



12 May 2023

MEMORANDUM

FOR : THE REGIONAL EXECUTIVE DIRECTOR
DENR-MIMAROPA Region

FROM : THE REGIONAL DIRECTOR
EMB – MIMAROPA Region

SUBJECT : COMPLETE STAFF WORK (CSW) ON THE PROPOSED NICKEL PROJECT OF ALTAI PHILIPPINES CORPORATION IN SAN FERNANDO, SIBUYAN ISLAND, ROMBLON.

In reference to the mandated environmental laws and other related issuances particularly Presidential Decree No. 1586 otherwise known as the Philippine Environmental Impact Statement System (PEISS), Republic Act 9275 otherwise known as the Philippine Clean Water Act of 2004, among others, in connection to the activities of the Altai Philippines Mining Corporation (APMC), the undersigned technical personnel are respectfully submitting the Complete Staff Work (CSW) on the Altai Philippines Mining Corporation (APMC)'s Nickel Mining Project located at the Province of Romblon.

I. BACKGROUND INFORMATION

This Office acquired jurisdiction over the Altai Philippines Mining Corporation (APMC) through regular monitoring of its compliance with environmental laws (*i.e.*, RA 8749 (Clean Air Act of 1999), RA 9003 (Ecological Solid Waste Management Act of 2000), RA 9275 (Philippine Clean Water Act of 2004), RA 6969 (Toxic Substances and Hazardous and Nuclear Waste Control Act of 1990), and PD 1586 (Philippine Environmental Impact Statement)).

On January 6, 2023, the EMB Central Office through its official website, posted a Notice of Public Scoping in favor of APMC along with the Project Description Report (PDR). The said scoping activity was scheduled on January 19, 2023, at Covered Court, Sitio Talaba, Brgy. Taclobo, San Fernando, Sibuyan Island, Romblon.

On January 9, 2023, the EMB Regional Office received a Memorandum from the EMB Central, requesting a representative to **facilitate the Public Scoping** for the proposed **Nickel Project** of APMC.

II. LEGAL BASIS

- DENR Administrative Order No. 2003-30: Implementing Rules and Regulations (IRR) for the Philippine Environmental Impact Statement (EIS) System;
- EMB MC 2014-005: Revised screening Guidelines and Standardized Requirements in the Philippine EIS System;
- DENR Administrative Order No. 2017-15: Guidelines on Public Participation under the Philippine Environmental Impact Statement (EIS) System;
- RA 6969 or the Toxic Substances and Hazardous and Nuclear Wastes Control Act of 1990 and its Implementing Rules and Regulations (IRR); and
- RA 9275 or the Philippine Clean Water Act of 2004 and its IRR.



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III. TENEMENT HISTORY OF THE MINING CORPORATION

The history of the compliance process to other government agencies by the above-subject mining company was initially discussed below, to wit:

- **On June 23, 1972**, a lease-of-contract (PLC-V-547) was awarded to Sta. Barbara Development Corporation and exploration works were subsequently implemented in the covered property.
- **On February 20, 1996**, presidential proclamation no 746 was executed by the late president Fidel V. Ramos, proclaiming Mt. Guiting -guiting as Natural Park with an area of 15,265.48 Hectares.
- **On March 19, 1996**, Sta. Barbara Development Corporation (STABADECO) and Altai Philippines Mining Corporation (APMC) signed a Deed of Assignment, wherein STABADECO transferred its PLC-V-547 to APMC.
- **On May 21, 1996**, APMC filed Mineral Production and Sharing Agreement (MPSA) application (AMA-IVB-025) with MGB Regional Office for 1,854 hectares.
- **On November 9, 2004**, a Memorandum of Understanding (MOU) was executed between APMC (Claimowner), Sunshine Gold Party Ltd, Sunpacific Resources Philippines, Inc., and All Acacia Resources, Inc. (Operators) in relation to the pending MPSA application.
- **On May 03, 2005**, a Certification of Pre-condition (ADO-CP-IV-05-05-0243) was issued by the National Commission on Indigenous Peoples (NCIP)
- **On December 23, 2009**, the MPSA (No. 304-2009-IVB) was executed between the APMC and the Department of Environment and Natural Resources (DENR).
- **On August 20, 2010**, The Sangguniang Bayan Members of the Municipalities of San Fernando, Cajidiocan, and Magdiwang, Romblon adopted **Joint Resolution No. 01-10** opposing all forms of metallic mining in the Sibuyan Island, Romblon Province and at the same time, the then DENR Secretary, Ramon Paje, was requested to revoke all metallic mining permits issued in Sibuyan Island. **Joint Resolution No. 02-10** was also passed, requesting the then President, Benigno Simeon C. Aquino III, and the Congress of the Philippines to declare Sibuyan Island, Province of Romblon free from all forms of metallic mining.
- **On September 7, 2010**, APMC executed a Deed of Assignment, transferring its rights and interest over the MPSA (No. 304-2009-IVB) to Sibuyan Nickel Properties Development Corporation (SNPDC).
- **On September 23, 2010**, an agreement on the Assumption of Rights and Obligations was executed by and between Sunshine Gold Pty Ltd, Sunpacific Resources Philippines, Inc, All Acacia Resources, Inc. (Operators), and SNPDC with respect to the mineral property of APMC.
- **On September 24, 2010**, the Deed of Assignment between APMC and SNPDC was registered to DENR-MGB. To this present date, however, the process and evaluation did not proceed and APMC retained its title as the MPSA Holder.
- **On January 10, 2011**, Governor Eduardo Firmalo issued **Executive Order No. 001 series of 2011** declaring a moratorium on the exploration, excavation, extraction, and utilization of metallic minerals in the province of Romblon. The said EO also created a special task force to spearhead an assessment of all mining applications, permits, and operations existing in the province and to review the MPSA granted to Altai Philippines Mining Corporation (APMC). On the same date, the Sangguniang Panlalawigan of Romblon passed **Resolution No. 01-2011-23 strongly supporting EO No. 001, series of 2011** on the declaration of a moratorium on all mining activities in the province of Romblon.
- **On January 24, 2011**, the Sangguniang Panlalawigan of Romblon passed **Resolution No. 01-2011-41**, withdrawing support to the Sangguniang Panlalawigan of Romblon Resolution No. 01-2011-23 which strongly supports EO No. 001, series of 2011.



- On **June 07, 2011**, filing of **House Bill No. 4815**, “*Declaring the Province of Romblon A Mining Free Zone*”.
- On **September 13, 2011**, a complaint was filed by Mayor Dindo Coronel Rios against the APMC due to the alleged danger of mining activities in the rivers and streams of Sibuyan Island.
- On **September 19, 2011**, a Cease-and-Desist Order (CDO) was issued by the DENR-Mines and Geosciences Bureau.
- On **September 21, 2011**, Sibuyan Nickel Properties Development Corporation responded by asking for the lifting of the Cease-and-Desist Order issued by the MGB,
- On **October 03, 2011**, the Counsel for Sibuyan Nickel Properties Development Corporation wrote a letter attaching the approved Exploration Work Program, dated December 23, 2009, arguing that the issued order has no basis in fact and in law.
- On **October 04, 2011**, Counsel for Sibuyan Nickel Properties Development Corporation wrote a letter to the then DENR Secretary, Ramon Paje, inquiring about the action taken by the DENR and requesting the lifting of the issued Cease-and-Desist Order by the MGB.
- On **April 26, 2012**, a verified petition for Declaratory Relief under Rule 63 of the Rules of the Court was filed by Sibuyan Nickel Properties Development Corporation praying for the declaration of the nullity of Executive Order No. 001, series of 2011 issued by then Provincial Governor of Romblon, Eduardo C. Firmalo.
- On **January 17, 2013**, Governor Firmalo's Executive Order No. 1 series of 2011, prohibiting the “exploration, excavation, extraction and utilization of metallic minerals” in Romblon has been ruled **UNCONSTITUTIONAL** by Judge Ramiro Geronimo of the Regional Trial Court in Romblon.
- On **August 06, 2021**, the MGB MIMAROPA submitted its recommendation on the Appeal of Altai for lifting the September 19, 2011-CDO in compliance with the directives of the DENR MGB Central Office.
- On **September 09, 2021**, the issued CDO by the DENR-MGB was lifted.
- On **November 10, 2021**, the Deed of Assignment of Mining Rights/Properties filed by APMC in favor of SNPDC was withdrawn.
- On **July 12, 2022**, the first renewal of the exploration period under the approved MPSA was issued by the DENR MGB to APMC.
- On **December 29, 2022**, the Mines and Geosciences Bureau issued a **Mineral Ore Export Permit (MOEP)** with Reference No. **DENR-MGB-22-008** and **Ore Transport Permit (OTP)** No. **OTP-APMC-162-001-2022-MIMAROPA** in favor of Altai Philippines Mining Corporation (APMC), valid until January 28, 2023.

IV. ACTIVITIES AND PROCEEDINGS IN RELATION TO THE ALTAI PHILIPPINES MINING CORPORATION (APMC) PROJECT

The following are activities and proceedings on the said project based on retrievable and available records of this office:

DATES	ACTIVITIES
June 27, 2022	A Certificate of Non-Coverage (CNC) with Reference No. CNC-OL-R4B-2022-06-01143 was issued in favor of Altai Philippines Mining Corporation (APMC) for their EXPLORATION ACCESS ROAD CONSTRUCTION project located at Sitio Bato, Brgy. España, San Fernando, Sibuyan Island, Romblon with declared project size of 0.002 Kilometer increase in length.
June 30, 2022	A Certificate of Non-Coverage (CNC) was issued in favor of APMC’s PROPOSED EXPLORATION ACCESS ROAD CONSTRUCTION 2 project with Reference No. CNC-OL-R4B-



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	2022-06-01154, located at Sitio Bato, Brgy. España, San Fernando, Sibuyan Island, Romblon with declared project size of 0.208 Kilometer increase in length.
July 04, 2022	A Certificate of Non-Coverage (CNC) with Reference No. CNC-OL-R4B-2022-07-01175 was issued in favor of Altai Philippines Mining Corporation (APMC) for their CONSTRUCTION OF EXPLORATION ACCESS ROAD 3 project located at Sitio Bato, Brgy. España, San Fernando, Sibuyan Island, Romblon with declared project size of 0.207 Kilometer increase in length.
July 13, 2022	A Certificate of Non-Coverage (CNC) with Reference No. CNC-OL-R4B-2022-07-01230 was issued in favor of Altai Philippines Mining Corporation (APMC) for their EXPLORATION ACCESS ROAD CONSTRUCTION project located at Sitio Bato, Brgy. España, San Fernando, Sibuyan Island, Romblon with declared project size of 0.2 Kilometer increase in length.
August 10, 2022	The EMB Regional Office conducted a site inspection at Altai Philippines Mining Corporation (APMC) located at Brgy. Taclobo, San Fernando, Sibuyan Island, Romblon to validate its compliance with environmental laws as a mandate.
August 16, 2022	A Certificate of Non-Coverage (CNC) with Reference No. CNC-OL-R4B-2022-08-01525 was issued in favor of Altai Philippines Mining Corporation (APMC) for their EXPLORATION ACCESS ROAD CONSTRUCTION project located at Sitio Bato, Brgy. España, San Fernando, Sibuyan Island, Romblon with declared project size of 0.474 Kilometer increase in length.
August 22, 2022	The EMB Regional Office issued a Notice of Violation to Altai Philippines Mining Corporation (APMC) Office Building for violation of RA 6969 " <i>Toxic Substances and Hazardous and Nuclear Wastes Control Act of 1990</i> " for failure to register as a hazardous waste generator and RA 9275 or the " <i>Philippine Clean Water Act of 2004</i> " for operating without a Discharge Permit and for failure to designate an accredited Pollution Control Officer (PCO). Both NOV's were issued in view of the determined violation for the establishment of the office building of Altai Philippines Mining Corporation (APMC).
August 24, 2022	CNC was issued in favor of APMC for the CONSTRUCTION OF LABORATORY FACILITY project with Reference No. CNC-OL-R4B-2022-08-01564, located at Sitio Talaba, Brgy. Taclobo, San Fernando, Sibuyan Island, Romblon with declared project size of 0.0349401 Hectare Total/gross floor area including parking, open space and other areas.
September 06, 2022	Copies of the Notices of Violation were personally received by representatives of APMC in Romblon.
September 08, 2022	EMB – MIMAROPA Region issued a Notice of Technical Conference to Altai Philippines Mining Corporation (APMC) inviting their representatives to attend the Technical Conference scheduled on 16 September 2022 to discuss and thresh out concerns pertaining to the NOV's issued against APMC.
September 12, 2022	CNC was issued in favor of APMC for their APMC EXPLORATION BASE CAMP project with Reference No. CNC-OL-R4B-2022-09-01666, located at Sitio Talaba, Brgy. Taclobo, San Fernando, Sibuyan Island, Romblon with declared project size of 0.9617 Hectare total/gross floor area including parking, open space, and other areas.
September 15, 2022	A Technical Conference was conducted between EMB – MIMAROPA Region personnel and Altai Philippines Mining



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PENRO Compound, Brgy. Suqui, Calapan City, Oriental Mindoro
Regional Satellite Office: 6th Floor DENR by the Bay Bldg., 1515 Roxas Blvd., Ermita, Manila
Office of the Regional Director: (02) 8536 9786; Administrative and Finance Division: (02) 8536 9786
Environmental Management and Enforcement Division: (02) 8633 2587; Clearance and Permitting Division: (02) 8633 2587
Records Management Unit: (02) 8633 8900
E-mail Address: embmimaropa@emb.gov.ph
Website: www.mimaropa.emb.gov.ph



	<p>Corporation (APMC) representatives relative to the NOV's issued against the project.</p> <p>The Technical Conference was conducted a day earlier than scheduled due to a verbal request received by EMB – MIMAROPA Region from APMC to reschedule the Technical Conference on this date.</p> <p>During the Technical Conference, APMC agreed to comply with the following commitments, to wit:</p> <ol style="list-style-type: none"> 1. Submit the Position Paper within fifteen (15) days from the conduct of the Technical Conference 2. Submit an application for PCO Application, Discharge Permit, and Online Hazardous Waste Generator ID within fifteen (15) days from the conduct of the Technical Conference.
September 28, 2022	<p>APMC filed thru the Online Permitting and Monitoring System an application for Wastewater Discharge Permit (<i>OPMS Application No. 221209</i>) and Online Hazardous Waste Generator ID (<i>HWMS Application No. 111533</i>).</p> <p><i>Note: The said application was returned several times (Eleven (11) times) due to INCOMPLETENESS and INADEQUACIES of the submission of must requirements set by the Online System.</i></p>
September 29, 2022	<p>APMC submitted a Position Paper attaching their proof of compliance with the commitments as agreed upon during the Technical Conference including copies of online applications for Discharge Permit, Online Hazardous Waste Generator ID, and applications for accreditation of their designated Pollution Control Officer.</p>
October 25, 2022	<p>A Certificate of Accreditation (<i>COA No. 2022-R4B-04232</i>) was issued in favor of Abegail L. Bongcay, Pollution Control Officer (Category B) of Altai Philippines Mining Corporation (MPSA No. 304-2009-IVB) – Exploration Base Camp Project located at Sitio Talaba, Brgy. Taclobo, San Fernando, Sibuyan Island, Romblon, valid until 23 October 2025.</p> <p>A Certificate of Non-Coverage (CNC) with Reference No. CNC-OL-R4B-2022-10-01928 was issued in favor of APMC's PROPOSED APMC BATO CAUSEWAY located at Sitio Bato, Brgy. España, San Fernando, Romblon.</p>
November 08, 2022	<p>A Certificate of Non-Coverage (CNC) with Reference No. CNC-OL-R4B-2022-11-02077 was issued for the APMC PIER YARD project located at Sitio Bato, Brgy. España, San Fernando, Romblon with declared project size of 0.977486 Hectare based on project area.</p>
December 15, 2022	<p>A Certificate of Non-Coverage (CNC) with Reference No. CNC-OL-R4B-2022-12-02356 was issued for the APMC EXPLORATION PERIMETER ACCESS ROAD project located at Sitio Bato, Brgy. España, San Fernando, Romblon with declared project size of 0.6 Kilometer increase in length.</p>
January 06, 2023	<p>The EMB Central Office through its official website posted a Notice of Public Scoping in favor of Altai Philippines Mining Corporation (APMC) along with the Project Description Report (PDR).</p>
January 09, 2023	<p>The EMB Regional Office received a Memorandum from the</p>



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	EMB Central, requesting a representative to facilitate the Public Scoping for the proposed Nickel Project of Altai Philippines Mining Corporation (APMC).
January 19, 2023	The APMC, with representatives from the EMB Regional Office, conducted the Public Scoping in preparation for the application of an Environmental Compliance Certificate (ECC) for the mining operation.
January 29, 2023	Altai Philippines Mining Corporation was issued an Online Hazardous Waste Generator ID with Online Registration No. OL-GR-R4B-59-037917.
January 30, 2023	EMB – MIMAROPA Region received a complaint from Bantay Kalikasan ng Sibuyan Island requesting therein the following reliefs: <ol style="list-style-type: none"> 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 the transport and export permits; 3. That a Cease-and-Desist Order be issued against APMC for conducting illegal mining operations without the required ECC.
January 31, 2023	The Regional Office received an ECC application through ECC online system from Altai Philippines Mining Corporation (APMC) for the Causeway and Road Network.
January 31, 2023	EMB – MIMAROPA Region issued a response letter to Bantay Kalikasan ng Sibuyan Island informing them that their complaint letter dated 30 January 2023 was endorsed to EMB – Central Office which has proper jurisdiction to resolve the case as APMC has a pending ECC application with the latter. Likewise, EMB – MIMAROPA Region issued a letter officially endorsing the complaint of Bantay Kalikasan ng Sibuyan Island to EMB – Central Office for the proper disposition of the case.
January 31, 2023	APMC submitted a Supplemental Position Paper in connection with the NOV's issued against APMC's Office Building dated August 22, 2022. Attached to their Supplemental Position Paper are copies of the approved Online Hazardous Waste Generator ID, PCO Certificate of Accreditation, Order of Payment, and copies of Official Receipts (<i>O.R. Nos.0849372B and 7660996F</i>) dated 02 February 2023.
February 01, 2023	A site inspection was conducted by the Chief, Environmental Management Service – Romblon in relation to the alleged construction and continuous operation of a causeway with respect to the exploration activity of APMC.
February 02, 2023	The ECC online application was categorically returned due to the fact that the causeway project applied for ECC falls under the critical component of the mining operation, which should be applied and processed in the EMB Central Office. A site inspection report from the Chief Environmental Management Services – Romblon was received by the EMB Regional Office regarding the construction of the Causeway and other relative components of the mining project.



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	<p>Issuance of Notice of Violation (NOV) under Section 4 of the Philippine Environmental Impact Statement System or PD.1586 has been recommended.</p> <p>APMC settled the penalty for violation of R.A. 9275 as evidenced by Official Receipt No. 0849373B.</p> <p>A Notice of Violation was issued against Altai Philippines Mining Corporation for violation of Section 4 of Presidential Decree 1586 for the construction/operation of a causeway project located at Sitio Bato, Brgy. España, San Fernando, Sibuyan Island, Romblon, without a valid Environmental Compliance Certificate.</p>
February 06, 2023	<p>The copy of the NOV for PD 1586 and Resolution for RA 9275 was served personally to Altai Mining Corporation by personnel of EMB – MIMAROPA Region by virtue of Mission Order No. 2023-001.</p> <p>The NOV and Resolution were received by Ms. Charmaine G. Chan, Front Desk Receptionist, and authorized personnel by Altai to receive the NOV and Resolution.</p> <p>A Joint Order was issued by DENR – MIMAROPA, EMB MIMAROPA Region, and MGB- MIMAROPA relative to the Illegal Construction of a Causeway and Other Relative Activities of Altai Philippines Mining Corporation.</p> <p>Among others, Altai Philippines Mining Corporation was ordered to CEASE AND DESIST from the construction and operation of its causeway in Sitio Bato, Brgy. España, San Fernando, Sibuyan Island, Romblon as a precautionary measure against potentially irreparable damage to the environment.</p>
February 07, 2023	<p>A Technical Conference was conducted between personnel of EMB – MIMAROPA Region and representatives of Altai Philippines Mining Corporation.</p> <p>During the Technical Conference, Altai Philippines Mining Corporation has committed to comply with the following commitments, to wit:</p> <ol style="list-style-type: none"> 1. Altai Philippines Mining Corporation will write to EMB – Central Office to clarify as to whether the ECC Application for the causeway project should be filed with the EMB - Central Office or Regional Office. 2. Altai Philippines Mining Philippines Corporation shall secure PRA Permit from the Philippine Reclamation Authority and Area Clearance from DENR. 3. Altai Philippines Mining Corporation shall secure a clearance from the Office of the Secretary prior to the final approval of the technical scoping checklist as required under DENR Memorandum Order No. 2023-01 since a protected area (Mt. Guiting-Guiting) is located within the province. 4. Altai Philippines Mining Corporation also committed to file a Position Paper within ten (10) days from the conduct of the technical conference.



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	<p>5. Altai Philippines Mining Corporation also expressed its willingness to comply with all the requirements pursuant to Presidential Decree 1586 and its Implementing Rules and Regulations.</p> <p>The Joint Order issued by DENR – MIMAROPA, EMB – MIMAROPA, and MGB – MIMAROPA was received by representatives and legal counsel of Altai Philippines Mining Corporation who attended the Technical Conference.</p> <p>Altai Philippines Mining Corporation filed a Position Paper in response to the NOV issued by PENRO – Romblon.</p>
February 08, 2023	Altai Philippines Mining Corporation submitted a Position Paper in response to the NOV issued against the project dated February 02, 2023.
February 15, 2023	<p>This Office received a copy of the Notice of Voluntary Stoppage of Exploration and Related Activities from Altai Philippines Mining Corporation dated 14 February 2023.</p> <p>In the said Notice, APMC informed this Office of the voluntary cessation of all of their activities including the exploration effective February 06, 2023.</p> <p>APMC Exploration Base Camp located at Sitio Talaba, Taclobo, San Fernando, Romblon was issued a Wastewater Discharge Permit (<i>Permit No. DP-R4B-23-01452</i>) valid for one (1) year.</p>
February 17, 2023	APMC filed thru the Online Permitting and Monitoring System an application for Permit to Operate (<i>OPMS Application No. 250896</i>).
February 22, 2023	Altai Philippines Mining Corporation filed a Motion for Reconsideration in response to the Joint Order issued by DENR, EMB and MGB – MIMAROPA Region dated February 06, 2023.
April 26, 2023	<p>This Office issued an Order (ROM-059-23) finding Respondent liable for violation of Section 4 of PD 1586 and its Implementing Rules and Regulations.</p> <p>APMC was then ordered to pay the fine amounting to FIFTY THOUSAND PESOS (Php 50,000.00), to be settled within fifteen (15) days from receipt of Order. Accordingly, APMC was also ordered to SUSPEND its operations EFFECTIVE IMMEDIATELY until and unless a valid ECC has been secured in favor of the project.</p>
May 05, 2023	<p>EMB Central Office issued a letter in response to the letter of APMC dated 08 March 2023 requesting for the conduct a technical scoping for the Proposed Nickel Mining Project located at Brgys. España and Taclobo, San Fernando, Sibuyan, Romblon.</p> <p>According to the letter, APMC was advised thru a letter dated 28 March 2023 to reconduct the public scoping and include in the Project Description the causeway as an integral component of APMC's ECC application.</p> <p>APMC was advised that EMB – CO can facilitate the conduct of the technical scoping upon submission of the updated Project Description and the re-conduct of the Public Scoping.</p>



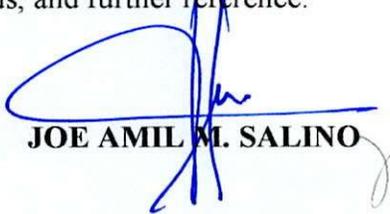
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V. CONCLUSION/REMARKS

The described project's status as determined by DAO 2003-30, is still **under scoping process** as of the date of this Memorandum. The acceptance of the ECC application depends on the completion of the Public Participation requirements by the DENR Administrative Order No. 15 series of 2017.

For the Regional Executive Director's information, records, and further reference.


JOE AMIL M. SALINO^{rn}

Copy furnished:

ATTY. NORLITO A. ENERAN, LL.M, CESO III
Director, Legal Affairs Service
Department of Environment and Natural Resources



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