

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

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22 June 2023

MEMORANDUM

FOR : **The Undersecretary**
Field Operations, Luzon, Visayas and Environment
Department of Environment and Natural Resources
Visayas Avenue, Diliman, Quezon City

FROM : **The Regional Director**
This Office

SUBJECT : **Omnibus Motion Re: Alleged Illegal Construction of Causeway and Other Relative Activities of Altai Philippines Mining Corporation (DENR AS RMD 2023-015299-B)**

This respectfully refers to the 20 June 2023 Memorandum forwarding the Omnibus Motion from Atty. Mary Jane Balagtas, legal counsel of Altai Philippines Mining Corporation (APMC), for evaluation, comments, and recommendation.

Please be informed that the issues raised in the Omnibus Motion are beyond the jurisdiction of this Office.

The condition under the 06 February 2023 Joint Order directing APMC to cease and desist its operation is under the mandate of the DENR MIMAROPA Region. The temporary suspension of the Ore Transport Permit (OTP) No. OTP-APMC-162-001-2022-MIMAROPA is moot as it expired on 24 February 2023. A new OTP may be issued if the suspension is lifted, and the revised Exploration Work Program is approved by the MGB CO.

In view of the above, the comments and recommendations regarding the construction of the causeway and other relative activities should emanate from the DENR MIMAROPA Region.

For the Undersecretary's information and further instruction.

GLENN MARCELO C. NOBLE

[Signature]

cc: **The Regional Executive Director**
Department of Environment and Natural Resources
5th Floor, DENR Building, 1515 Roxas Boulevard
Ermita, Manila



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



IN RE: ILLEGAL CONSTRUCTION OF CAUSEWAY AND OTHER
RELATIVE ACTIVITIES OF ALTAI PHILIPPINE MINING CORPORATION
(APMC)

JOINT ORDER

WHEREAS, a Mineral Production Sharing Agreement (MPSA) was granted to APMC on 23 December 2009, with MPSA No. 304-2009-IVB, pursuant to Republic Act (RA) No. 7942, otherwise known as the *Philippine Mining Act of 1995*;

WHEREAS, on 19 September 2011 the Mines and Geosciences Bureau (MGB) Central Office (CO) issued a Cease-and-Desist Order (CDO) to APMC due to environmental and social issues;

WHEREAS, on 13 December 2020, APMC filed a Motion to Recall the Appeal and lift the CDO with the DENR Central Office;

WHEREAS, on 09 September 2021, DENR lifted the CDO stating that the concerns on environment and social issues can be addressed during the Environmental Impact Assessment (EIA) process. APMC was required to secure an Environmental Compliance Certificate (ECC), Environmental Protection and Enhancement Program (EPEP) and Final Mine Rehabilitation and/or Decommissioning Plan prior to its operation;

WHEREAS, an application for Miscellaneous Lease Agreement (MLA) was filed by APMC for its Causeway at Brgy. España, San Fernando, Romblon on 12 September 2022;

WHEREAS, on 07 December 2022, APMC applied for Mineral Ore Export Permit (MOEP) to ship out its sample ore consisting of 50,000 WMT to a Direct Shipping Ore (DSO) pyro-plant and testing company in China to complete the necessary metallurgical study;

WHEREAS, on 28 December 2022, MGB MIMAROPA Region issued Ore Transport Permit (OTP) No. OTP-APMC-162-001-2022-MIMAROPA for 50,000 WMT +/- 10% of ore from the MPSA contract area to APMC's port in San Fernando, Romblon;

WHEREAS, on 29 December 2022, the MGB Central Office issued MOEP No. DENR-MGB-22-008 to APMC

WHEREAS, on 13 January 2023, Forest Technician I Ernie L. Forcadas from DENR Sibuyan Sub-Station, Provincial Environment and Natural Resources Office (PENRO) Romblon received a verbal complaint from a concerned citizen on the alleged illegal construction of causeway by APMC;

WHEREAS, on 18 January 2023, OIC PENRO Arnoldo A. Blaza, Jr. wrote a letter to APMC to immediately suspend the ongoing construction;

WHEREAS, on 28 January 2023, a report from the Investigating Team of PENRO Romblon in an investigation conducted on 17 January 2023 confirmed that there is an ongoing construction of causeway, and flattening of the proposed roadway. The Report also stated that there was a reclamation activity approximately measuring 16 meters wide and 210 meters length, which started on 13 January 2023;

WHEREAS, on 01 February 2023, OIC PENRO Blaza issued a Notice of Violation (NOV) for the construction of APMC's causeway without an approved lease agreement and/or Provisional Permit;

WHEREAS, on 01 February 2023, the Chief of Environmental Management Services, Provincial Environmental Management Unit (PEMU) Romblon, conducted a site inspection at APMC's Causeway Project and observed that APMC has no Environmental Compliance Certificate (ECC) for the project;

WHEREAS, on 02 February 2023, the EMB MIMAROPA Region issued an NOV with Suspension Order against APMC for its Causeway Project located in Sitio Bato, Brgy. España, San Fernando, Sibuyan, Romblon in violation of Section 4 of P.D. 1586, otherwise known as the *Philippine Environmental Impact Statement System*, for constructing/operating a causeway project without an approved ECC. Further, APMC was directed to suspend any further developments relative to the construction and operation of the causeway effective immediately upon receipt of the NOV to prevent grave and irreparable damage to the environment.

WHEREAS, on 03 February 2023, PENRO Romblon, also issued an NOV to APMC for violations of Presidential Decree No. 705, otherwise known as the *Revised Forestry Code of the Philippines*, as amended, for cutting and damaging trees and clearing the exploration site of the APMC at Sitio Bato, Brgy. España, San Fernando, Romblon, without the required cutting permit.

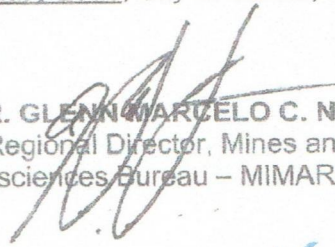
WHEREFORE, this Office hereby **ORDERS** the following:

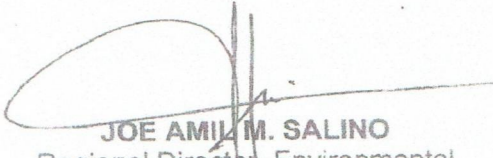
1. For APMC to **CEASE AND DESIST** from the construction and operation of its causeway in Sitio Bato, Brgy. España, San Fernando, Romblon as a precautionary measure against potential irreparable damage to the environment;
2. Ore Transport Permit No. OTP-APMC-162-001-2022-MIMAROPA issued to APMC is **TEMPORARILY SUSPENDED** by virtue of Item No. 1 hereof;
3. APMC to **STOP** transporting ore from the contract site to the causeway;
4. APMC's application for Miscellaneous Lease Agreement is **DENIED** for its violations of Commonwealth Act 141, otherwise known as the Public Land Act, as amended, and its related issuances;
5. PENRO Romblon to **FILE** appropriate legal actions, if warranted, on the reported cutting of trees without permit; and,
6. PENRO Romblon to **CONDUCT** investigation on the potentially damaged sea grass and other marine resources.


This Order is immediately executory upon receipt.

SO ORDERED.

06 February 2023, City of Manila, Philippines.


ENGR. GLENN MARCELO C. NOBLE
Regional Director, Mines and
Geosciences Bureau – MIMAROPA


JOE AMIL M. SALINO
Regional Director, Environmental
Management Bureau – MIMAROPA


LORMELYN E. CLAUDIO, CESO IV
Regional Executive Director
DENR – MIMAROPA

Copy furnished:

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