



April 25, 2023

MEMORANDUM

FOR : The Director, Environment Management Bureau
and Concurrent Assistant Secretary for Field Operations
DENR Compound, Visayas Ave.,
Diliman Quezon City 1116

THRU : The Regional Executive Director
DENR MIMAROPA Region
1515 DENR by the Bay Building,
Roxas Blvd., Bgy. 668, Ermita, Manila

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

FROM : The Community Environment and
Natural Resources Officer

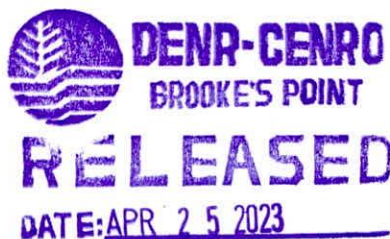
SUBJECT : **ENDORSEMENT OF THE COMPLAINT OF MS.
FLORECITA PALANCA AGAINST RIO TUBA NICKEL
MINING CORPORATION (RTNMC)**

This is to acknowledge receipt on April 20, 2023 of memorandum dated April 17, 2023 from your Office forwarding the letter complaint of Mrs. Florecita Palanca dated February 13, 2023.

Please be informed that this Office conducted investigation and have submitted Completed Staff Work report on February 13, 2023 which was forwarded to the MIMAROPA Regional Executive Director in a memorandum dated February 14, 2023 for evaluation.

Further, with regards to the request of the Complainant-Ms. Florecita Palanca to suspend the effectivity of MPSA issued to Rio Tuba Nickel Mining Corporation covering the lots claimed by her principal, the issue was endorsed to that Office thru channel for evaluation and further action per DAO 2010-21 (Implementing Rules and Regulations of Republic Act No. 7942, otherwise known as the Philippine Mining Act of 1995).

For his information and record.



Leonard T. Caluya
LEONARD T. CALUYA

Doc Ref No. 2023-1889/ RPS

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DAO No. 2010-21. Implementing Rules and Regulations of Republic Act No. 7942, Otherwise Known as the "Philippine Mining Act of 1995"

Section 104. Easement Rights

When mining areas are so situated that for purposes of more convenient operations it is necessary to build, construct or install on the mining areas or **lands owned, occupied or leased by other persons, such infrastructures as roads, railroads, mills, waste dump sites, tailings ponds, warehouses, staging or storage areas** and port facilities, tramways, runways, airports, electric transmission, telephone or telegraph lines, dams and their normal flood and catchment areas, sites for waterwells, ditches, canals, new river beds, pipelines, flumes, cuts, shafts, tunnels or mills, the Permittee/Permit Holder/Contractor, upon payment of just compensation, shall be entitled to enter and occupy said mining areas or lands.

As to the payment of just compensation mentioned in the preceding paragraph, the amount thereof shall be first agreed upon by the parties and in accordance with P.D. No. 512, where appropriate. In case of disagreement, the matter shall be brought before the Panel of Arbitrators for proper disposition.

Section 105. Entry Into Lands

The holder(s) of mining right(s) shall not be prevented from entry into its/their contract/mining area(s) for the purpose(s) of exploration, development and/or utilization: Provided, That written notice(s) at its/their registered address(es) was/were sent to and duly received by the surface owner(s) of the land(s), occupant(s) and concessionaire(s) thereof and that a bond is posted in accordance with Section 108 hereof.

If the surface owner(s) of the land, occupant(s) or concessionaire(s) thereof can not be found, the Permittee/Permit Holder/Contractor or concessionaire shall notify the Regional Director concerned, copy furnished the concerned local officials in case of private land or the Government agency concerned in case of concessionaires, attaching thereto a copy of the written notice and a sworn declaration by the holder(s) of mining right(s) that it/they had exerted all efforts to locate such surface owner(s)/occupant(s)/concessionaire(s). Such notice(s) to the Regional Director concerned shall be deemed notice(s) to the surface owner(s) and concessionaire(s).

In cases where the surface owner(s) of the land(s), occupant(s) or concessionaire(s) thereof refuse(s) to allow the Permittee/Permit Holder/Contractor entry into the land(s) despite its/their receipt(s) of the written notice(s) or refuse(s) to receive said written notice(s) or in case of disagreement over such entry, the Permittee/Permit Holder/Contractor shall bring the matter before the Panel of Arbitrators for proper disposition.

Section 107. Compensation of the Surface Owner and Occupant

Any damage done to the property of the surface owner, occupant, or concessionaire thereof as a consequence of the mining operations or as a result of the construction or installation of the

infrastructure mentioned in Section 104 above shall be properly and justly compensated. Such compensation shall be based on the agreement entered into between the holder of mining rights and the surface owner, occupant or concessionaire thereof or, where appropriate, in accordance with P.D. No. 512. In case of disagreement or in the absence of an agreement, the matter shall be brought before the Panel of Arbitrators for proper disposition.

Section 201. Creation of Panel of Arbitrators

There shall be a Panel of Arbitrators in the Legal Staff of the Regional Office composed of three (3) members, two (2) of whom must be members of the Philippine Bar in good standing and one (1) a licensed Mining Engineer, Geologist or a professional in a related field all duly designated by the Secretary as recommended by the Director. Those designated as members of the Panel shall serve as such in addition to their work in the Department without additional compensation. The Regional Office shall provide administrative support and structure to the Panel of Arbitrators.

As much as practicable, the members of the Panel shall come from the different bureaus of the Department in the region. The presiding officer thereof shall be selected by the drawing of lots. His/her tenure as presiding officer shall be on a yearly basis. The members of the Panel shall perform their duties and obligations in hearing and deciding cases until their designation is withdrawn or revoked by the Secretary.

Section 5. Definition of Terms

As used in and for purposes of these rules and regulations, the following terms shall mean:

- h. "Bureau" means the Central Office of the Mines and Geosciences Bureau under the Department.
- r. "Department" means the Department of Environment and Natural Resources of the Republic of the Philippines.
- w. "Director" means the Director of the Bureau.
- cl. "Regional Office" refers to the Regional Office of the Bureau



Department of Environment and Natural Resources
ENVIRONMENTAL MANAGEMENT BUREAU

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OFFICE OF THE CENRO
BROOKE'S POINT, PALAWAN

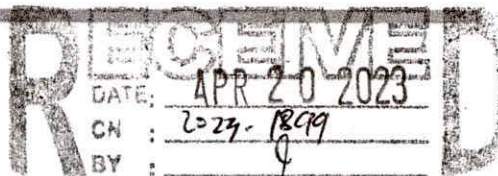
MEMORANDUM

TO : LEONARD T. CALUYA
CENRO, Brooke's Point, Palawan

FROM : THE DIRECTOR AND CONCURRENT ASSISTANT
SECRETARY FOR FIELD OPERATIONS

SUBJECT : ENDORSEMENT OF THE COMPLAINT OF MS. FLORECITA
PALANCA AGAINST RIOTUBA NICKEL MINING
CORPORATION (RTNMC)

DATE : April 17, 2023




Forwarding herewith the above-mentioned complaint in connection to their claims on land being occupied by the Rio Tuba Nickel Mining Corporation in Bataraza, Palawan.

This Office was informed that your Office conducted an investigation in the area together with the representatives of the Mines and Geosciences Bureau (MGB) and EMB MIMAROPA.

In this regard, we are hereby forwarding this matter to your Office for effective determination and resolution of the land claims and disputes which was brought to the attention of this Office.

For your information and appropriate action.


GILBERT C. GONZALES, CESO III
Director and Concurrent
Assistant Secretary for Field Operations

cc:

The Regional Director
EMB Region IV-B MIMAROPA

