



MEMORANDUM

TO : **THE REGIONAL EXECUTIVE DIRECTOR**
DENR Region IV B
L & S Bldg., Roxas Blvd., Manila

FROM : **THE UNDERSECRETARY**
Field Operations Luzon, Visayas and Environment

SUBJECT : **ALLEGED INACTION ON THE COMPLAINT RE:
ENCROACHMENT OF RIO TUBA NICKEL MINING
CORPORATION TO A PROPERTY OWNED BY A CERTAIN
MARISSA CRUZ MORALES**

DATE : **MAR 14 2023**

This pertains to the email dated 31 January 2023 from the Director General Ernesto V. Perez of ARTA endorsing the complaint of Ms. Florecita Palanca Attorney-in-Fact of Ms, Marissa Cruz-Morales regarding the abovementioned subject.

May we refer the matter to your Office for verification and further appropriate action. Kindly furnish this Office and the parties concerned of the actions taken citing document tracking number DENR CO-OSEC 2023-000527 for monitoring and record purposes.

For compliance.


ATTY. JUAN MIGUEL T. CUNA, CESO I

c.c.

Office of the Secretary

Director General Ernesto V. Perez
ARTA
brodiv.a@arta.gov.ph

Ms. Florecita Palanca
Attorney-in-Fact of Ms, Marissa Cruz-Morales
agorgenera66@gmail.com



Office of the DENR Secretary <osec@denr.gov.ph>

[ARTA] COMPLAINT RECEIVED AGAINST DENR - COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE (CENRO), BROOKE'S POINT, PALAWAN

Better Regulations Office - Sectoral Division A <brodiv.a@arta.gov.ph>

Tue, Jan 31, 2023 at 3:06 PM

To: "hea@denr.gov.ph" <hea@denr.gov.ph>, Office of the Secretary <osec@denr.gov.ph>, "cenrobrookespoint@denr.gov.ph" <cenrobrookespoint@denr.gov.ph>, "mimaroparegion@denr.gov.ph" <mimaroparegion@denr.gov.ph>

Cc: "agorgenera66@gmail.com" <agorgenera66@gmail.com>

Dear **Secretary Yulo-Loyzaga**:

We write relative to the complaint we received from Ms. Florecita Palanca, Attorney-in-fact of Ms. Marissa Cruz Morales (Attached as **Annex A**) regarding the inaction of the Department of Environment and Natural Resources – Community Environment and Natural Resources Office (DENR-CENRO) on the alleged encroachment of Rio Tuba Nickel Mining Corporation (RTNMC) on the parcel of land owned by her principal. The documents highlight, among others, the request of the complainant for a dialogue between RTNMC and DENR-CENRO, as well as the latter's failure to furnish the complainant copies of the reports they prepared on 21 October 2021 and 12 November 2021, that were subsequently attached to their letter, after a year.

Upon careful perusal of the documents, we agree with the DENR-CENRO, in their response letter to Ms. Palanca dated 2 November 2022, that the encroachment complaint should be brought before the appropriate courts since ejectment proceedings require judicial intervention.

However, DENR's failure to furnish the complainant with copies of the reports may fall under:

1. Section 5 of Republic Act No. 6713 or the "Case of Conduct and Ethical Standards for Public Officials and Employees", which provides that written requests, petitions, or motions sent by means of letters, telegrams, or the like shall be acted upon within fifteen (15) working days from receipt thereof; and
2. Section 9(b)(1) of RA 11032 which states that, "All applications or requests submitted shall be acted upon by the assigned officer or employee within the prescribed processing time stated in the Citizen's Charter which shall not be longer than three (3) working days in the case of simple transactions and seven (7) working days in the case of complex transactions from the date the request and/or complete application or request was received."

Given the foregoing, we respectfully request your preferential action and assistance to the complainant to provide an update with regards to her request for possible intervention from the DENR.

Should you have inquiries, please feel free to contact our Better Regulations Division assigned at brodiv.a@arta.gov.ph.

Sincerely,

(sgd)
SECRETARY ERNESTO V. PEREZ
Director General

Copy furnished:

MS. FLORECITA PALANCA
Atty-in-fact of Ms. Marissa Cruz Morales
agorgenera66@gmail.com



**SECTORAL DIVISION A
BETTER REGULATIONS OFFICE
ANTI-RED TAPE AUTHORITY**

4th & 5th Floors, NFA Building, NFA Compound
Visayas Avenue, Brgy. Vasra, Diliman, Quezon City



(02) 8478-5093 | 8478-5099



brodiv.a@arta.gov.ph



www.arta.gov.ph



DISCLAIMER: This email is intended only for the person(s) named in the message header. Unless otherwise indicated, it contains information that is confidential, privileged and/or exempt from disclosure under applicable law. If you have received this message in error, please notify the sender of the error and delete the message. Furthermore, views and opinions expressed herein are those of the sender and do not necessarily reflect the views of the Anti-Red Tape Authority.

2 attachments



Letter to DENR.pdf
1000K



ANNEX A.pdf
10479K



ARTA
ANTI-RED TAPE AUTHORITY
OFFICE OF THE PRESIDENT



26 January 2023

HON. MARIA ANTONIA YULO-LOYZAGA

Secretary

Department of Environment and Natural Resources (DENR)

DENR Building Visayas Avenue, Diliman

Quezon City

ATTENTION : **MS. LORMELYN E. CLAUDIO, CESO IV**
Regional Executive Director, DENR – MIMAROPA

: **MR. CONRADO M. CORPUZ**
CENR Officer, Brooke's Point, Palawan

SUBJECT : **COMPLAINT RECEIVED AGAINST DENR – COMMUNITY
ENVIRONMENT AND NATURAL RESOURCES OFFICE
(CENRO), BROOKE'S POINT, PALAWAN**

Dear **Secretary Yulo-Loyzaga**:

We write relative to the complaint we received from Ms. Florecita Palanca, Attorney-in-Fact of Ms. Marissa Cruz Morales (Attached as **Annex A**), regarding the inaction of the Department of Environment and Natural Resources – Community Environment and Natural Resources Office (DENR-CENRO) on the alleged encroachment of Rio Tuba Nickel Mining Corporation (RTNMC) on the parcel of land owned by her principal. The documents highlight, among others, the request of the complainant for a dialogue between RTNMC and DENR-CENRO, as well as the latter's failure to furnish the complainant copies of the reports they prepared on 21 October 2021 and 12 November 2021, that were subsequently attached to their letter, after a year.

Upon careful perusal of the documents, we agree with the DENR-CENRO, in their response letter to Ms. Palanca dated 02 November 2022, that the encroachment complaint should be brought before the appropriate courts since ejectment proceedings require judicial intervention.

However, DENR's failure to furnish the complainant with copies of the reports may fall under:

- a) Section 5 of Republic Act (RA) No. 6713, or the "Case of Conduct and Ethical Standards for Public Officials and Employees", which provides that written requests, petitions, or motions sent by means of letters, telegrams, or the like shall be acted upon within 15 working days from receipt thereof; and
- b) Section 9(b)(1) of RA 11032, or the Ease of Doing Business and Efficient Delivery of Government Services Act of 2018, which states that, "all applications or requests submitted shall be acted upon by the assigned officer or employee within the prescribed processing time stated in the Citizen's Charter which shall not be longer than three (3) working days in the case of simple transactions and seven (7) working days in the case



of complex transactions from the date the request and/or complete application or request was received.”

Given the foregoing, we respectfully request your preferential action and assistance to the complainant to provide an update with regards to her request for possible intervention from the DENR.

Should you have inquiries, please feel free to contact our Better Regulations Office – Sectoral Division A via email at brodiv.a@arta.gov.ph.

Sincerely,



SECRETARY ERNESTO V. PEREZ
Director General

Copy furnished:

MS. FLORECITA PALANCA
Atty-in-Fact of Ms. Marissa Cruz Morales
agorgenera66@gmail.com



November 15, 2022

Attorney Ernesto V. Perez
Director General
Anti-Red Tape Authority
4th & 5th Floor, NFA Building
NFA Compound, Visayas Avenue
Bgy Vasra, Diliman Quezon City

Dear Sir Perez,

Good day!

We are writing in connection with our letter-complaint against the personnel of DENR Brooke's Point, Palawan dated 10 October 2022

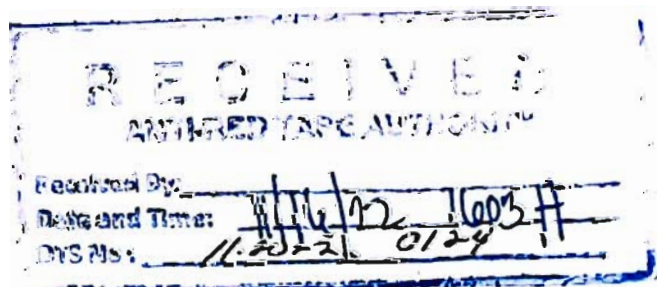
We would like to let you know that we sent two more letters to the said Office, however, their response to us is evasive and does not address our concern. It seems that they do not really want to act on our matter, hence, they are trying to make us go in circle.

Thought this letter I would like to request the intervention of (ARTA) for dialogue with DENR and RTNMC to resolve this matter.

Thank you very much and we are looking forward to hear from you

Respectfully,

F. Palanca
FLORECITA PALANCA
Attorney-in-fact of
Marissa Cruz Morales
09214137854
agorgenara66@gmail.com



October 11, 2022

CONRADO CORPUS
Officer-in-Charge

DENR-Community Environment and Natural Resources Office (CENRO)
Brooke's Point, Palawan

Sir:

Greetings!

I am writing as attorney-in-fact of Marissa Cruz-Morales, to follow up on our letter of complaint against Rio Tuba Nickel Mining Corporation (RTNMC) and demand that your Office take immediate action on our complaint.

We would like to inform you that we already notified the DENR Regional and Central Office as well as the Anti Red Tape Authority (ARTA) about your lack of action on our complaint and they reassured us that they will intervene on this matter and they likewise confirm that any further delay in dealing with this matter may subject the erring employee to sanction.

In view of this, we hope that you can arrange a conference or dialogue with RTNMC the soonest time possible to resolve this issue. An investigator from DENR Regional Office as well as a representative from ARTA will join the conference or dialogue with RTNMC, as per their instruction.

Thank you very much and we hope to hear from you soon. You may update us through my email address: agorgenara66@mail.com.

Very respectfully yours,

Florencia Palanca
FLORENCIA PALANCA
Attorney-in-fact of
Marissa Cruz Morales



Republic of the Philippines
Department of Environment and Natural Resources
MIMAROPA Region
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE
Brooke's Point, Palawan - 5305
Email Address: cenrobrookespoint@denr.gov.ph

October 19, 2022

MS. FLORECITA PALANCA
Atty.-in-fact of Marissa Cruz Morales
Agorgenara66@mail.com

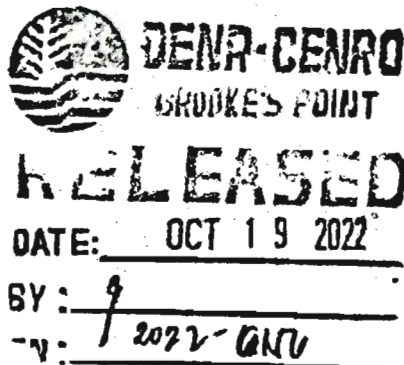
Madamme:

This is to acknowledge receipt by this Office on October 18, 2022 of your letter dated October 11, 2022 requesting immediate action on your letter complaint against Rio Tuba Mining Corporation.

Please be informed that records on file in this Office about the claim of your principal, Marissa Cruz Morales, was brought to the attention of then DENR Secretary Roy A. Cimatu in your letter dated March 18, 2021, from which Office the complaint was brought to attention of this Office thru DENR channels.

It is informed further that this Office have already rendered and submitted our report on the matter in Memoranda to the Regional Executive Director thru the Provincial Environment and Natural Resources Officer dated October 21, 2021 and November 12, 2021, copies of which hereto attached.

For your information and record.



Very truly yours,

CONRADO M. CORPUZ
CENRO

Doc. Ref. No. 2022-6156
rps mcq



Republic of the Philippines
Department of Environment and Natural Resources
MIMAROPA Region
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE
Brooke's Point, Palawan

MEMORANDUM

October 21, 2021

FOR : The Regional Executive Director
DENR MIMAROPA Region
1515 L & S Bldg., Roxas Blvd.
Ermita, Manila

THRU : The Provincial Environment and
Natural Resources Officer
Sta. Monica, Puerto Princesa City

FROM : The OIC Community Environment and
Natural Resources Officer

SUBJECT : EMAILED COPY OF LETTER COMPLAINT DATED
MARCH 18, 2021 SENT BY FLORECITA PALANCA,
ATTORNEY-IN-FACT OF MARISSA CRUZ-MORALES
TO DENR SECRETARY ROY A. CIMATU IN RE:
PROPERTIES COVERED BY TAX DECLARATIONS IN
THE NAME OF NIEVES M. CRUZ, RIO TUBA,
BATARAZA, PALAWAN

Please be informed that due to lack of reference to identify the lots covered by the tax declarations in the name of Nieves M. Cruz contained in the attachment to the above-subject letter received by this Office thru email, a research on the records on file in this Office was made contained in the report dated September 08, 2021 submitted by LMO III Florante A. Candido, copy of which is hereto attached.

It is informed that a letter was sent to the Resident Mine Manager inviting her to a meeting to be held in this Office to comment on the said allegations, copy of letter hereto attached. During the scheduled meeting, the representatives of RTNMC in the person of Atty. Arelene B. Aoas and Mr. Avelino Abiog, Jr. appeared, requesting that they be given ample time to research their records.

We are sending another letter of even date to the Resident Mine Manager, copy hereto attached.

Records on file in this Office also show a copy of a letter received by this office on March 22, 2018 sent by the then Resident Mine Manager Philipp I. Ines in reply to our letter requesting for map/s of the claim of the Rio Tuba Nickel Mining Corporation, copy of letter and submitted map hereto attached.

For her information, record and further instruction.

CONRADO M. CORPUZ

RECEIVED
BROOKES POINT
Doc No. 2021-1111/OPS
OCT 27 2021

M. Rodriguez St. Poblacion District I, Brooke's Point Palawan 5105



Republic of the Philippines
Department of Environment and Natural Resources
MIMAROPA Region
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE
Brooke's Point, Palawan - 5305
Email Address: cenro_brkspt@yahoo.com

November 12, 2021

MEMORANDUM

FOR : The Regional Executive Director
DENR IV MIMAROPA Region
1515 L&S Bldg., Roxas Blvd.,
Ermita, Manila

THRU : The Provincial Environment and
Natural Resources Officer
Sta. Monica, Puerto Princesa City

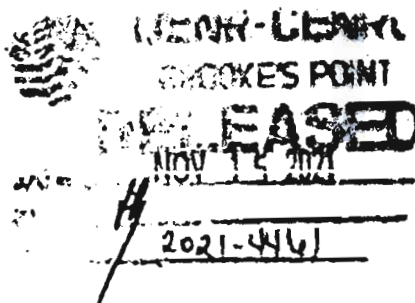
FROM : The Community Environment and
Natural Resources Officer

SUBJECT : E-MAILED COPY OF LETTER COMPLAINT DATED
MARCH 18, 2021 SENT BY FLORECITA PALANCA,
ATTORNEY-IN-FACT OF MARISSA CRUZ-MORALES
TO DENR SECRETARY ROY A. CIMATU IN RE:
PROPERTIES COVERED BY TAX DECLARATIONS
IN THE NAME OF NIEVES M. CRUZ, RIO TUBA,
BATARAZA, PALAWAN

Respectfully forwarded herewith is the report dated November 11, 2021 of LMO III Florante A. Candido including the attached copies of documents found inside the recently discovered folder of the SA (III-7) 53 of Mrs. Nieves Miguel Cruz.

It is informed that this is an addendum to the report on the subject submitted in our Memorandum dated October 21, 2021.

For her information and record.



CONRADO M. CORPUZ

October 11, 2022

CONRADO CORPUS

Officer-In-Charge

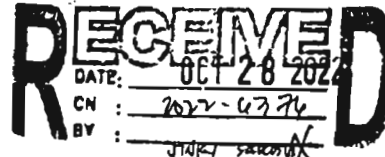
DENR-Community Environment and Natural Resources Office

Brooke's Point, Palawan

OFFICE OF THE CENRO
BROOKE'S POINT, PALAWAN

Sir:

Greetings!



I am writing in response to your letter-reply dated October 19, 2022 regarding our complaint against Rio Tuba Nickel Mining Corporation (RTNMC).

According to your letter, your office already submitted reports on our claim as contained in your two memoranda to the DENR Regional Executive Director dated October 21, 2021 and November 12, 2021, which were attached to your letter.

With all due respect, we were never furnished with the copies of said reports before. Also, upon perusal of your first memorandum, it appears that you scheduled a meeting with RTNMC without inviting us and in the said meeting they merely requested to be given ample time to research their records [without specifying what records they need to find] and after that no further action was done. If we were invited to the said meeting, we could have provided the needed documents to prove our claim and addressed the issue straightforwardly. In your second memorandum, you merely submitted the records pertaining to the claim of my principal and after that no further action was also made.

For two years, we have been passed down from Office to Office but the real issue about the encroachment of RTNMC of the property of my principal was not dealt with. In a span of two years, RTNMC was able to fully develop the property of my principal to a mine tailing pond and a golf course due to the lack of action of your Office.

We are merely asking to have at least a dialogue with RTNMC before your Office and be given the opportunity to be heard and protect the property rights of my principal. We have sought the intervention of the Anti-Red Tape Authority to assist us regarding this matter, hence, we hope that you will give this your preferential attention.

Again we hope that you can arrange a conference or dialogue with RTNMC the soonest time possible to resolve this issue. An investigator from DENR Regional Office as well as a representative from ARTA will join the conference or dialogue with RTNMC, as per their instruction.

Thank you very much and we are looking forward to hear from you. You may update us through my email address: agorgenara66@gmail.com.

Respectfully,

Flores Palanca
FLORESCITA PALANCA
Attorney-in-fact of
Marissa Cruz Morales



Republic of the Philippines
Department of Environment and Natural Resources
MIMAROPA Region
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE
Brooke's Point, Palawan - 5305
Email Address: cenbrookespoint@denr.gov.ph

November 2, 2022

MS. FLORECTA PALANCA

Atty.-in-fact of Marissa Cruz Morales
agorgenara66@gmail.com

Madamme:

This is to acknowledge receipt by this Office on October 18 and October 28, 2022 of your letters both dated October 11, 2022 anent the complaint against the encroachment of the Rio Tuba Nickel Mining Corporation on the properties claimed by your principal covered by tax declarations in her name requesting this Office to schedule a dialogue with representative/s of respondent corporation which dialogue as informed in your letter will be attended by an investigator from our Regional Office and an ARTA representative.

In your letter received by this Office on October 28, 2022, you also complained that you that you were not furnished copy/ies of official reports and that respondent corporation continued to occupy the properties for the past two (2) years due inaction of this Office.

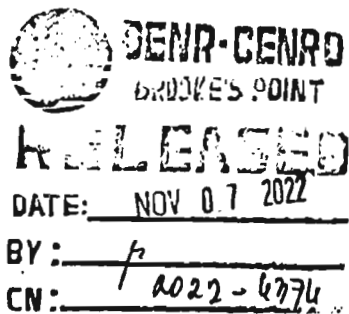
It is informed that prior to your letters, this Office has acted on your complaint as referred thru email by this Office of the DENR Undersecretary thru channels even if there are no specific lot/s which should be subject of complaint.

It is informed further that it is the policy of this Office not to furnish anybody copies of reports of our technical personnel as said reports are categorized as restricted per DAO 2016-29.

It is informed lastly that in the report dated November 11, 2021 submitted to the Regional Office subject of Memorandum dated November 12, 2021, it was already reported that SA (III-7) 53 of Nieves Miguel Cruz were subject of Orders dated October 21, 1966 and March 11, 1971 issued by the OIC Director and Director of Lands, respectively, machine copies of Orders hereto attached.

It is suggested that you bring the issue of encroachment or illegal occupation of respondent corporation to a court of law which has jurisdictions over such matters.

For your information and record.



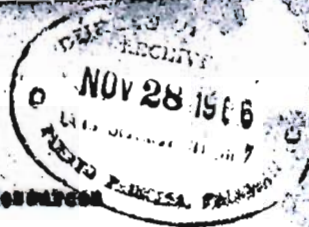
Very truly yours,

CONRADO M. CORPUZ
CENRO

Doc. Ref. No. 2022-6376
Rps mcq

M. Rodriguez St. Poblacion District I, Brooke's Point, Palawan 5305
Mobile: Globe: 09175028915; 09175028961
Gmail: cenro_brkspt@yahoo.com; cenrobrkspt@gmail.com

Republic of the Philippines
Department of Agriculture and Natural Resources
BUREAU OF LANDS
Manila



S. A. No. (III-Y) 51

NIEVES MIGUEL CRUZ
Applicant

Lots Nos. 1623, 1624 and 1625,
Pia-13 (Philusa-Poa)

Datarass, Palawan

O R D E R

This application has originally been filed by Nieves Miguel Cruz for Lots Nos. 1624, 1625, 1626, 1627 and 1628, Pia-13 (Philusa-Poa) located in Datarass, Palawan. Upon investigation conducted by a representative of this Office, however, it has been found that Lots Nos. 1626, 1627 and 1628 are already occupied by other persons, for which reason the applicant, in a letter dated October 13, 1966, requested the amendment of her application by including therein Lot No. 1623 and excluding therefrom Lots Nos. 1626, 1627 and 1628.

WHEREFORE, this application is hereby amended so as to exclude therefrom Lots Nos. 1626, 1627, and 1628, and cover only Lots Nos. 1623, 1624, and 1625, containing a total area of 29.9199 hectares and, as thus amended, shall continue to be given due course.

SO ORDERED.

October 21, 1966.

ANGEL Y. ESQUERRA
Officer-in-Charge
TAJ/lus

610

COPY FURNISHED:

Mrs. Nieves Miguel Cruz
Puerto Princesa, Palawan

Atty. Zoilo Castrillo
639 Oriente Corner, Nueva, Manila

The District Land Officer
DLO III-Y, Bureau of Lands
Puerto Princesa, Palawan

(7)

Republic of the Philippines
Department of Agriculture and Natural Resources
BUREAU OF LANDS
Manila

S. A. No. (III-7)7 RUSTICO FELIZARTE Applicant	x	Lots Nos. 1716, 1717, 1718, 1719 and 1720, Pls-13
S. A. No. (III-7)6 JOSE FELIZARTE Applicant	:	
S. A. No. (III-7)53 NIEVES M. CRUZ Applicant	:	Lots Nos. 1623, 1624, & 1625, Pls-13
S. A. No. (III-7)66 PEDRO CCASION Applicant	:	Lots Nos. 1734, 1735, 1736, 1737, & 1728, Pls-13
S. A. No. (III-7)95 Fidel Ylagan Applicant	:	Lots Nos. 1748, 1749, 1750, 1751, & 1752, Pls-13
S. A. No. (III-7)137 NESTOR V. CRUZ Applicant	:	Lots Nos. 1659, 1660, 1661, 1662, & 1663, Pls-13
S. A. No. (III-7)462 RUBEN T. DELAS LLAGAS Applicant	:	
S. A. No. (III-7)524 VICENTE CAPULE Applicant	:	
S. A. No. V-42994 BENJAMIN GUINDAP Applicant	:	Lots Nos. 1669, 1670, 1671, 1672 & 1673, Pls-13
S. A. (Unnumbered) NARCISO PEÑAFLORIDA Applicant	:	Bataraza, Palawan
x ----- x		

O R D E R

Sometime in 1964, the applicants appearing in the caption hereof filed their applications for the tracts of land appearing opposite their respective applications. Upon investigation conducted by a representative of this Office, it was found that the parcels of land applied for are not fit for agricultural purposes as shown by the fact that most of the areas embraced therein have no improvements and if there are any, the improvements consisting of vegetables are stunted in growth due to the mineral contents of the soil. As a matter of fact, the Assistant Director of Forestry in his 4th Indorsement dated December 17, 1970 interposed no objection to conversion of these alienable lands into mineral lands for mining exploitation in view of the findings of the Geologist, Bureau of Mines, that the lands contain mineral deposits and are, therefore, unfit for agriculture. Furthermore, the Tio Tuba Nickel Mining Corporation by virtue of their mining claims in the area affected have already introduced considerable improvements thereon.

It may be mentioned herein that applicants Nieves Miguel Cruz and Ester V. Cruz have already paid the amount of P500.00 under Official Receipts Nos. 6274984, 7788144, 7788145 and 6274985, all dated January 28, 1971 corresponding to the publication fees in connection with their Sales Applications Nos. (III-7) 53 and (III-7) 137, respectively.

WHEREFORE, the aforementioned applications covering the aforesaid lots inside Pls-12 are hereby rejected, forfeiting to the Government whatever amount have been paid on account thereof, except that the aforementioned amount of P500.00 publication fees paid by applicants Nieves Miguel Cruz and Ester V. Cruz who shall be refunded, pro rata, of the said amount by the Rio Tuba Nickel Mining Corporation.

SO ORDERED.

Mar 11 1971

(SGD.) VICENTE A. VALDELLAN
Director of Lands
AMP/mipb

680

COPY FURNISHED:

The Applicants
All of Bataraza, Palawan

The President
Rio Tuba Nickel Mining Corporation
Suite 301, Ermita Center Bldg.
Roxas Blvd., Manila

The District Land Officer
DLR III-7, Bureau of Lands
Puerto Princesa City

TRUE COPY:
3/15/71
obj/

(12)



R4B CENRO BrookesPoint <cenrobrookespoint@denr.gov.ph>

Letter dated November 2, 2022 re' complaint against the encroachment of RTNMC
1 message

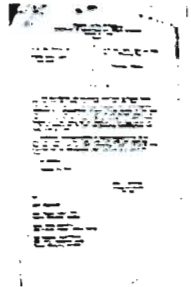
R4B CENRO BrookesPoint <cenrobrookespoint@denr.gov.ph>
To: agorgenara66@gmail.com

Mon, Nov 7, 2022 at 10:06 AM

4 attachments



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CamScanner 11-07-2022 10.00.38_2.jpg
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CamScanner 11-07-2022 10.00.38_4.jpg
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CamScanner 11-07-2022 10.00.38_3.jpg
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