and associated marble. The unit occupies the eastern half of the island with limited exposure on the western part.

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Department of Environment and Natural Resources
Mines and Geosciences Bureau

Satellite outcrop at the Base of Binayaan area consisted of weathered slate with intact planar structure. Color varies from dark gray when fresh and brown-gray if oxidized. Interbedded with this schist are layers of marble at least a meter thick with exposures south of Cajidiocan town.

Sibuyan Ultramafics

The cretaceous to early Eocene ultramafics occupies the central part of the island forming the core of Mt. Guiting-Guiting mountain range and consists mostly of serpentinized dunite and peridotite. Aphanitic dunite in the area is composed predominantly of olivine. This unit underlies the tenement area of Altai Mining Corporation.

Intermediate Intrusive Rocks

Late Eocene quartz diorite and its hypabyssal variety intruded the ultramafic unit on the western portion of the island. The margins of the intrusive contacts localize the occurrence of various skarn deposits, which were prospected for iron. Associated copper mineralization occurs in the form of quartz-chalcopyrite-bornite veins in silicified serpentinite and quartz diorite.

Quaternary Alluvium

Loosely consolidated recent deposits of transported sand, gravel and boulders are mainly concentrated along major river channels, alluvial fans and deltaic flats in the island.

5.1.2.3 MINERALIZATION

The commodity of interest in this project is limonite and nickel silicate ore. Nickeliferous laterite is a product of residual enrichment over peridotite and dunites of the ophiolite complex, commonly found in tropical to sub-tropical regions. Sibuyan island ultramafics is situated in the right environment being climatically characterized by warm and wet season alternating with drier periods; good drainages system, thick vegetation and generally elevated topography suitable to the situ weathering of the parent rock to form a lateritic nickel profile. The process of nickel enrichment is complex but the resulting laterite profile have a distinct chemical pattern that marks the difference of each layer.

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Bios and Geosciences Bureau

5.1.2.4 MAPS

Geologic map was established in various locations of the mining claims.

5.1.2.5 ESTIMATED COST

Not Applicable

5.2 RECONNAISSANCE STUDY

5.2.1 REMOTE SENSING STUDY

5.2.1.1 TYPE OF SURVEY

Not Applicable

5.2.1.2 DURATION

Not Applicable

5.2.1.3 PROPONENT

Not Applicable.

5.2.1.4 COVERAGE

Not Applicable

5.2.1.5 ESTIMATED COST

Not Applicable

5.2.1.6 OUTPUT

Not Applicable

5.2.2 REGIONAL GEOLOGICAL STUDY

5.2.2.1 COVERAGE

The study will cover the entire mining claims and its vicinities to delineate and identify areas with economic nickel mineralization.

5.2.2.2 DURATION

The duration for regional geologic mapping is two (2) months.

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Mines and Geosciences Bureau

5.2.2.3 MANPOWER REQUIREMENTS

1 Geologist
1 Geologic Mapper
2 Laborers

5.2.2.4 ESTIMATED COST

Salaries and Wages	P 120,000.00
Materials and Supplies	45,000.00
Food and Accommodation	30,000.00
Transportation Cost	20,000.00
Total	<u>P215,000.00</u>

5.2.2.5 OUTPUT

Geologic structure map of the region at scale 1:2,000, 1:5,000, and 1: 25,000.

5.2.3 REGIONAL GEOCHEMICAL SURVEY

5.2.3.1 COVERAGE

The geochemical survey will cover the entire mining claim.

5.2.3.2 SAMPLING MEDIA

Semi-detailed survey would involve soil sampling along the ridges, spurs and selected areas for channel sampling.

5.2.3.3 ESTIMATED NUMBER OF SAMPLES

An estimated one hundred fifty (150) soil samples will be collected from the tenement area.

5.2.3.4 MODE OF ANALYSIS

The samples are subject for analytical method of analysis. The elements to determine are the following: Ni, Co, and Fe

5.2.3.5 MANPOWER REQUIREMENTS

1 Geologist
2 Geologic Aide
6 Laborers
1 Draftsman

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Mines and Geosciences Bureau

5.2.3.6 ESTIMATED COST

Wages / Salaries	P 260,000.00
Materials and supplies	25,000.00
Travelling Expenses	10,000.00
Analytical Costs	<u>150,000.00</u>
Total	<u>P 385,000.00</u>

5.2.3.7 OUTPUT

- Samples collected for laboratory analysis.
- Map preparation of the area at scale 1:25,000, 1:5000, 1:2000
- Preparation of technical report of the surveyed area.

5.2.4 GEOPHYSICAL SURVEY

5.2.4.1 TYPE OF SURVEY
Not applicable

5.2.4.2 COVERAGE
Not Applicable

5.2.4.3 DURATION
Not Applicable

5.2.4.4 MANPOWER REQUIREMENTS
Not Applicable

5.2.4.5 ESTIMATED COST
Not Applicable

5.2.4.6 OUTPUT
Not Applicable

5.3 SEMI DETAILED SURVEY (FOLLOW-UP STUDIES)

5.3.1 GEOLOGICAL MAPPING / ALTERATION STUDIES

5.3.1.1 COVERAGE

The works will include additional geological mapping and sampling of the area. Estimated additional works will cover at 500 hectares.

5.3.1.2 DURATION

Duration time for follow up works is two (2) months.

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Mines and Geosciences Bureau

5.3.1.3 MANPOWER REQUIREMENT

Geologist	1
Geological Mapper	2
Laborers	4
Draftsman	1

5.3.1.4 ESTIMATED COST

Wages/ Salaries	P 260,000.00
Travel Expenses	25,000.00
Supplies and Materials	25,000.00
Laboratory Fees	150,000.00
Total	<u>P 460,000.00</u>

5.3.1.5 OUTPUT

- Additional geological maps and information
- Additional samples for laboratory analysis.

5.3.2 GEOCHEMICAL SURVEY

5.3.2.1 COVERAGE

The coverage of the works will focus mainly on the possible identified mineralized zone estimated to be 60 hectares. Soil traverse lines will be laid out over lateritic areas.

5.3.2.2 SAMPLING DENSITY

This works will concentrate on areas mapped with geological and geochemical surveys identified to be anomalous in Ni, Fe and Co. Soil samples will be collected at 50 m interval over nickeliferous laterite zones. Selected old test pit areas will be resampled to additional data and for analysis.

5.3.2.3 MODE OF ANALYSIS

Samples are analyzed in the laboratory by Analytical Method to determine the values of metal content. Elements to be determined are as follows: Ni, Co and Fe.

5.3.2.4 MANPOWER REQUIREMENTS

Geologist	1
Geologic Mapper	2
Draftsman	1
Laborers	4

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Department of Environment and Natural Resources
Mineral and Geosciences Bureau

5.3.2.5 ESTIMATED COST

Salaries/ Wages	P 245,000.00
Travel Expense	25,000.00
Supplies and Materials	25,000.00
Analytical Cost	150,000.00
Total	<u>P 445,000.00</u>

5.3.2.6 OUTPUT

- Maps and Technical reports preparation.
- Delineation of additional mineral anomalies.

5.3.3 GEOPHYSICAL SURVEY

5.3.3.1 NATURE/TYPE
Not Applicable

5.3.3.2 COVERAGE
Not Applicable

5.3.3.3 MANPOWER REQUIREMENT
Not Applicable

5.3.3.4 ESTIMATED COST
Not Applicable

5.3.4 SUB-SURFACE INVESTIGATION

Subsurface investigation will not yet be implemented at this stage.

5.4 TOPOGRAPHIC SURVEY

5.4.1 COVERAGE

Total area subject for topographic survey is 60 hectares. Survey works will be awarded to private contractor.

5.4.2 SCALE AND CONTOUR INTERVAL

Topographic survey map at scale 1: 10,000, 1: 5,000 and 1:500, 10 meters and 1-meter contour interval respectively.

5.4.3 MANPOWER COMPLEMENT

By Contractor

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Mines and Geosciences Bureau

5.4.4 ESTIMATED COST

Estimated cost for the topographic survey for 60 hectares is P 360,000.

5.4.5 OUTPUT

Topographic map of the mineralized area and its vicinities.

5.5 DETAILED STUDY

5.5.1 DETAILED GEOLOGIC MAPPING

5.5.1.1 TYPE OF SURVEY

Survey work will be done by means of compass and tape along the minor and major creeks and rivers. This work will focus on the degree, type, and extent of alteration, lithological variation and structural control. Rock sampling will be done at 100m. interval along outcrops, creeks and rivers. All samples shall be described in terms of alteration, intensity, assemblages present, brecciation, homogeneity and other factors in determining the mineral value.

5.5.1.2 COVERAGE

The proposed detailed geological study will cover an additional area of 60 hectares.

5.5.1.3 DURATION

The duration of the study is estimated to for one (1) year.

5.5.1.4 MANPOWER REQUIREMENT

Geologist	2
Geologic Mapper	2
Draftsman	1
Laborers	6

5.5.1.5 ESTIMATED COST

Wages/Salaries	P 820,000.00
Materials and supplies	50,000.00
Laboratory Fees	150,000.00
Transportation Expenses	25,000.00
Total	<u>P1,045,000.00</u>

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Mineral and Geosciences Bureau

5.5.1.6 OUTPUT

- Technical Reports Compilation
- Detailed Geologic maps of the area.
- Evaluation of Laboratory results of samples.

5.5.2 DETAILED GEOCHEMICAL SURVEY

5.5.2.1 COVERAGE OF GRID SURVEY

The grid survey will cover an area of 80 hectares. Soil samples will be collected at 50m interval and detailed test pit re-sampling on old test pit location.

5.5.2.2 ESTIMATED NUMBER OF SAMPLES

Estimated number of samples to be taken from the field is 250 samples.

5.5.2.3 MODE OF ANALYSIS

Mode of sample analysis by analytical method and the elements to be determined are as follows: Fe, Co and Ni.

5.5.2.4 MANPOWER REQUIREMENT

Geologist	2
Geologic Mapper	2
Draftsman .	1
Laborers	6

5.5.2.5 ESTIMATED COST

Wages/Salaries	P492,000.00
Materials and Supplies	50,000.00
Transportation Expenses	25,000.00
Analytical Cost	150,000.00
Total	<u>P717,000.00</u>

5.5.2.6 OUTPUT

- Detailed Geochemical survey map
- Compilation and evaluation of laboratory results.

5.5.3 SUB - SURFACE INVESTIGATION

5.5.3.1 NATURE/TYPE

Core Drilling will be utilized for Sub-Surface investigation for field implementation.

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Man-portable drill rigs will be used for core drilling due to easy mobilization, hole transfer, as well as minimized size of working area and minimal impact to the environment.

5.5.3.2 NUMBER AND OVER-ALL LENGTH

The estimated numbers of proposed drill holes are as follows:

Location	Total Number	Depth	Total Meterage
Area 1	50 holes	20 m	1000 m
Area 2	50 holes	20 m	1000 m

5.5.3.3 ESTIMATED NUMBER OF SAMPLES

Estimated samples to be taken from the field are 2000 samples.

5.5.3.4 MODE OF ANALYSIS

Samples will be analyzed by Analytical Method. Target elements to be determined are as follows: Fe, Co, and Ni.

5.5.3.5 MANPOWER REQUIREMENT

By contract.

5.5.3.6 ESTIMATED COST

Drilling- 2000m @ P1600/meter	P3,200,000.00
Analytical Cost- 2000 samples	1,200,000.00
Total	P4,400,000.00

5.5.3.7 OUTPUT

- Completed number of drill holes
- Sub - surface maps and logs.

5.5.4 TUNNELING/ ADITTING

5.5.4.1 NUMBER OF ADIT/ TUNNEL

Not Applicable

5.5.4.2 TOTAL LENGTH

Not Applicable

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Mines and Geosciences Bureau

5.5.4.3 ESTIMATED NUMBER OF SAMPLES

Not Applicable

5.5.4.4 ESTIMATED COST

Not Applicable

5.5.5 METALLURGICAL BULK SAMPLING AND ANALYSIS

5.5.5.1 NATURE/ TYPE

The Sibuyan nickel mining project is covered by two (2) tenement parcels containing three (3) general types of ores (e.g. *saprolite*, *transition saprock*, *limonite*) which are occurring in three (3) different parent rock domains (e.g. *harzburgite*, *interlayered harzburgite-dunite* and *limonite*) which all contains two (2) main commercial elements such as nickel (Ni) and iron (Fe).

5.5.5.2 NUMBER AND OVER-ALL LENGTH

To complete the metallurgical study as required in the permitting process, three (3) metallurgical bulk sampling of three different types of ores one from the main saprolite zone, one from the transition saprock zone and one from the limonite zone shall be collected which shall be loaded and transported by interisland vessel to a reliable foreign metallurgical laboratory in order to test the concentration of multi-elements in all three samples.

5.5.5.3 ESTIMATED NUMBER OF SAMPLES

The estimated number of samples to be collected shall be three (3) from the identified main zones of mineralization previously identified during the later phases of exploration period.

5.5.5.4 MODE OF ANALYSIS

All metallurgical samples will be analyzed by pyrometallurgical or HPAL processes in order to determine the actual metal recovery. Initially, representative samples from the bulk of metallurgical samples shall be sent to the laboratory for the element contents such as Ni, Co, Fe, MgO, MnO, SiO₂, TiO₂, Al₂O₃, Cr₂O₃, CaO and PO₂.

5.5.5.5 MANPOWER REQUIREMENT

Manpower shall be by Contract with a local accredited contractor.

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Mines and Geosciences Bureau

5.5.5.6 ESTIMATED COST

Excavation, loading and shipping @ P1,500,000/m ³	P 4,500,000.00
Metallurgical and elemental analysis @ P 350,000/m ³	1,050,000.00
Total	P 5,550,000.00

5.5.5.7 OUTPUT

- Completed the required number of metallurgical tests
- Future plan of expanding to establish processing plant

6.0 TOTAL ESTIMATED EXPLORATION COST

YEAR 1	P2,890,000.00	P 8,440,000.00
YEAR 2	5,117,000.00	5,117,000.00
Total	P8,007,000.00	P 13,557,000.00

7.0 PROPOSED TIMING OF ACTIVITIES (See attached page)

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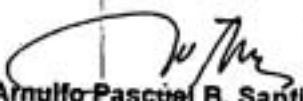
Department of Environment and Natural Resources
Mines and Geosciences Bureau

8.0 CONCLUSION


The Exploration Work Program was designed to test and establish a potential economically viable nickel resource of the mineral property. In the course of the program, the timing and cost maybe amended as needed.

MAP ATTACHMENTS (See attached page)

Prepared by:


Arnulfo Pascual B. Santiago, MSc. GtE
Mining Engineer, PTR No. MCF4148328
Geologist, PTR No. MCF4148329

Conformed:


HANNIEL T. NGO
President
APMC

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DEC 21 2022

Department of Environment and Natural Resources
Mines and Geosciences Bureau

No.	Nature of Work	Timetable																								Budget Outlay (Php)
		Year 1												Year 2												
		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	
1	Regional geologic study																									
2	Regional geochemical survey																									215,000.00
3	Semi-detailed survey																									365,000.00
4	Geochemical survey																									460,000.00
5	Topographic survey																									445,000.00
6	Detailed geological study																									360,000.00
7	Detailed geochemical study																									1,045,000.00
8	Sub-surface investigation (Drilling)																									717,000.00
9	Bulk metallurgical testing																									4,400,000.00
TOTAL EXPLORATION COST																										5,117,000.00
																										13,557,000.00

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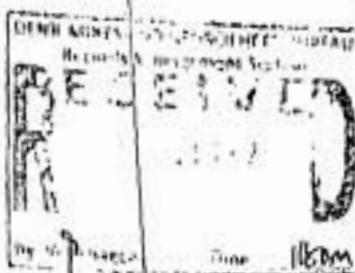
Department of Environment and Natural Resources
Mines and Geosciences Bureau

ANNEX H

ALTAI PHILIPPINES MINING CORPORATION

07 December 2022

ATTY. WILFREDO G. MONCANO
Director
Mines and Geosciences Bureau
North Ave., Diliman, Quezon City



SUBJECT: SUBMISSION OF ALTAI PHILIPPINES MINING CORPORATION'S
ADDENDUM TO ITS EXPLORATION WORK PROGRAM WITH
REQUEST FOR BULK SAMPLING

Dear Dir. Moncano,

In relation to our Exploration Work Program (ExWP) which was approved on July 12, 2022, we are hereby respectfully submitting the Addendum to the said ExWP.

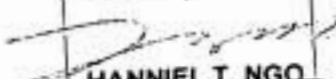
Likewise, we are requesting the issuance of an Ore Transport Permit (OTP) so that we may already ship out our sample ore to a reliable DSO pyro-plant and testing company in order to complete the necessary metallurgical study. Please note that our company's Sibuyan nickel project is covered by two (2) tenement parcels containing three (3) types of ore, which need to be properly identified.

The estimated volume of samples from each zone shall be fifteen thousand (15,000) cubic meters, to be collected from the three (3) previously identified main zones of mineralization. Moreover, the three (3) metallurgical bulk samplings of three (3) different types of ores from the main saphrolite zone shall be loaded and transported by international vessel to a reliable foreign metallurgical laboratory in order to test the concentration of multi-elements in all three (3) samples.

We hope for your favorable action regarding this matter at the soonest possible time.

Thank you very much.

Sincerely,


HANNIEL T. NGO
President

1901 TYCOON CENTER, PEARL DRIVE, SAN ANTONIO, ORTIGAS CENTER, PASIG CITY
TEL NO.: 8529-6868; EMAIL ADDRESS: altaicorpo@gmail.com



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

7/F DENR Building, 1515 Roxas Boulevard, Ermita, Manila
Telephone No. (+632) 6336-4015 / (+632) 5315-1302
E-mail: region10@mimaps.ph



ORE TRANSPORT PERMIT
OTP-APMC-162-001-2022-MIMAROPA

Date December 28, 2022

1	Name of Permit Holder	Altai Philippines Mining Corporation
2	Contract/Permit No.	MPSA No. 304-2009-IVB
3	Operator	Altai Philippines Mining Corporation
	(Address of the company)	1901 Tycoon Center, Pearl Dr., Brgy. San Antonio, Ortigas Center, Pasig City
4	Transporter	Altai Philippines Mining Corporation
	(Address of the company)	1901 Tycoon Center, Pearl Dr., Brgy. San Antonio, Ortigas Center, Pasig City
	Truck Registry No.	Various trucks or Ship No. N/A
5	Buyer/s	N/A
	(Address of the company)	N/A
6	Commodity	Nickel Lateritic Ore
7	Tonnage or Volume	50,000 WMT $\pm 10\%$ (Estimate)
		(Metric ton/Cubic Meter)
8	Value	USD1,850,000.00 @ USD37.00/WMT
		PhP102,477,050.00 @ PhP55.393/US\$ (BSP Rate as of 14:00)
9	Source	San Fernando, Romblon
10	Destination	Company port, San Fernando, Romblon

[Signature]
GLORIA MARCELO L. NOBLE
Regional Director

Note:

1. This OTP is valid within 30 days from the date of issuance.
2. Subject to Recondition Report within 30 days
3. Subject to the submission of Analysis Report within 30 days from arrival at Discharge Point

OTP Fees Paid

OR No. 3073030 C
Amount PhP2,000.00
Date December 28, 2022

The Regional Executive Director
DENR MIMAROPA Region
Ermita, Manila

The Sangguniang Panlalawigan
Province of Romblon
Romblon, Romblon

The Office of the Governor
Romblon Provincial Government
Romblon, Romblon



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

ANNEX J



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

North Avenue, Diliman, Quezon City, Philippines
Tel. Nos. (163 2) 920-9120-9130; Trunkline No. 697-6700; Fax No. (163 2) 920-1635; Email: comint@mgb.gov.ph

MINERAL ORE EXPORT PERMIT

Permit Number	DENR-MGB-22-008
Date of Issuance	December 29, 2022
Valid Until	January 28, 2023
Issued to	ALTAI PHILIPPINES MINING CORPORATION <small>(Contractor/Permit Holder/Miner, Right Holder/Operator/Approved Trader)</small>
OTP Number	OTP-APMC-162-001-2022-MIMAROPA
Mining Tenement/ Contractor	MPSA-304-2009-IVB ALTAI PHILIPPINES MINING CORPORATION
Date Granted	December 23, 2009
Expiry Date	December 23, 2034
Location/Source	Sibuyan Island, San Fernando, Romblon
Commodity	Nickel Laterite Ore
Specification	13% Ni, 15.00%-30.00% Fe, 34%-35% moisture
Volume/Tonnage	50,000 WMT (±10%)
Buyer	TRANSAMINE FAR EAST LIMITED
Destination	Unit 1, 7/F, Bank of America Tower, 12 Harcourt Road, Admiralty, Hong Kong, China
Transporter	To be determined
Transport Registry No.	To be submitted prior to shipment
Port Location	Bato Port, Sibuyan Island, San Fernando, Romblon
Estimated Gross Value of the Commodity	PHP 103,415,000.00 @US\$ 37.00 /WMT and PHP 55,900 /US\$ (US\$ 1,850,000.00)
Estimated Excise Tax	PHP 4,136,600.00

Note: Subject to validation of the actual gross value of the commodity by the Mines and Geosciences Bureau, MIMAROPA Region and final computation of excise taxes upon submission of final commercial invoice.

For the Republic of the Philippines
(Grantor)

ATTY. WILFREDO G. MONCANO

Director



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

00-257412

ANNEX K

PHILIPPINE
PORTS
AUTHORITY



BAT-ATT-2023-013

Pursuant to the provisions of Presidential Decree No. 857, as amended, and Philippine Ports Authority (PPA) Administrative Order No. 09-2020, entitled "Revised Guidelines on The Issuance of Permit to Operate (PTO) for the Provision of Ancillary Services in the Ports", this

AUTHORITY TO TRANSACT

is hereby granted to

NORTH COAST SHIPPING – NCS CORPORATION

Grantee

Cargo Handling Services

For "MV Beauty Peony"

Service/Activity

008-049-330-0000

Tax Identification Number

valid only from **26 January – 24 February 2023**

at **Romblon (Anchorage)**

The grantee shall comply with pertinent laws and existing PPA rules and regulations, including those that will be promulgated during the validity of this
ATT

 **ABELITO O SINOCRUZ PhD**
Port Manager

PORT MANAGEMENT OFFICE - BATANGAS
Administrative Building, Port Area 1 Road
Subic Bay, Batangas City 2015
Tel: (043) 322 2629 (043) 322 2629 (043) 322 2629

ANNEX L

PHILIPPINE
PORT
AUTHORITY



17/1/2023

This is in compliance with the provisions of Presidential Decree No. 987 as amended and
Philippine Ports Authority (PPA) Administrative Order No. 10 (2017) entitled
"Guidelines on The Issuance of Permit to Operate (PTO) for the
Provision of Auxiliary Services in the Ports".

AUTHORITY TO TRANSACT

A hereby given to

NORTH COAST SHIPPING - NCS CORPORATION

Grantor

Lighterage / Barging Services

For "MV Beauty Pearl"

Service/Address

008-049-330-0000

Tax Identification Number

valid only from **26 January - 24 February 2023**

at **Romblon (Anchorage)**

The grantee shall comply with pertinent laws and existing PPA rules and
regulations, including those that will be promulgated during the validity of this
ATT

SELITO O SINOCRUZ PhD
Port Manager

PORT MANAGEMENT OFFICE - BATANGAS
Administration - Romblon Port Area (P.O. Box 1)
CAMP 100, BATAVIA CITY 4700, PHILIPPINES
Tel: (043) 333-2021, 333-2022, 333-2023, 333-2024, 333-2025
Email: portmanagement@ppa.gov.ph

ANNEX M

No. **000771**

PHILIPPINE
PORT
AUTHORITY



Pursuant to the provisions of Presidential Decree No. 857, as amended, and Philippine Ports Authority (PPA) Administrative Order No. 06-2019, entitled "Guidelines on the Accreditation of Port Service Providers", this

CERTIFICATE OF ACCREDITATION

is hereby granted to

NORTH COAST SHIPPING CORP.

Grantee

ENGINEERING CONTRACTOR, EQUIPMENT REPAIR, WATER SUPPLY,
MOORING/UNMOORING, VESSEL REPAIR, TOWING/TUGGING, LIGHTERAGE,
WATERING AND WATER TAXI SERVICE

Service/s

005-049-330-0000

Tax Identification Number

RONILO C SALUNDAGUIT

Authorized Officer

valid for three (3) years,
starting from **APR 29 2021** to **APR 29 2024**

The grantee shall comply with the pertinent laws and existing PPA rules and regulations including those that will be promulgated during the validity of this Certificate.

JAY DANIEL R. SANTIAGO
General Manager

NCSC-VS-032021-000771

This Accreditation is not equivalent to a contract, permit or license.

A. Bonifacio Drive, South Harbor, Port Area, Manila 1014 Philippines
P.O. Box 438 Manila Philippines
Tel. No (+63) 5527-6100 to 03
website: www.ppa.com.ph

ANNEX N

No. 002200

PORTS
AUTHORITY

Republic of the Philippines

Pursuant to the provisions of Presidential Decree No. 857, as amended, and Philippine Ports Authority (PPA) Administrative Order No. 06-2019, entitled "Guidelines on the Accreditation of Port Service Providers", this

CERTIFICATE OF ACCREDITATION

is hereby granted to

**NORTH COAST SHIPPING.NCS
CORPORATION**

Grantee

CARGO HANDLING SERVICES
Services

000-049-330-0000

Tax Identification Number

VALB P. BRIZAL

Authorized Officer

valid for three (3) years,

starting from NOV 12 2021 to NOV 12 2024

The grantee shall comply with the pertinent laws and existing PPA rules and regulations including those that will be promulgated during the validity of this Certificate.

JAY DANIEL R. BANTIAGO
General Manager

NCBC-CH-102021-002256

This Accreditation is not equivalent to a contract, permit or license.

A. Southern Bldg., South Harbor, Port Jeta, Manila 1000 Philippines
P.O. Box 480 Manila Philippines
Tel. No. (632) 8877-4000 to 05
website www.ppa.gov.ph

BANTAY KALIKASAN NG SIBUYAN

Pascual Complnd Gov, Adriano Rios St. Poblacion, San Fernando Romblon

EMAIL: vicky@batanhome.com | abpscw122@yahoo.com

30 January 2023

RESPECTFULLY SEEKING THE ATTENTION OF:**Engr. Glenn Marcelo C. Noble**

MGB Regional Director for Region IV-B (MIMAROPA)

MGB Regional Office for Region No. IV-B

7/F, 1515 DENR Building, Roxas Boulevard, Ermita, Manila

Atty. Wilfredo G. Moncano

Director of the Mines and Geosciences Bureau

Office of the Director

Mines and Geosciences Bureau

MGB Compound, North Avenue, Diliman, Quezon City

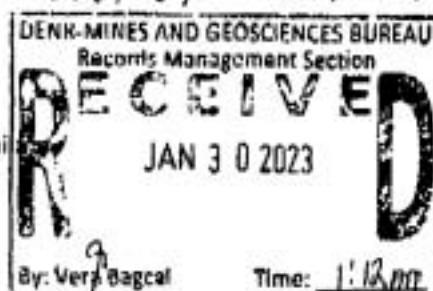
Mr. Joe Amil M. Salino

Regional Director

Environmental Management Bureau

6th Floor, DENR by the Bay Bldg.

Roxas Blvd., Ermita, Manila



SUBJECT: ALTAI Philippines Mining Corporation's Ore Transport Permit and Mineral Ore Export Permit involving an Excessive 50,000 WMT of Nickel Lateritic Ore

Dear Sirs,

We, the undersigned, are representatives of a group of individuals under the coalition **BANTAY KALIKASAN NG SIBUYAN**, an organization dedicated to conserving the ecosystems and natural resources of Sibuyan Island in the province of Romblon. In our initial letter dated 13 January 2023, we raised issues and concerns surrounding ALTAI Philippines Mining Corporation's licensing and permits for its mining operations in San Fernando, Romblon.

Unfortunately, we are now writing once again to your offices to raise a serious irregularity surrounding ALTAI's Ore Transport Permit (OTP-APMC-162-001-2022-MIMAROPA) dated 28 December 2022 issued by the MGB-MIMAROPA, and ALTAI's Mineral Ore Export Permit (DENR-MGB-22-008) dated 29 December 2022 issued by the MGB which allows ALTAI to transport and export 50,000 m.t. of nickel ore. This has no basis. Nowhere in the **Exploration Work Program approved by the MGB on 21 December 2022** was this allowed.

Section 5.5.5 on METALLURGICAL BULK SAMPLING AND ANALYSIS¹ provides:

5.5.5.3 ESTIMATED NUMBER OF SAMPLES

The estimated number of samples shall be three (3) from the identified main zones of mineralization previously identified during the later phases of exploration period.

While the provision conveniently fails to indicate the estimated volume of samples to be obtained from the "METALLURGICAL BULK SAMPLING AND ANALYSIS", nonetheless, the computation of the estimated costs give an idea of the volume required for bulk sampling, namely:

5.5.5.6 ESTIMATED COST

Excavation, loading and shipping @P1,500,000/m ³	P 4,500,000.00
Metallurgical and elemental analysis @P350,000/m ³	1,050,000.00
Total	P 5,550,000.00

¹ Page 14 of ALTAI's Exploration Work Program

BANTAY KALIKASAN NG SIBUYAN

Pascual Compind Gov. Adriano Rios St. Poblacion, San Fernando Romblon

EMAIL: vicky@batanhome.com | abpscw122@yahoo.com

A simple computation of this approved budget makes it very clear that the volume contemplated is only a total of 3 cu.m., not 50,000 m.t. that the above OTP and OEP allowed. Neither was this justified by ALTAI's letter dated December 7, 2022 because it went clearly over and beyond what its approved EWP allows.

Moreover, Sec. 5.5.5.2 of the said EWP provides that these bulk samples should be sent to a "reliable foreign metallurgical laboratory" for testing. However, based on the OEP and the other shipping documents, the consignee of these excessive volume of samples is TRANSAMINE FAR EAST LIMITED based in Hong Kong. Based on our initial research, this is affiliated with the Transamine group based in Geneva, Switzerland and is engaged in commodities trading of non-ferrous raw materials. Together with the fact that said permit clearly indicates that item being exported is "Nickel Lateritic Ore" with tonnage or volume at "50,000 WMT \pm 10%" with a declared amount of US\$1.85 million, **WE ARE LEFT WITH NO OTHER CONCLUSION THAT THE MINING ACTIVITIES CONDUCTED IN OUR MUNICIPALITY WAS NO LONGER AN EXPLORATION BUT A FULL-BLOWN COMMERCIAL OPERATION DONE WITHOUT THE REQUISITE CONSULTATION AND ENVIRONMENTAL PERMITS.**

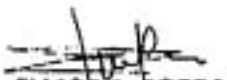
We therefore urge your offices to:

1. Revoke OTP-APMC-162-001-2022-MIMAROPA and OEP DENR-MGB-22-008
2. Conduct a thorough investigation of the anomalous and highly irregular issuance of these transport and export permits
3. Until such time that the investigation is conducted, issue a Cease-and-Desist Order (CDO) against Altai Mining for conducting illegal mining operations without the requisite Environmental Compliance Certificate.

Your immediate action on this highly serious matter will be most appreciated.

Respectfully yours,

BANTAY KALIKASAN NG SIBUYAN

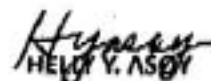

ELMOR A. BORDA


ALFREDO B. PASCUAL


VERONICA R. BATAN


PRISCILLA S. REY

*Representatives of Bantay
Kalikasan ng Sibuyan*


HELEN Y. ASOR

Copy furnished:

Hon. Maria Antonia Yulo Loyzaga
Secretary of Environment and Natural Resources
OFFICE OF THE SECRETARY
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
DENR Compound, Visayas Avenue, Diliman, Quezon City

BANTAY KALIKASAN NG SIBUYAN

Pascual Compound Gov. Adriano Rios St. Poblacion, San Fernando Romblon

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allowed to authorize the construction and operation thereof absent the consent of the local government units?

In line with all of the above, we respectfully demand the **IMMEDIATE** issuance of a **Cease-and-Desist Order (CDO)** against anyone responsible for the ongoing construction and operation of its pier/port/wharf until the proper permits have been secured from relevant government agencies and local government units.

Your prompt action on the matter will be highly appreciated.

Respectfully yours,

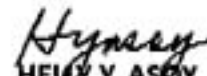
BANTAY KALIKASAN NG SIBUYAN:


ELMOR A. BORDA


ALEREO B. PASCUAL


VERONICA R. BATAN


PRISCILLA R. REY


HYMEY Y. ASOY

Copy furnished:

Jay Daniel R. Santiago
General Manager of the Philippine Ports Authority
OFFICE OF THE GENERAL MANAGER
ogm@ppa.com.ph

Nathan L. ...
PPA-ISO-RCD

01/20/2013
14:26

BANTAY KALIKASAN NG SIBUYAN

Pascual Compound Gov. Adriano Rlos St. Poblacion, San Fernando Romblon

EMAIL: vicky@batanhome.com | abpscw122@yahoo.com

January 30, 2023

Mr. Josellito D. Sinocruz

Port Manager

PHILIPPINE PORTS AUTHORITY

Port Management Office-Batangas

Administration Bldg., Port Access Road

Cal canto, Batangas City 4200

pmobatangas@ppa.com.ph; ppa_batangas@yahoo.comNathaniel S. Miranda
PPA-ROD01/30/2023
14:24

SUBJECT: Illegal Construction and Operation of a Port in Brgy. España in the Municipality of San Fernando, Romblon in Sibuyan Island and request for Issuance of a CEASE-AND-DESIST ORDER

Dear Sir,

We, the undersigned, are local residents of Sibuyan under the coalition **BANTAY KALIKASAN NG SIBUYAN**, an organization dedicated to conserving the ecosystems and natural resources of Sibuyan Island in the province of Romblon.

We are writing to report the **construction and operation of a pier/port/wharf/causeway facility ("facility") located in Brgy. España, San Fernando, Romblon in Sibuyan Island** which reportedly started some time in December of 2022. The illegality of the construction and operation of this facility became apparent to us during the Scoping session conducted by the Environmental Management Bureau (FMR) last January 19, 2023 when no less than Mayor Nanette Tansingco of San Fernando, Romblon publicly and openly admitted that this facility was never Issued any mayor's permit. Similarly, upon verification with the barangay officials of Brgy. España, we learned that no barangay clearance or permit was ever given for the construction and operation of this facility in their area.

Based on our limited understanding of port operations, we understand that proper permits must be obtained from the PPA along with other pertinent agencies and local government units BEFORE any construction and operation can be conducted in the said facility. As it is, the ongoing construction has already caused damage to the waters surrounding Brgy. España, that can affect the livelihood of the local fishing community in the area. Also, mangrove and other tree species have been cut, earth excavated, and land dumped onto the waters of the area. In the meantime, we have been informed that your office has issued provisional authority to utilize this illegal facility for lighterage and barging services notwithstanding the apparent lack of any permit for the construction and operation of this facility.

In view of the situation as above-described, we are now compelled to respectfully demand a clear and candid explanation and response from your Honorable Office to clarify and shed light on the construction and operation of this facility:

1. Has the PPA issued any permit or authority for the construction and operation of this facility in Brgy. España, San Fernando, Romblon?
2. If so, to whom was this authority/permit issued and when?
3. When was the application made and can we be copy-furnished with these documents?
4. Given that our very own mayor and barangay officials have professed lack of knowledge of giving any local permit/clearance for the construction of this facility, is your office

ANNEX R

Republic of the Philippines
SUPREME COURT
Manila

**VERONICA R. BATAN, ELMOR A.
BORDA and ALFREO B. PASCUAL,**

Petitioners,

- versus -

**MINES AND GEOSCIENCES BUREAU,
DEPARTMENT OF ENVIRONMENT
AND NATURAL RESOURCES, and
ALTAI PHILIPPINES MINING
CORPORATION**

Respondents.

X ----- X

G.R. No. _____

*For: Writ of Kalikasan with Prayer
For Issuance of Temporary
Environmental Protection
Order (TEPO)*

JUDICIAL AFFIDAVIT OF ALFREO B. PASCUAL

I, **ALFREO B. PASCUAL**, of legal age (66), Filipino, widower, with residence at at 17-17A Magenta Drive, Goodwill 2, BF Homes, Parañaque City, Metro Manila, after having been sworn in accordance with law, hereby answer the following questions propounded to me in connection with the above-entitled fully conscious that I do so under oath and that I may face criminal liability for false testimony or perjury. The person who examined me was Atty. Ronaldo R. Gutierrez and was conducted at my above-mentioned address.

OFFER: The testimony of the witness is being offered to prove all the factual allegations mentioned in the Petition, and to further support and justify the issuance of the Writ of Kalikasan and the urgent issuance of the Temporary Environmental Protection Order.

QUESTION (Q1): What are your personal circumstances?

ANSWER (A1): I am 66 years old and by profession, I am an industrial engineer. I was also born and raised in the island of Sibuyan in Romblon

where I also maintain a residence at Pascual Compound, Gov. Adriano Rios St. Poblacion, San Fernando, Romblon.

Q2: What is your relation to the other petitioners?

A2: We are founders and members of the ad hoc group Bantay Kalikasan ng Sibuyan. The creation of our group was but the result of the still ongoing illegal mining activities in Sibuyan Island conducted by ALTAI. Multiple concerned residents of Sibuyan Island, such as myself and my co-petitioners, were alarmed about the news of said activities. This prompted us to coordinate ourselves and pool our resources in order to better protect our home island of Sibuyan.

Q3: How did you get to know ALTAI's activities in Sibuyan Island?

A3: During my visits and stays in Sibuyan Island, and in addition to news from friends and family, I personally saw the activities of ALTAI in Sibuyan Island with my own eyes. Alarmed and concerned, I personally conducted investigations and inquiries with the people of Sibuyan, the relevant barangays and municipal governments, and government agencies where I found out that there was an alarming number of irregularities and anomalies surrounding not only ALTAI's presence and activities in the island but also the manner in which the documentary requirements and permits were issued to ALTAI by the MGB and other administrative agencies.

Q4: What did you do or what steps did you take upon finding out ALTAI's activities in Sibuyan Island, if any?

A4: Besides founding Bantay Kalikasan ng Sibuyan group, I also personally attended a public scoping event on 19 January 2023.

We also organized public events and assemblies such as the Grand Rally held on 29 January 2023 in the municipality of San Fernando which was attended by residents from all throughout Sibuyan Island, namely the municipalities of San Fernando, Cajidiocan, and Magdiwang.

We also assisted and coordinated with barangay officials of Bgy. España and Taclobo, with other residents of Sibuyan, with local environmental groups, and with non-governmental organizations in our united efforts to shed light on the suspicious circumstances surrounding ALTAI's activities in Sibuyan Island. These efforts resulted in getting valuable information, documents, and insight that further reinforced the irregularities and anomalies surrounding ALTAI's presence and activities in the island.

On various dates, we also sent letters of inquiries and complaints with the concerned government agencies such as the DENR, MGB, EMB, and the PPA.

Q5: What can you tell us about the public scoping event held on 19 January 2023?

A5: I personally attended the public scoping event held on 19 January 2023. It was held in the public auditorium of Bgy. Taclobo in San Fernando, Romblon. The highlight of the event was the revelation that the Municipal Mayor of San Fernando, Nanette Borda Tansingco, through her very own words that I heard with my own ears, has no knowledge over ALTAI's construction of its causeway/port in Bgy. España within the municipality of San Fernando. According to her, she did not issue any construction permit nor did ALTAI ask permission from her. She also declared that she had no jurisdiction over stopping the illegal mining activities of ALTAI.

Q6: Do you have knowledge as to who else witnessed the events that transpired in the public scoping event held on 19 January 2023?

A6: Yes. With my own eyes I saw that the public scoping event was also witnessed by barangay officials of Bgy. España, Bgy. Taclobo, along with around one thousand (1000) residents from the municipality of San Fernando.

Q7: What do you know about the Grand Rally held on 29 January 2023?

A7: It was successful. Also important is that it is a valid public rally with a valid Mayor's Permit obtained by Bgy. España Kagawad Donato Royo. By our estimates, the rally was attended by an estimated two thousand (2000) residents of the municipalities of San Fernando, Cajidiocan, and Magdiwang along with the Sibuyan youth, students and faculty of the Romblon State University, barangay officials of Bgy. España and Taclobo, members of local environmental groups, and non-governmental organizations. The purpose of the Grand Rally was to signify and communicate the people of Sibuyan's united will against illegal mining and destructive activities in the island, as well as to show our dissatisfaction with the way our elected local officials have been handling the issues that haunt us especially as to ALTAI's activities.

Q8: You mentioned before that you conducted inquiries and investigation regarding ALTAI's activities in Sibuyan Island, what do you know about ALTAI and its activities, if any?

A8: Based on the information that I have obtained, they have started to construct access roads to their mining sites, illegally constructed the causeway/port in the municipality of San Fernando, along with cutting down thousand of trees, starting a quarry, and stockpiling around 30,000 metric tons of ore. The stockpile can be seen from a hundred meters away even if you are outside ALTAI's property. More alarming is the fact that ALTAI only has an Exploration Permit that does not allow nor permit them to already do mining activities and do earth-moving activities. They are only authorized to do exploration activities. Stockpiling around 30,000 metric tons of nickel ore

no longer comes within the meaning of exploration. A bulk-cargo ship is also loading the ore using the ALTAI's causeway/port.

Q9: What do you know about the outpost near the vicinity of ALTAI's causeway/port, if any?

A9: The outpost is at located Sitio Bato, Bgy. España, San Fernando. The said outpost was erected by the residents of the municipalities of San Fernando, Cajidiocan, and Magdiwang along with the barangay officials of Bgy. España and Taclobo and members of local environmental groups. The barangay officials of Brgys. Taclobo and facilitated and organized the construction of the shed to be used in the outpost after getting permission from the owner of the private property where the outpost stands. The purpose of the outpost is to monitor over ALTAI's activities in San Fernando and to enable the barangay officials and residents of Bgy. España and Taclobo to respond promptly and efficiency to any perpetuation of ALTAI's illegal activities.

Q10: What do you know about the blockade near the vicinity of ALTAI's causeway/port, if any?

A10: A few days after the public scoping event held 19 January 2023, the barangay officials and residents manning the outpost witnessed several dump trucks arriving in the area loaded with nickel ore and headed towards ALTAI's makeshift causeway/port for loading in a cargo vessel waiting just outside the said causeway/port. Alarmed by the sudden turn of events which all but confirmed their fears, as well as the scale of the environmental damage inflicted on their environment based on the volume of nickel ore transported, the local residents put-up a barricade just outside ALTAI's property line. Unfortunately, sometime around 01 February 2023, the police started intervening with our outpost and barricade.

Q11: What do you know about the police intervention with the locals' outpost and barricade?

A11: The police, donning full riot gear and equipment such as shields and batons, numbering around 40, arrived at around 7:00am of 01 February 2023 accompanied by firetrucks and ambulance. There was a confrontation dialogue between the police and our group where the police were insisting to let ALTAI's trucks pass through and to proceed with the loading of their cargo to the barges. We demanded ALTAI to produce the documents and permits that is the legal basis of their continued transport of the nickel ore but they were not able to show anything. We demanded the police to inform us as to who ordered them or gave them authorization to disperse and turn away our group. They said that they did not want to mention any names and that the order "*came from the higher ups*". To this day, no legal basis, order, or authorization was shown or communicated to us. I also personally witnessed how we were pushed by the column of anti-riot of police trying to break our lines to let ALTAI's trucks pass through. Upon witnessing police

confrontation, we held our line to defend our island and our rights and, finally, the police and ALTAI drivers gave up their position.

Q12: You mentioned before that you exerted efforts that resulted in getting valuable information, documents, and insight about the events surrounding ALTAI and their activities in Sibuyan Island, what information, documents, and/or insights did you obtain if any?

A12: Yes, with coordination and assistance to and from the barangay officials of Bgy. España and Taclobo and members of local environmental groups, we were able to obtain documents and pictures which supported our findings about the irregularities and anomalies surrounding ALTAI and their activities.

Q13: I am now showing to you **MINERAL PRODUCTION SHARING AGREEMENT (MPSA) No. 304-2009-IVB dated 23 December 2009** listed as ANNEX "A" in the Petition. Are you familiar with this document?

A13: Yes, I am familiar with this document. This is ALTAI's MPSA relating to their activities in Sibuyan Island. This is one of the documents I obtained with the help of the barangay officials of Bgy. España and Taclobo and members of local environmental groups.

MANIFESTATION: MINERAL PRODUCTION SHARING AGREEMENT (MPSA) No. 304-2009-IVB dated 23 December 2009 is listed and attached as ANNEX "A" in the Petition.

Q14: I am now showing to you **DENR ORDER dated 09 September 2021** listed as ANNEX "B" in the Petition. Are you familiar with this document?

A14: Yes, I am familiar with this document. This is the DENR Order that lifted the MBG's cease-and-desist order issued against ALTAI's MPSA. This is one of the documents I obtained with the help of the barangay officials of Bgy. España and Taclobo and members of local environmental groups.

MANIFESTATION: DENR ORDER dated 09 September 2021 is listed and attached as ANNEX "B" in the Petition.

Q15: I am now showing to you **SANGGUNIANG PANLALAWIGAN RESOLUTION NO. 07-2022-20** of the Province of Romblon listed as ANNEX "C" in the Petition. Are you familiar with this document?

A15: Yes, I am familiar with this document. This is the Resolution of the Sangguniang Panlalawigan of Romblon expressing their opposition to illegal mining and destructive activities in Sibuyan Island. This is one of the documents I obtained with the help of the barangay officials of Bgy. España and Taclobo and members of local environmental groups.

MANIFESTATION: SANGGUNIANG PANLALAWIGAN RESOLUTION NO. 07-2022-20 of the Province of Romblon is listed and attached as ANNEX "C" in the Petition.

Q16: I am now showing to you **JOINT RESOLUTION dated 28 July 2022** by the Sangguniang Bayan of San Fernando, Cajidiocan and Magdiwang listed as ANNEX "D" in the Petition. Are you familiar with this document?

A16: Yes, I am familiar with this document. This is the Joint Resolution of the Sangguniang Bayan of the three municipalities of San Fernando, Cajidiocan and Magdiwang. These three municipalities are the most affected by ALTAI's activities in Sibuyan Island. Their Joint Resolution strongly opposes ALTAI's illegal mining activities in Sibuyan Island. This is also one of the documents I obtained with the help of the barangay officials of Bgy. España and Taclobo and members of local environmental groups.

MANIFESTATION: **JOINT RESOLUTION dated 28 July 2022** by the Sangguniang Bayan of San Fernando, Cajidiocan and Magdiwang is listed and attached as ANNEX "D" in the Petition.

Q17: I am now showing to you **Sangguniang Barangay RESOLUTION No. 24 dated 09 December 2022** of Bgy. Taclobo listed as ANNEX "E" in the Petition. Are you familiar with this document?

A17: Yes, I am familiar with this document. This is the Resolution of the Sangguniang Barangay of Bgy. Taclobo, one of the two barangays in San Fernando that are most affected by ALTAI's activities. Their Resolution rejects ALTAI's application for barangay clearance with Bgy. Taclobo. This is also one of the documents I obtained with the help of the barangay officials of Bgy. España and Taclobo and members of local environmental groups.

MANIFESTATION: Sangguniang Barangay RESOLUTION No. 24 dated 09 December 2022 of Bgy. Taclobo is listed and attached as ANNEX "E" in the Petition.

Q18: I am now showing to you **Bantay Kalikasan ng Sibuyan LETTER dated 13 January 2023** listed as ANNEX "F" in the Petition. Are you familiar with this document?

A18: Yes, I am familiar with this document. This is the initial letter that my group, Bantak Kalikasan ng Sibuyan, sent to the DENR, MGB, EMB and their respective offices in MIMAROPA in order to inquire and raise concerns regarding the issues surrounding ALTAI's activities in Sibuyan Island. We have personally signed this letter.

MANIFESTATION: **Bantay Kalikasan ng Sibuyan LETTER dated 13 January 2023** is listed and attached as ANNEX "F" in the Petition.

Q19: I am now showing to you **ALTAI's EXPLORATION WORK PROGRAM approved on 21 December 2022** listed as ANNEX "G" in the Petition. Are you familiar with this document?

A19: Yes, I am familiar with this document. This is the Exploration Work Program that ALTAI was trying to use as legal basis for the 50,000 metric tons of nickel ore for bulk sampling that they were transporting using the dump trucks. Upon examination of the document, nowhere is it stated therein that the MGB allowed ALTAI to obtain and transport 50,000 metric tons of nickel ore for bulk sampling. This is also one of the documents I obtained with the help of the barangay officials of Bgy. España and Taclobo and members of local environmental groups.

MANIFESTATION: ALTAI's EXPLORATION WORK PROGRAM approved on 21 December 2022 is listed and attached as ANNEX "G" in the Petition.

Q20: I am now showing to you **Altai Mining's LETTER to MGB dated 07 December 2022** listed as ANNEX "H" in the Petition. Are you familiar with this document?

A20: Yes, I am familiar with this document. This is ALTAI's letter to the MGB requesting for the issuance of the Ore Transport Permit. Together with the Exploration Work Program, it is also one of the documents that ALTAI was trying to use as legal basis for the 50,000 metric tons of nickel ore for bulk sampling that they were transporting using the dump trucks. Upon examination of the document, nowhere is it stated therein that the MGB allowed ALTAI to obtain and transport 50,000 metric tons of nickel ore for bulk sampling. This is also one of the documents I obtained with the help of the barangay officials of Bgy. España and Taclobo and members of local environmental groups.

MANIFESTATION: Altai Mining's LETTER to MGB dated 07 December 2022 is listed and attached as ANNEX "H" in the Petition.

Q21: I am now showing to you **ORE TRANSPORT PERMIT No. OTP-APMC-162-001-2022-MIMAROPA dated 28 December 2022** listed as ANNEX "I" in the Petition. Are you familiar with this document?

A21: Yes, I am familiar with this document. This is the Ore Transport Permit that ALTAI was using as basis to transport the nickel ore from their mining site to their causeway/port. Upon examination of the document, the MGB allowed ALTAI to obtain and transport 50,000 metric tons of nickel ore for bulk sampling. However, the Exploration Work Program has no mention of this amount or volume of nickel ore. Also important is that the validity of this OTP was only until 27 January 2023 or 30 days from the date of its issuance. Thus, when ALTAI was transporting the ore on 28 January 2023 onwards, the transport was actually illegal and continues to be illegal since the OTP has already expired. This is also one of the documents I obtained with the help

of the barangay officials of Bgy. España and Taclobo and members of local environmental groups.

MANIFESTATION: ORE TRANSPORT PERMIT No. OTP-APMC-162-001-2022-MIMAROPA dated 28 December 2022 is listed and attached as ANNEX "J" in the Petition.

Q22: I am now showing to you **MINERAL ORE EXPORT PERMIT No. DENR-MGB-22-008 dated 29 December 2022** listed as ANNEX "J" in the Petition. Are you familiar with this document?

A22: Yes, I am familiar with this document. This is the Mineral Ore Export Permit that ALTAI was using as basis, together with the OTP, to transport the nickel ore from their mining site to their causeway/port. Upon examination of the document, the MGB allowed ALTAI to obtain, transport or export 50,000 metric tons of nickel ore for bulk sampling. However, the Exploration Work Program has no mention of this amount or volume of nickel ore. Also important is that the validity of this MOEP was only until 28 January 2023. Thus, when ALTAI was transporting and/or exporting the ore on 29 January 2023 onwards, the transport or export was actually illegal and continues to be illegal since the MOEP has already expired. This is also one of the documents I obtained with the help of the barangay officials of Bgy. España and Taclobo and members of local environmental groups.

MANIFESTATION: MINERAL ORE EXPORT PERMIT No. DENR-MGB-22-008 dated 29 December 2022 is listed and attached as ANNEX "J" in the Petition.

Q23: I am now showing to you **AUTHORITY TO TRANSACT (BAT-ATT-2023-013) for cargo handling services** listed as ANNEX "K" in the Petition. Are you familiar with this document?

A23: Yes, I am familiar with this document. This is one of the documents that ALTAI listed and was using as basis to justify the construction and operation of their causeway/port in Sitio Bato, Bgy. San Fernando, Romblon. Upon examination of the document, there is no mention that ALTAI was allowed by the PPA to construct and operate a causeway/port in the area. This is also one of the documents I obtained with the help of the barangay officials of Bgy. España and Taclobo and members of local environmental groups.

MANIFESTATION: **AUTHORITY TO TRANSACT (BAT-ATT-2023-013) for cargo handling services** is listed and attached as ANNEX "K" in the Petition.

Q24: I am now showing to you **AUTHORITY TO TRANSACT (BAT-ATT-2023-014) for lighterage/barging services** listed as ANNEX "L" in the Petition. Are you familiar with this document?

A24: Yes, I am familiar with this document. This is one of the documents that ALTAI listed and was using as basis to justify the construction and operation

of their causeway/port in Sitio Bato, Bgy. San Fernando, Romblon. Upon examination of the document, there is no mention that ALTAI was allowed by the PPA to construct and operate a causeway/port in the area. This is also one of the documents I obtained with the help of the barangay officials of Bgy. España and Taclobo and members of local environmental groups.

MANIFESTATION: AUTHORITY TO TRANSACT (BAT-ATT-2023-014) for lighterage/barging services is listed and attached as ANNEX "L" in the Petition.

Q25: I am now showing to you **CERTIFICATE OF ACCREDITATION No. 000771 for lighterage and various port services** listed as ANNEX "M" in the Petition. Are you familiar with this document?

A25: Yes, I am familiar with this document. This is one of the documents that ALTAI listed and was using as basis to justify the construction and operation of their causeway/port in Sitio Bato, Bgy. San Fernando, Romblon. Upon examination of the document, there is no mention that ALTAI was allowed by the PPA to construct and operate a causeway/port in the area. This is also one of the documents I obtained with the help of the barangay officials of Bgy. España and Taclobo and members of local environmental groups.

MANIFESTATION: CERTIFICATE OF ACCREDITATION No. 000771 for lighterage and various port services is listed and attached as ANNEX "M" in the Petition.

Q26: I am now showing to you **CERTIFICATE OF ACCREDITATION No. 002296 for cargo handling services** listed as ANNEX "N" in the Petition. Are you familiar with this document?

A26: Yes, I am familiar with this document. This is one of the documents that ALTAI listed and was using as basis to justify the construction and operation of their causeway/port in Sitio Bato, Bgy. San Fernando, Romblon. Upon examination of the document, there is no mention that ALTAI was allowed by the PPA to construct and operate a causeway/port in the area. This is also one of the documents I obtained with the help of the barangay officials of Bgy. España and Taclobo and members of local environmental groups.

MANIFESTATION: CERTIFICATE OF ACCREDITATION No. 002296 for cargo handling services is listed and attached as ANNEX "N" in the Petition.

Q27: I am now showing to you **Bantay Kalikasan ng Sibuyan LETTER to DENR, MGB, AND EMB dated 30 January 2023** listed as ANNEX "O" in the Petition. Are you familiar with this document?

A27: Yes, I am familiar with this document. This is part of the second set of letters that my group, Bantak Kalikasan ng Sibuyan, sent to the DENR, MGB, EMB to bring into their attention the irregularities and anomalies

surrounding ALTAI's activities in Sibuyan Island. We are demanding herein the revocation of ALTAI's OTP and OEP, that an investigation be conducted, and that a CDO be issued against ALTAI. We have also personally signed this letter.


MANIFESTATION: Bantay Kalikasan ng Sibuyan LETTER to DENR, MGB, AND EMB dated 30 January 2023 is listed and attached as ANNEX "O" in the Petition.

Q28: I am now showing to you **Bantay Kalikasan ng Sibuyan LETTER to PPA dated 30 January 2023** listed as ANNEX "P" in the Petition. Are you familiar with this document?

A28: Yes, I am familiar with this document. This is part of the second set of letters that my group, Bantak Kalikasan ng Sibuyan, sent to various government agencies. This letter was sent to the PPA to bring into their attention the irregularities and anomalies surrounding ALTAI's activities in Sibuyan Island, particularly ALTAI's construction and operation of its causeway/port in the municipality of San Fernando. We are demanding herein, that an investigation be conducted and that a CDO be issued against ALTAI's construction and operation of its causeway/port. We have also personally signed this letter.

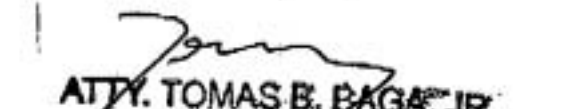
MANIFESTATION: Bantay Kalikasan ng Sibuyan LETTER to PPA dated 30 January 2023 is listed and attached as ANNEX "P" in the Petition.

03 February 2023; Quezon City, Metro Manila.


ALFREDO B. PASCUAL
Affiant

SUBSCRIBED AND SWORN TO before me this 03 February 2023 in Quezon City, affiant exhibiting to me his Senior Citizen's ID No. 38842 issued on 02 June 2016 at the City of Parañaque.

Doc. No. 159;
Page No. 32;
Book No. 11;
Series of 2023.


ATTY. TOMAS B. BAGA, JR.
NOTARY PUBLIC
UNTIL DECEMBER 31, 2023
ROIL NO. 13003
ADM. NO. NP-148 (2022-2023)
IBP NO. 0289408 / 01-17-2023 / PASIG CITY
PTR NO. 2130126 / 01-16-2023 / CT, CITY
MCLE NO. VII-0019901 / 05-04-2022 / PASIG CITY
RGH BLDG. TIMOG COR. PANAY AVE. Q.C.

Sworn Attestation


I, **RONALDO R. GUTIERREZ**, Filipino, of legal age and with office address at Unit 402 Kamuning Place, 60 Kamuning Road, Quezon City, do hereby swear that:

1. I am the one who conducted the examination of the above witness in a language that is known to him.
2. I faithfully recorded the questions asked and the corresponding answers the witness gave and signed.
3. Neither the witness nor any other person then present or assisting, coached the witness with regard to his answers.


RONALDO R. GUTIERREZ
Roll No. 41383

SUBSCRIBED AND SWORN TO before me this 03 February 2023 in Quezon City, affiant exhibiting to me his PhilHealth ID No. 19-0515600006-3.

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Page No. 92
Book No. 11
Series of 2023.


ATTY. TOMAS B. BAGA, JR.
NOTARY PUBLIC
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