



Republic of the Philippines
Department of Environment and Natural Resources
Region IV- MIMAROPA
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE
Barangay III (Poblacion), Roxas, Palawan
Contact No. 717-0892
Email address: cenroroxaspalawan@denr.gov.ph

07 July 2023

MEMORANDUM

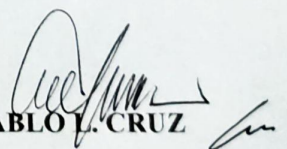
FOR : The PENRO
Brgy. Sta. Monica, Puerto Princesa, Palawan

FROM : The CENRO

SUBJECT : **REPORT ON THE CONFISCATED CONVEYANCES OF
NIMFA CASTRO IN BRGY. IV, ROXAS, PALAWAN**

Respectfully forwarding the memorandum report dated 07 July 2023 of the MGB Embedded Technical Personnel with the abovementioned subject. According to the report, Ms. Nimfa G. Castro was hauling earth materials from her construction project without a valid mining permit.

For your information and further instruction, if there is any.


PABLO L. CRUZ

Cc:

The Regional Director
Mines and Geosciences Bureau Region IV – MIMAROPA

The Regional Executive Director
Department of Environment and Natural Resources Region IV – MIMAROPA

The Provincial Mining and Regulatory Board
Province of Palawan

The Executive Director
Palawan Council for Sustainable Development

JENR-CENRO ROXAS
RELEASED
DATE JUL 07 2023
BY: [Signature]
2023 07-0979



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07 July 2023

MEMORANDUM

FOR : The Community Environment and
Natural Resources Officer

FROM : The Undersigned

SUBJECT : **REPORT ON THE CONFISCATED CONVEYANCES OF
NIMFA CASTRO IN BRGY. IV, ROXAS, PALAWAN**



BACKGROUND INFORMATION

On 07 July 2023, the undersigned together with FR Charlie A. Rabang conducted checkpoint monitoring in Brgy. IV, Roxas, Palawan. This is in response to verbal reports of concerned citizens that earth materials being used for filling were being hauled from the area.

OBSERVATIONS

1. On 11:41 AM, along the North National Highway, a white FAW Dump Truck hauling earth materials was halted for inspection of mining permits.
2. According to truck driver Mr. Felix Tanaya Quillano, the earth materials were being hauled from a construction project of Nimfa G. Castro located in Brgy. IV to Castro's property located in Brgy. Magara, Roxas, Palawan.
3. The driver presented a Delivery Receipt and a copy of PMRB Resolution No. 16-2023. (Photo 1-2) These documents confirm that the earth materials were generated from Ms. Nimfa G. Castro's construction project in Brgy. IV, Roxas, Palawan.



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4. No certificate of accreditation was shown during the time of apprehension. The PMRB Resolution presented states that the earth materials from Castro's construction must only be hauled to Brgy. Dumarao.
5. Arch. Christian Natividad, head of operations and representative of Nimfa G. Castro, arrived in the apprehension area. He informed the undersigned that Ms. Nimfa G. Castro is currently abroad. He verbally stated that they have sent a request to PMRB to amend the said resolution, for them to be permitted to haul the materials to Brgy. Magara. (Photo 3)
6. The undersigned called Mrs. Gillian Atienza, PMRB Secretariat, to confirm this information. Mrs. Atienza verbally claimed that the Board has not given permission Castro permission to haul the earth materials to Brgy. Magara.
7. The undersigned explained that a Certificate of Accreditation from MGB MIMAROPA must be secured to be permitted to haul incidental materials, such as the earth materials generated by the construction project of Castro. Arch. Natividad explained that PMRB advised that it was not necessary since their operations were not focused on disposing the earth materials commercially.
8. The undersigned elucidated that hauling earth materials without a valid mining permit is prohibited by law and issued a seizure receipt for the conveyance and the loaded earth materials, then read the MIRANDA Rights to driver Felix Tanaya Quillano.
9. The confiscated conveyance was given custody to DENR-CENRO Roxas, Palawan.

INITIAL FINDINGS AND RECOMMENDATIONS

1. Based on field findings, the earth materials generated from Nimfa Castro's construction project being hauled to Brgy. Magara is not covered by a Certificate of Accreditation, nor any provisions from the Provincial Mining Regulatory Board of Palawan. Thus, Nimfa G. Castro is believed to be in violation of Section 102 of Regional Memorandum Order 2020-07 which follows:



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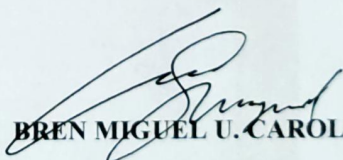
MGB MIMAROPA RMO No. 2020-07 Sec. 2: A project proponent without a mining permit but intends to utilize and/or dispose the rock/soil/ earth materials incidentally extracted from the project site situated within the MIMAROPA Region, shall secure a Certificate of Accreditation as Processor, Trader, Dealer and Retailer in the Trading of Minerals/ Mineral Products and By-Products

2. The grounds for confiscation of the conveyance and the loaded earth materials is Section 133 of Department Administrative Order 2010-21 which follows:

Section 133, Confiscation, Apprehension and Disposition of Seized Mineral Products: Shipments of minerals/mineral products and by-products by non-accredited traders and other illegal sources shall be apprehended, confiscated and disposed of in accordance with the provisions of Chapter XII of these implementing rules and regulations.

3. The undersigned recommends the issuance of a **CEASE AND DESIST ORDER** to the hauling operations of Ms. Nimfa G. Castro until a Certificate of Accreditation is issued by the Mines and Geosciences Bureau Region IV – MIMAROPA.

For information and further instruction, if there is any.


BREN MIGUEL U. CAROLINO



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PHOTO DOCUMENTATION

Republic of the Philippines
Provincial Government of Palawan
OFFICE OF THE GOVERNOR
Puerto Princesa City

SAND AND GRAVEL DELIVERY RECEIPT

SPECIAL DELIVERY RECEIPT 7/7/23
Date

Sold to: GAR CAS INC
Destination: ROXAS PAL
Truck Plate No.: CPM 6732
Kind of Materials Sold: SOIL

Volume (Cubic Meter): 16
Value (In Pesos): 503
Origin: BGY. 4 ROXAS PAL
Name of Permittee: NIMFA CASTRO
Commercial Foreshore/Industrial
Permit No.: _____
Date Granted: _____
Treasurer's Official Receipt No.: _____
Date: _____

Total Volume Allowed Under Permit
(Cu.M.): 503
Total Volume Extracted to Date:
(Cu.M.): 389
Remaining Volume Allowed To Be Extracted
To Date (Cu.M.): 114

N° **605008**
By: [Signature]
Permittee/Representatives

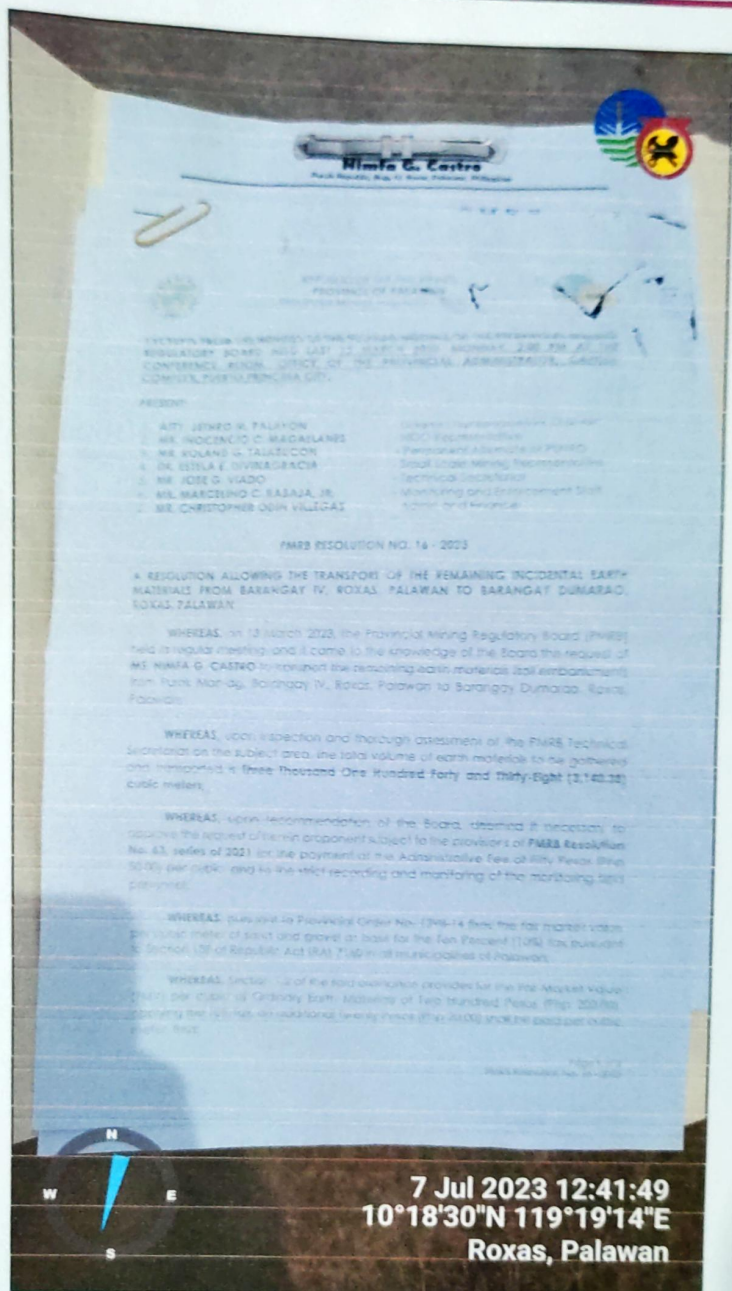
Not valid unless countersigned at the back by the Provincial Governor or his duly authorized representative.

7 Jul 2023 11:29:55
10°18'30"N 119°19'14"E
Roxas, Palawan

Photo 1: Delivery Receipt presented



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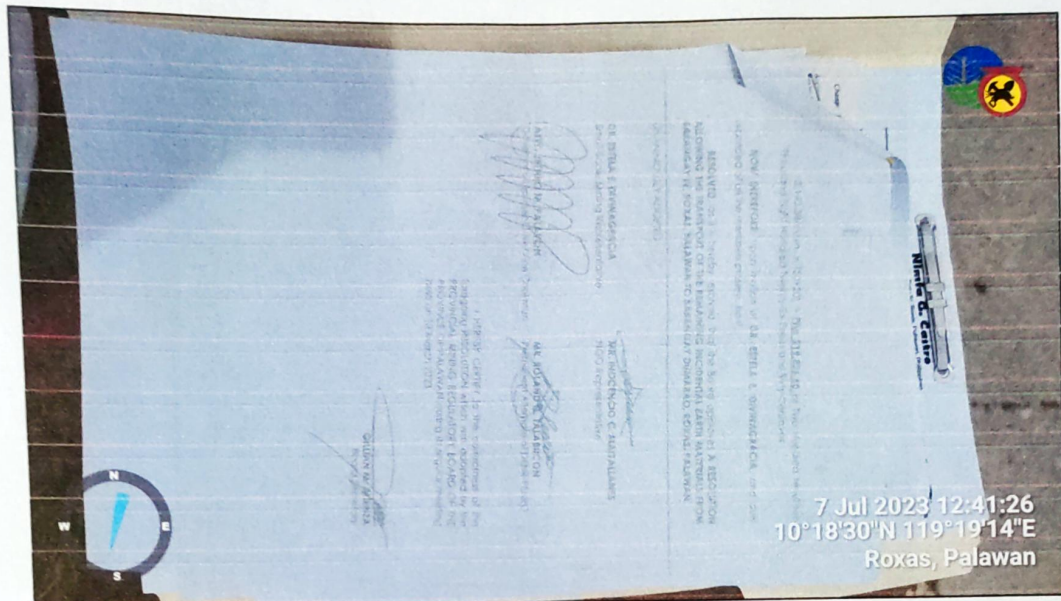



Photo 2&3: PMRB Resolution presented during apprehension.



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Nimfa G. Castro
Purok Republic, Brgy IV, Roxas, Palawan, Philippines

July 3, 2023

Mr. Felizardo B. Cayatoc
PENRO/PMRB Chairman

RE: Request for consideration for additional extraction of incidental earth materials above the approved volume per PMRB Resolution No. 16-2023; Transport from Barangay IV, Roxas, Palawan, to neighboring barangays in Roxas, Palawan.

Dear Mr. Cayatoc:

My name is Nimfa Garces Castro. I am the property owner and project proponent of Roxas Town Center with approved ECC-OL-R4B-2019-0081 located in Purok Man-ag, Brgy IV, Roxas, Palawan, and a holder of PMRB Resolution No. 16-2023.

I am writing to request your kind consideration for the additional extraction and transport of incidental earth materials above the approved volume stated in PMRB Resolution No. 16-2023. The request for additional volume is needed to proceed with constructing the buildings to complete Phase 1 of our development project, Roxas Town Center.

With the board approval of PMRB Resolution No. 16-2023 in March 2023, we have made some progress and are now concurrently working on four buildings of Phase 1, including the private road of the development. In addition, the fourth and fifth buildings already have approved municipal building permits ready to be built in the area where extraction of excess earth materials is needed.

With your continuous support, we are confident we will meet the scheduled grand opening of Phase 1 of the development. As we get closer to meeting our goal, we will send you a Save the Date card for our grand opening schedule, and we look forward to you and your team joining us.


My authorized representatives, Architect Christian Natividad and Engr. Aprille Ferrer oversees the project, and both are familiar with day-to-day operations on the job site. They can present documentation to inform your office of the project's ongoing development. They have been working with the PMRB team on all matters that need the agency's permission and approval to support the project's completion.

I sincerely appreciate your continued support of our development project, and I look forward to your kind and favorable consideration, approval, and endorsement of this request.

Sincerely,

Nimfa G. Castro
Nimfa G. Castro
Property Owner/Project Proponent

Request for Consideration of Additional Extraction and Transport of Incidental Earth Materials: DENR/PMRB - 07/03/2023
Page 1



7 Jul 2023 11:58:38
10°18'30"N 119°19'14"E
Roxas, Palawan

Photo 4: Request letter sent by Ms. Nimfa G Castro to PMRB



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Photo 5&6: The undersigned during the time of apprehension



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Photo 7: Earth Materials loaded by the conveyance

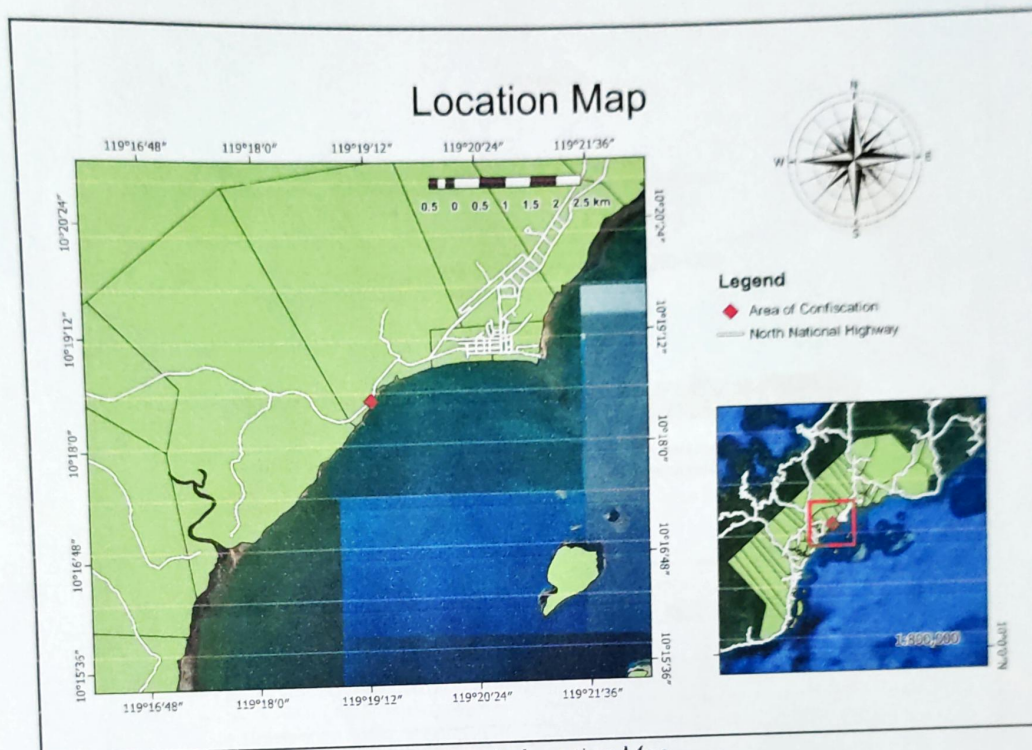


Photo 8: Confiscated conveyance



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ANNEX



Annex A: Location Map



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ANNEX III



Republic of the Philippines
Department of Environment and Natural Resources
MINES AND GEOSCIENCES BUREAU
Regional Office No. IV- MIMAROPA
77 DENR Bldg. Over Bay Bridge, 1535 Roxas Blvd. Corra. M. Rd.
Tel. No. (02) 536-0214 • Telefax No. (02) 302-1352



SEIZURE RECEIPT

**RECEIPT FOR CONFISCATED/SEIZED MINERALS/MINERAL PRODUCTS,
TOOLS, EQUIPMENT AND CONVEYANCES PURSUANT TO DAO 96-40**

Important: Confiscated or seized articles found in the possession of Apprehending Officers not listed in this form shall be deemed illegally-posessed and shall subject the possessor to criminal and administrative action.

QUANTITY	UNIT	DESCRIPTION	ESTIMATED VALUE
16	cu. m	Earth Materials	
1	dump truck	White, 10-wheeler, Black Rear CBL 6932	

We certify that the above-cited articles were seized and/or confiscated in
Bray. IV, Roxas, Pal. at 11:41 AM
(Place of Apprehension) (Time)
on July 08, 2023
(Date)

Owner's Name: Nimfa Castro
Signature: _____
Address: _____

WITNESSES:

CHARLES A. PADANG
DENR/CENRO-Roxas, Pal.

CAROLINE BEN MUEL U.
Investigating/Apprehending Officer

Annex B: Seizure Receipt issued