

MINUTES OF THE 11 JANUARY 2022 MEETING OF THE INTER-AGENCY COMMITTEE (IAC) ON THE RESTORATION OF THE OCCIDENTAL MINDORO RIVERS AND ITS TRIBUTARIES

Conducted via Zoom

On 11 January 2022 at 2:00 P.M.

PRESENT:

Hon. Governor Eduardo B. Gadiano

DPWH - Atty. James Corwin S. Custodio

DPWH - OIC-ARD Engr. Melquiades H. Sto. Domingo

DENR - RED Ma. Lourdes G. Ferrer

EMB - RD Joe Amil M. Salino

MGB - RD Engr. Glenn Marcelo C. Noble

Occidental Mindoro Legal Officer - Atty. Tirso Augustus Abeleda II

ALSO PRESENT:

Consultant, Office of the Governor of Occidental Mindoro - Regina Unson

IAC Secretariat - Atty. Xavier Alexen R. Aseron

The Hon. Governor Eduardo B. Gadiano (Hon. Gov. Gadiano) called the meeting to order and presided over the same. Atty. Xavier Aseron (Atty. Aseron), the IAC Secretariat, recorded the minutes of the meeting. PGOM Secretariat started the meeting with a prayer.

The Hon. Gov. Gadiano then enumerated the agenda for the meeting as follows:

1. Affidavit of Undertaking of R.V. Laborte Builders to comply with the Php 250,000,000.00 capitalization requirement within thirty (30) days upon approval of its application;
2. Proposed IAC Resolution No. 8;
3. Clarification on the 3 gray areas as resolved by the IAC in the previous meeting;

4. Other issues and concerns.

The presented agenda was unanimously approved by the IAC members present and no objections were raised.

The meeting then proceeded with the adoption of the minutes of the 11 January 2022 meeting of the Inter-Agency Committee on the restoration of the Occidental Mindoro Rivers and its Tributaries (IAC Committee). MGB – RD Engr. Glenn Marcelo C. Noble (RD Noble) moved for a correction on said minutes, stating that the republication discussed previously was for the invitations sent to the proponents and for them to start anew and not the republication of Resolutions 8 and 9 series of 2021. RD Noble motioned for its adoption with the proposed corrections, which was duly seconded by DPWH – OIC-ARD Engr. Melquiades H. Sto. Domingo (OIC – ARD Sto. Domingo).

Upon motion duly made and seconded, the IAC members who were present unanimously approved the following resolution:

“RESOLVED, as it is hereby **RESOLVED**, that the IAC members present unanimously voted that the Previous Minutes of the IAC Meeting held on 11 January 2022 has been duly approved.”

Hon. Gov. Gadiano proceeded to initiate discussions regarding item number one in the agenda. He mentioned that R.V. Laborte Builders (Laborte) filed an affidavit of undertaking because they are lacking two million pesos (248 million pesos out of 250 million pesos) for their financial capability requirement. DENR – RED Ma. Lourdes G. Ferrer (RED Ferrer) asked if Laborte is already approved by the DPWH. Atty. James Corwin Custodio (Atty. Custodio) replied that DPWH has not yet approved Laborte’s technical capability requirements because they used PERCC’s technical capabilities while PERCC is also an applicant. Laborte is also still subject to ocular inspection in addition to its technical capability requirements. The committee then collectively agreed that they will first resolve the financial capability requirement of Laborte then proceed with their technical capability requirement and ocular inspection. RD Noble interjected that the 30-day period should be complied with from the issuance

of the resolution approving their Affidavit of Undertaking rather than 30 days from their application. Hon. Gov Gadiano asked the committee if they will approve the resolution approving in principle the affidavit of undertaking of R.V. Laborte Builder, where they would have 30 days from receipt of notice to comply with their financial capability requirement. RD Noble moved for the approval of said resolution and seconded by EMB RD Joe Amil M. Salino (RD Salino).

Upon motion duly made and seconded, the IAC members who were present unanimously approved the following resolution:

"RESOLVED, as it is hereby **RESOLVED**, that the IAC members present unanimously voted that the Affidavit of Undertaking passed by R.V. Laborte Builders in stating that they will comply with the Php 250,000,000.00-capitalization requirement is approved in principle but they have to comply within thirty (30) days from receipt of notice to comply with said capitalization requirement."

Hon. Gov. Gadiano asked the committee to skip item number two in the agenda since resolution number 8 series of 2021 is already moot. Hon. Gov. Gadiano then proceed to item number three in the agenda, the three (3) gray areas discussed in the 29 December 2021 meeting of the IAC.

The committee then proceeded to discuss whether Citi Pacific Group, Inc. (Citi Pacific) is allowed to use the technical qualification of Bluemax Tradelink, Inc. through joint venture for the purpose of undertaking dredging activities. On motion of RD Noble, seconded by other members present, the committee allowed Citi Pacific Group, Inc. to use the technical qualification of Bluemax Tradelink, Inc. via a joint venture for the purpose of undertaking dredging activities in the heavily-silted river of Occidental Mindoro.

Upon motion duly made and seconded, the IAC members who were present unanimously approved the following resolution:

"RESOLVED, as it is hereby **RESOLVED**, that the IAC members present unanimously voted that the committee allowed Citi Pacific Group,

Inc. to use the technical qualification of Bluemax Tradelink, Inc. via a joint venture for the purpose of undertaking dredging activities in the heavily-silted river of Occidental Mindoro."

The committee then proceeded to discuss the matter on whether or not a joint venture who has already applied for a large river can have a joint venture with another company who already applied for a large river. Hon. Gov. Gadiano asked the committee for the approval of the following resolution: a joint venture can only apply for one large river but they can have a joint venture with another company who has only applied for a medium or small river. RD Glenn moved for its approval and seconded by RED Ferrer.

Upon motion duly made and seconded, the IAC members who were present unanimously approved the following resolution:

"RESOLVED, as it is hereby **RESOLVED**, that the IAC members present unanimously voted that: proponents who form a joint venture may only apply for one large river and cannot anymore enter into a joint venture with other proponents who have already applied for a large river. However, it is allowed for these proponents to enter into a joint venture with proponents who have only applied for a medium and small river."

Hon. Gov. Gadiano asked if the elections would affect the operations of the committee. OIC-ARD Sto. Domingo mentioned that we can just apply for an election ban exemption permit. RED Ferrer re-stated that once there is republication of the invitations then the process would start from zero. Hon. Gov. Gadiano mentioned that the committee will re-evaluate those who did not pass. RD Noble mentioned that he we will be leaving MGB MIMAROPA since he will be given a new post in DENR and it will be his last meeting with the committee. RED Ferrer also mentioned that she will be transferring as well and thanked the committee for everything that has transpired. Congratulations were given out to both of them.

There being no other matters to discuss, RD Noble moved for the adjournment of the meeting and seconded by RD Salino. Meeting ended at

around 4:30pm, everyone greeted each other Happy New Years, zoom meeting ended.

Prepared by:



Atty. Xavier Alexen R. Aseron
IAC Secretariat

Attested by:



Eduardo B. Gadiano
Occidental Mindoro Governor

MINUTES OF THE 23 MARCH 2022 MEETING OF THE INTER-AGENCY COMMITTEE (IAC) ON THE RESTORATION OF THE OCCIDENTAL MINDORO RIVERS AND ITS TRIBUTARIES

Conducted via Zoom

On 23 March 2022 at 2:00 P.M.

PRESENT:

Hon. Governor Eduardo B. Gadiano

OIC, DENR MIMAROPA – RED Laura Mylene Claudio

DENR MIMAROPA - ARD Vince Tugao

EMB - RD Joe Amil M. Salino

EMB MIMAROPA – Atty. Yuri Jurado

DPWH - Atty. James Corwin S. Custodio

MGB MIMAROPA – Grace G

MGB – RD Edwin Mojares

Occidental Mindoro Legal Officer – Atty. Tirso Augustus Abeleda II

ALSO PRESENT:

Consultant, Office of the Governor of Occidental Mindoro – Regina Unson

IAC Secretariat – Atty. Xavier Alexen R. Aseron

The Hon. Governor Eduardo B. Gadiano (Hon. Gov. Gadiano) called the meeting to order and presided over the same. Atty. Xavier Aseron (Atty. Aseron), the IAC Secretariat, recorded the minutes of the meeting. PGOM Secretariat started the meeting with a prayer.

The Hon. Gov. Gadiano then enumerated the agenda for the meeting as follows:

1. Status of Dredging Plans of Amnay River, Paluan River, Mompong River, Baclaran River and Pagbahan River
2. DPWH Letter dated February 9, 2022 in relation to proposed IAC resolution No. 14 series of 2022
3. Status of PERCC, Bird's Nest and Vikings
4. Other issues and Concerns

The presented agenda was unanimously approved by the IAC members present and no objections were raised.

The meeting then proceeded with the adoption of the minutes of the 11 January 2022 meeting of the Inter-Agency Committee on the restoration of the Occidental

Mindoro Rivers and its Tributaries (IAC Committee). The Hon. Gov. Gadiano just pointed out that the last minutes should have reflected the 29 December, 2021 minutes and asked for its correction.

Upon motion duly made by Atty. Custodio and seconded by RD Mojares, the IAC members who were present unanimously approved the following resolution:

"RESOLVED, as it is hereby **RESOLVED**, that the IAC members present unanimously voted that the Previous Minutes of the IAC Meeting held on 11 January 2022 has been duly approved."

Hon. Gov. Gadiano proceeded to initiate discussions regarding item number one in the agenda. Atty. Custodio mentioned that the status of the dredging plan for Salagan, Paluan, and Mongpong river are referred to the planning and design department of DPWH last 2021, it is still for review. Meanwhile for Amnay and Busuanga rivers, it is being approved with the Central Office but it is still under review because it was observed that there are deficiencies. Atty. Custodio also gave updates regarding the applicants: Joint venture of Melekon Contractors, Inc. and Silverwolves Construction Corp. passed the technical and financial review but has yet to be assigned a specific large river, same goes for Pacific Concrete Products, Inc. They have yet to pass their dredging plan. Bluemaxx Tradelink Inc. (Bluemaxx) on the other hand has a request to include the offshore/river delta in their dredging activity but said request was denied because their dredging plan did not include the offshore area they are requesting. Discussions then proceeded to the coverage area of the river dredging zone. The different members discussed about Bluemaxx's coverage of the offshore area. It was stated that Bluemaxx's application is not covered by DAO 2020-12, which is the reason why it cannot include the offshore area in its dredging zone. Gov. Gadiano stated that a letter will be given to Bluemaxx to coordinate with the DENR, EMB and other government agencies with regard to dredging the mouth of the river and the possible requirements.

Gov. Gadiano then proceeded to discuss the second agenda, regarding the DPWH Letter dated 9 February 2022 in relation to proposed inter-agency resolution No. 14 series of 2022. Gov. Gadiano stated that a letter will be sent to St. Gerard asking them which of the proponents are they really in a joint venture with.

For the third agenda, Gov. Gadiano stated that the status of PERCCC, Bird's nest and Vikings has already been resolved.

Gov. Gadiano then proceeded to the fourth agenda, other issues and concerns. The letter of Bird's Nest Resource Corporation was discussed. It was stated that Bird's Nest should just refile their application to meet the requirements. Atty. Custodio discussed that Vikings also had a letter stating that they changed partners and that the vessel they pledged has been changed. Atty. Custodio stated that R.V. Laborte Builders (Laborte) has

not yet complied with their financial requirements and they haven't submitted their new partner. Atty. Custodio also stated that the documents that Laborte submitted are doubtful and still under review, newer and more updated documents are requested from Laborte.

There being no other matters to discuss, Gov. Gadiano adjourned the meeting.

Prepared by:


Atty. Xavier Alexen R. Aseron
IAC Secretariat

Attested by:


Eduardo B. Gadiano
Occidental Mindoro Governor

MINUTES OF THE 26 MAY 2022 MEETING OF THE INTER-AGENCY COMMITTEE (IAC) ON THE RESTORATION OF THE OCCIDENTAL MINDORO RIVERS AND ITS TRIBUTARIES

Conducted at Luk Foo Cantonese Kitchen (Makati City)

On 26 May 2022

PRESENT:

Hon. Governor Eduardo B. Gadiano

MGB - RD Edwin Mojares

DENR MIMAROPA - ARD Vince Tuddao

EMB - RD Joe Amil M. Salino

EMB MIMAROPA - Atty. Yuri Jurado

DPWH - Atty. James Corwin S. Custodio

ARD Melquiades H. Sto. Domingo

Engr. Dennis P. Abagon

Head of PGOM Secretariat - Atty. Tirso Augustus L. Abeleda II

ALSO PRESENT:

IAC Secretariat - Atty. Xavier Alexen R. Aseron

Consultant, Office of the Governor of Occidental Mindoro - Regina Unson

The Honorable Governor Gadiano started the meeting by stating that there are six topics set for the agenda stated below, but included other concerns like motions for reconsideration as other important matters:

1. Proposed Resolution Nos. 13 and 14 series of 2022
2. Letter of RD Gerald A. Pacanan dated March 14, 2022 as to the replacement partner by Vikings Construction and Supplies
3. Proposed Resolution No. 15 for Vikings and Bird's Nest
4. Status of R.V. Laborte's compliance with its Affidavit of Undertaking
5. Possible application of new proponents to undertake river restoration like Ovada Corporation, RDZ not yet assigned to any qualified proponent
6. DPWH letter status of all application and application of Bird's Nest

The Hon. Governor Gadiano then went on to discuss Resolution No. 13 and 14, Series of 2022. Resolution No. 13 pertains to City Pacific Group venture with another company that has technical equipment. As of now, no official communication has been made.

During the meeting, it was also discussed that Vikings has passed the financial review, but not the technical review. They are still waiting for a resolution regarding Viking's motion for reconsideration. Thereafter, the Hon. Governor Gadiano stated that the joint venture agreement may be allowed, provided that Vikings submit the same. He further stated that motions for reconsideration will be approved in principle, subject to the submission of other requirements. Once submitted, they will be considered and reviewed.

The Hon. Governor Gadiano moved on to discuss the second agenda: Royal Crown's Status. It was discussed in the meeting that Royal Crown's revised master plan has been received and was forwarded to the central office on May 24, 2022.

At this juncture, it was also mentioned that in Vikings' motion for reconsideration, they requested for a change in their venture partner. A resolution is needed to exempt them from the previous parameters which contains a deadline. The basis for the approval of their motion for reconsideration will be the motion itself, not the application. Hence, a resolution will be issued to exempt Vikings from the deadlines set in the previous parameters.

Thereafter, the fourth agenda was discussed: It was discussed that R.V. Laborte Builders (Laborte) submitted an old attachment to the BIR. However, a letter will be drafted and sent to Laborte to ask for the submission of an updated financial attachment with reference to year 2021. Nonetheless, should they be able to submit, their application will be approved in principle.

Moreover, Laborte submitted a letter seeking for a cancellation of their joint venture agreement since they wish to proceed alone. The Body

discussed that Laborte's lack of updated financial and dredging equipment can be remedied by entering into a lease instead, as long as it remains compliant with the paid-up capital requirement.

With respect to Bluemaxx, it was noted that some of the additional ECC that they applied for were not yet granted. However, the Hon. Governor Gadiano allowed the use of the old permit given, and for the ECC applied for, to follow. Nonetheless, it was brought up in the meeting that there was a way around the lack of permit – that the creation of navigational route was allowed without any additional permits needed. It was requested to the DPWH to include in the DAO that a route will be made towards the area and in Kalibo. However, it was noted by the Body that a possible concern would be the dredging materials that will be removed in the area i.e., that if they were to just set it aside, it will eventually collapse. The possible solution to this is to put in a specific communal place for disposal where the materials can be used for the benefit of the community.

Nonetheless, the Hon. Governor Gadiano said that the Body should also ask Bluemaxx if they have a plan as to where the materials will be placed. Finally, the Body decided to issue a Notice to Proceed once the place for the disposition of the materials is identified and that no violations with the LGU will be committed if they were to proceed.

The Body then proceeded to discuss the new proponents to undertake. The issue the Body undertook was an application filed by Ovada Corporation for a small river. The Hon. Governor Gadiano said that a resolution will be issued admitting said Corporation's application. He further stated that new proponents will be entertained, provided that they submit their papers to the office first, so that their deficiencies may be addressed.

The last agenda was then discussed by the Body: Bird's Nest. With respect to Bird's Nest, they filed a motion for reconsideration to allow them to enter into a joint venture with Triton. The Hon. Governor Gadiano said that the motion will be approved in principle, and that once all other


requirements needed are submitted, their application is considered and reviewed as well.

Finally, a letter from the Hon. Governor Gadiano's office was requested, identifying the official representative of His office due to the fact that numerous people introduce themselves as said representative. The Hon. Governor Gadiano agreed to provide what was requested.

Revised Minutes Prepared by:


Atty. Jaime Lorenzo P. Bañez
IAC Secretariat

Attested by:


Hon. Eduardo B. Gadiano
Governor of Occidental Mindoro

MINUTES OF THE 15 AUGUST 2022 MEETING OF THE INTER-AGENCY COMMITTEE (IAC) ON THE RESTORATION OF THE OCCIDENTAL MINDORO RIVERS AND ITS TRIBUTARIES

Conducted at DENR Office – MIMAROPA, BY THE BAY
On 15 August 2022

PRESENT:

Hon. Governor Eduardo B. Gadiano

DENR MIMAROPA – RED Lormelyn E. Claudio, CESO IV

DPWH MIMAROPA – RD Engr. Gerald A. Pacanan, CESO III

MGB MIMAROPA – RD Engr. Glenn Marcelo C. Noble

EMB MIMAROPA – RD Joe Amil M. Salino

ALSO PRESENT:

Head of PGOM Secretariat – Atty. Tirso Augustus L. Abeleda II

DPWH MIMAROPA – Atty. James Corwin S. Custodio

DPWH MIMAROPA – ARD Engr. Dennis P. Abagon

DPWH MIMAROPA – Atty. Elaine Anza

DENR MIMAROPA – Cesar P. Odi

DENR MIMAROPA, CDD – Engr. Malco P. Lamigo

EMB MIMAROPA – Joanna Mariz B. Marin, EMS II

DENR MIMAROPA – Atty. Alessa I. Habal

EMB MIMAROPA – John Junico I. Habal, EIAS

Consultant, Office of the Governor of Occidental Mindoro – Regina Unson

IAC Secretariat – Atty. Jaime Lorenzo P. Bañez

1 The meeting began with the reading of the 26 May 2022 Minutes.
2 Thereafter, Gov. Gadiano asked the Committee for any clarifications,
3 corrections, and any other concerns. The following corrections were raised and
4 adopted:

- 5 1. The addition of ARD Melquiades H. Sto. Domingo and
6 ENGR. Dennis Abagon in the attendance;
7 2. The revision of the phrase “considered approved” into
8 “considered and reviewed” in the last sentence of the 3rd and last
9 paragraphs respectively; and

1 3. The revision of the date of the Minutes from "06 June"
2 into "26 May."

3 Hearing no further concerns and objections from the Committee, the 26
4 May 2022 Minutes was then adopted and approved as corrected. The
5 Committee then proceeded to discuss the agendas for the day.

6 Gov. Gadiano enumerated seven (7) agendas to be discussed by the IAC,
7 to wit:

8 1. The DPWH Letter dated 08 July 2022 on the
9 compliance of R.V. Laborte Builders with the requirements in IAC
10 Resolution No. 12;

 2. The final signatories of the Dredging Master Plan;

 3. The proposed Revised Resolution No. 17 series of 2022;

 4. The Resolution for proponents that already passed the
13 financial and technical requirements;

 5. The updates on proponents that have pending
15 requirements;

 6. The draft Memorandum of Agreement between the
17 DENR and qualified proponents; and

 7. Others issues and concerns.

19 Gov. Gadiano then proceeded to discuss the first agenda, the DPWH
20 Letter dated 08 July 2022 on R.V. Laborte Builders' (Laborte) compliance with
21 the requirements of IAC Resolution No. 12. It was clarified that Laborte is a
22 sole proprietorship, and it was discussed that Laborte already complied with
23 the paid-up capital requirements. With this, a motion to approve the financial
24 capability of Laborte was duly raised by RD Noble and was duly seconded by
25 RD Salino.

26 Gov. Gadiano then proceeded to discuss the second agenda, the final
27 signatories of the Dredging Master Plan (DMP). It was discussed that the
28 preparation of the DMP is under the mandate of the DPWH. However, DPWH
29 representatives informed the Committee that their legal team is still in the
30 process of ascertaining who shall be the signatories of the DMP. The DPWH
31 representatives have undertaken to relay to the Committee the final
32 signatories of the DMP once the recommendation of the said legal team was
33 duly approved.

1 At this juncture, the DPWH representatives proposed the establishment
2 of a Technical Working Group (TWG) that would oversee the compliance of
3 new proponents with all kinds of requirements. It was discussed that the
4 existence of a TWG could expedite the application process of concerned
5 proponents. The DPWH representatives have undertaken to provide the
6 Committee a recommendation on 1) the composition, 2) process flow, and 3)
7 scope of work of the TWG within one (1) week.

8 Gov. Gadiano then proceeded to discuss the third agenda, the proposed
9 Revised Resolution No. 17 series of 2022 on the opening of navigational routes
10 for vessels. In relation thereto, a DPWH Letter dated 11 July 2022 was
11 presented. Based on the said Letter, it was suggested that minimum
12 parameters must be set for the opening of dredging navigational routes, and
13 that compliance to the said parameters shall be submitted for review and
14 approval to the appropriate government agency that has jurisdiction over off-
15 shore activities.

16 The DPWH representatives then clarified before the Committee that off-
17 shore dredging is not within the mandate of their Department. However, they
18 undertake to provide assistance and suggestions to the Committee on the off-
19 shore concerns of concerned proponents.

20 The DENR representatives then proposed a possible solution wherein
21 proponents that already have the required clearances and permits would just
22 revise their respective Environmental Impact Assessment document to include
23 the minimum parameters suggested by the DPWH. In this manner, the
24 Environmental Management Bureau (EMB) could review the said EIA
25 document that already includes the minimum parameters.


26 Gov. Gadiano then proceeded to discuss the fourth agenda, the
27 Resolution for proponents that already passed the financial and technical
28 requirements. It was raised that proponents R.V. Laborte, Royal Crown,
29 P.E.R.R.C. and Cuerpo Construction have already passed the financial and
30 technical requirements pursuant to the assessment duly executed by the
31 DPWH. Accordingly, a motion to approve the financial and technical
32 requirements of the aforesaid proponents was duly raised by RD Noble and
33 was duly seconded by RD Pacanan.

1 The fifth agenda to be discussed by the Committee was supposed to be
2 about the updates on proponents that have pending requirements. Such
3 agenda was deferred since the Committee is still in the process of determining
4 who shall be the final signatories of the DMP.

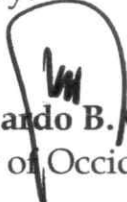
5 Gov. Gadiano then proceeded to discuss the sixth agenda, the draft
6 Memorandum of Agreement (MOA) between the DENR and qualified
7 proponents. It was discussed that a draft MOA shall be proposed, and shall be
8 presented for review by the Committee.

9 Lastly, the Committee then proceeded to discuss Resolution No. 18 series
10 of 2022. In relation thereto, it was discussed that an existing proponent that
11 was already granted a large river can only apply for a small or medium river
12 that is still available.

Prepared by:


Atty. Jaime Lorenzo P. Bañez
IAC Secretariat

Attested by:


Hon. Eduardo B. Gadiano
Governor of Occidental Mindoro

MINUTES OF THE SEPTEMBER 05, 2022 MEETING OF THE INTER-AGENCY COMMITTEE (IAC) ON THE RESTORTATION OF THE OCCIDENTAL MINDORO RIVERS AND ITS TRIBUTARIES

Conducted at DPWH Office – MIMAROPA
September 05, 2022

PRESENT:

Hon. Governor Eduardo B. Gadiano

DENR MIMAROPA – RED Lormelyn E. Claudio, CESO IV

DPWH MIMAROPA – RD Engr. Gerald A. Pacanan, CESO III

MGB MIMAROPA – RD Engr. Glenn Marcelo C. Noble

EMB MIMAROPA – RD Joe Amil M. Salino

ALSO PRESENT:

Head of PGOM Secretariat – Atty. Tirso Augustus L. Abeleda II

DPWH MIMAROPA – Atty. James Corwin S. Custodio

DPWH MIMAROPA – Atty. Elaine Anza

DENR MIMAROPA – Cesar P. Odi

EMB MIMAROPA – Joanna Mariz B. Marin, EMS II

DENR MIMAROPA – Atty. Alessa I. Habal

Consultant, Office of the Governor of Occidental Mindoro – Regina Unson

IAC Secretariat – Atty. Jaime Lorenzo P. Bañez

1 The meeting began with the reading of the reading of the August 15,
2 2022 Minutes. The following revisions and additions were raised and
3 adopted:

4 1. To reflect that Resolution No. 17 is not a resolution
5 by the DENR;

6 2. To revise the last two (2) paragraphs of page 03
7 regarding the suggestions of the DENR on the parameters
8 suggested by the DPWH;

9 3. To reflect that the Technical Working Group (TWG)
10 recommended by the DPWH covers new applicants only;

1 4. To reflect that a Memorandum of Agreement (MOA)
2 has yet to be drafted; and

3 5. To reflect that the motion to approve the financial
4 and technical requirements of proponents was duly seconded by
5 RD Pacanan.

6 Hearing no further concerns and objections from the Committee, the
7 August 15, 2022 Minutes was then duly approved, subject to corrections and
8 confirmation of the contents by the Committee.

9 Hon. Gov. Gadiano then enumerated seven (7) agendas to be
10 discussed by the Committee, to wit:

11 1. The proposed Revised IAC Resolution No. 17 series
12 of 2022;

13 2. The updates on proponents who passed the financial
14 and technical requirements as of September 05, 2022;

15 3. The final signatories of the Dredging Master Plan;

16 4. The DPWH's draft composition of the proposed
17 TWG, its functions, and the process flow;

18 5. The Draft MOA between the DENR and qualified
19 proponents;

20 6. The other unidentified rivers like Pola and Bato
21 Rivers located at Barangay Barahan, Sta. Cruz, Occidental
22 Mindoro; and

23 7. Other issues and concerns.

24 The Committee then proceeded to discuss the first agenda, the
25 proposed Revised IAC Resolution No. 17 series of 2022. It was clarified that
26 the said Resolution covers a flood mitigation program that undertakes to
27 clear the mouth of a river, and that the said program involves a Private-
28 Public Partnership without expense from the government. Moreover, it was
29 suggested that the program be granted to proponents that already secured
30 the necessary permits and clearances to expedite the application process.

31 However, it was also clarified that the said Resolution merely
32 acknowledges that there is an urgent need to clear the mouth of identified

1 rivers to mitigate flooding. The actual methodology and policy of the said
2 program have yet to be decided and require another Resolution.

3 The Committee then proceeded to suggest further revisions to the
4 proposed Revised IAC Resolution No. 17, to wit:

5 1. The fifth (5th) WHEREAS Clause in the first page should be
6 deleted;

7 2. Insert a WHEREAS Clause that discusses Item 3, Section 4 of
8 DAO 2020-12;

9 3. The first (1st) WHEREAS Clause in the second page should
10 emphasize the expenses incurred by the province;

11 4. The eight (8th) WHEREAS Clause in the second page should refer
12 to proponents of river mouth deposit removal project instead of holders of
13 dredging clearance; and

14 5. Insert a WHEREAS Clause that defines the contemplated river
15 mouth deposit removal project.

16 Further review and deliberations on IAC Resolution No.17 were
17 deferred pending revisions to be executed by RD Noble.

18 The Committee then proceeded to discuss the second agenda, the
19 updates on proponents who passed the financial and technical requirements
20 as of September 05, 2022. It was presented that among the proponents, only
21 R.V. Laborte has an approved Dredging Master Plan.

22 To address the issue on the late submissions of requirements by
23 proponents, the Committee agreed that a timetable within which to comply
24 with submissions of requirements should be implemented against the said
25 proponents. For this purpose, a rule of procedure that complies to
26 procedural due process shall be drafted and approved by the Committee.

27 The Committee then proceeded to discuss the fourth agenda, the
28 DPWH's draft composition of the proposed TWG, its functions, and the
29 process flow. It was presented that a Financial Working Group (FWG) shall
30 be headed by the Provincial Legal Office. For the TWG, it was agreed by the
31 Committee that it shall be headed by Provincial Engineering Office instead.

1 With regard to the process flow, it was clarified that adverse findings
2 that are subject to a motion for reconsideration only refer to financial and/or
3 technical capabilities of a concerned proponent. Adverse findings do not
4 include questions on the Dredging Master Plan because the DPWH has
5 exclusive jurisdiction therefor. It was also clarified that the MOA should be
6 between the DENR and proponent only, and should exclude the provincial
7 government.

8 The Committee then proceeded to discuss the third agenda, the final
9 signatories of the Dredging Master Plan. It was suggested that among the
10 signatories, only the district engineer should be stricken off.

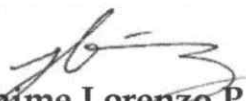
11 The fifth agenda to be discussed by the Committee was supposed to
12 be the proposed MOA between the DENR and concerned proponents.
13 However, the presentation of the proposed MOA was deferred to the next
14 meeting.

15 The Committee then proceeded to discuss the sixth agenda, the
16 unidentified rivers like Pola and Bato Rivers located at Barangay Barahan,
17 Sta. Cruz, Occidental Mindoro. It was agreed that a Resolution approving
18 the said rivers as dredging zones for river restoration projects shall be
19 drafted.

20 Lastly, it was raised that there are pending Resolutions that still
21 require conformity of certain agencies. Thus, concerned agencies signed
22 thereon.

23 The meeting was adjourned at 5:40 in the afternoon.

Prepared by:


Atty. Jaime Lorenzo P. Bañez
IAC Secretariat

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Attested by:


Hon. Eduardo B. Gadiano
Governor of Occidental Mindoro

MINUTES OF THE DECEMBER 06, 2022 MEETING OF THE INTER-AGENCY COMMITTEE (IAC) ON THE RESTORTATION OF THE OCCIDENTAL MINDORO RIVERS AND ITS TRIBUTARIES

Conducted at DENR MIMAROPA BY THE BAY
December 06, 2022

PRESENT:

Hon. Governor Eduardo B. Gadiano
DENR MIMAROPA – RED Lormelyn E. Claudio, CESO IV
DPWH MIMAROPA – RD Engr. Gerald A. Pacanan, CESO III
MGB MIMAROPA – RD Engr. Glenn Marcelo C. Noble
EMB MIMAROPA – RD Joe Amil M. Salino

ALSO PRESENT:

Head of PGOM Secretariat – Atty. Tirso Augustus L. Abeleda II
DPWH MIMAROPA – Atty. James Corwin S. Custodio
DPWH MIMAROPA – Atty. Elaine Anza
DPWH MIMAROPA – Engr. Dennis P. Abagon
EMB MIMAROPA – Joana Marin
EMB MIMAROPA – Nicole Yuri V. Dorado
Consultant, Office of the Governor of Occidental Mindoro – Regina Unson
IAC Secretariat – Atty. Jaime Lorenzo P. Bañez

1 The meeting began with the reading of the September 05, 2022
2 Minutes. Hearing no further concerns and objections from the Committee,
3 the September 05, 2022 Minutes was then duly approved.

4 Hon. Gov. Gadiano then enumerated seven (7) agendas to be
5 discussed by the Committee, to wit:

6 1. Updates on the proposed IAC Resolution No. 17
7 series of 2022;

2. Updates on Resolution Nos. 20, 21, and 22 series of 2022;
3. Letter of Seagate Engineering and Buildsystems thru email dated 26 September 2022;
4. Letter of City Pacific Group, Inc. thru email dated 27 September 2022;
5. Letter of RV Laborte Builders thru email dated 11 October 2022;
6. Letter of Bluemax thru email dated 13 October 2022;
7. Email of PERCC dated 14 October 2022;
8. SP Resolution No. 263 series of 2022; and
9. Other issues and concerns.

The Committee then proceeded to discuss the first agenda, the updates on the proposed Revised IAC Resolution No. 17 series of 2022. It was suggested that the September 21, 2022 Technical Conference Minutes should serve as a guidance in drafting the proposed Resolution No. 17.

The Committee once again raised the issue on the lack of jurisdiction of the DENR and DPWH over a river mouth. Relatedly, there are proponents that are asking for a proof of authority over a river mouth in order to proceed with the conduct of their respective Environmental Impact Assessment (EIA).

The Committee agreed that Resolution No. 17 could be the answer for these concerns. Resolution No. 17 could be the proof of authority for the proponents to conduct clearing operations over a river mouth. Furthermore, it was once again suggested that approved river mouth clearances shall be merely attached to the approved Dredging Master Plans (DMPs) of existing proponents, while new proponents should include river mouth clearance in their proposed DMPs.

The Committee likewise agreed that Resolution No. 17 must have a provision on the technical descriptions of "delta" and "river mouth" such as but not limited to: 1) maximum depth of clearing, 2) maximum distance from shoreline, 3) volume of material to be removed, and 4) other necessary information. It was suggested that these shall be collectively

1 called as "River Delta Clearing and Shoreline Enhancement Plan
2 (RDCSEP)."

3 For the revision of Resolution No. 17, it was suggested that it could
4 be patterned after IAC Zambales Resolution No. 3, series of 2019 on river
5 dredging. The DPWH and the MGB were jointly tasked by the Committee
6 to draft the final Resolution No. 17, and to present the same at the next
7 meeting.

8 The Committee then proceeded to discuss the second agenda, the
9 updates on Resolution Nos. 20, 21, and 22 series of 2022. Hearing no further
10 concerns and objections from the Committee, a motion to approve the said
11 resolutions was raised was duly seconded. Thus, the said resolutions were
12 duly approved.

13 The Committee then proceeded to discuss the third, fourth, fifth, and
14 sixth agendas, the letters issued by Seagate Engineering and Buildsystems,
15 City Pacific Group, RV Laborte, Bluemax, and PERCC respectively.

16 The Committee undertook to answer the concerns of these
17 proponents in writing. For City Pacific Group, it must be ordered to submit
18 its Joint Venture Agreement (JVA) with Boskalis, an international
19 corporation, in order to check the technical capacity of the latter. For both
20 RV Laborte and Bluemax, which were requesting for their respective proof
21 of authority to conduct EIA over river delta, they must be informed the
22 pending issuance of Resolution No. 17 that shall serve as proof of
23 authority.

24 The Committee then proceeded to discuss the eight agenda, SP
25 Resolution No. 263 series of 2022. It was relayed to the Committee that the
26 Province of Occidental Mindoro is already authorized to enter into a
27 Memorandum of Agreement (MOA) with a proponent to conduct flood
28 mitigation through river mouth clearing, but it was likewise relayed that
29 the proponent has yet to secure and comply with the national permits and
30 requirements for such purpose.


1 It was suggested that Resolution No. 17, the authority for clearing
2 river mouths, should be couched in a way to cover both flood mitigation
3 and flood restoration so that the proponents contemplated by SP
4 Resolution No. 263 series of 2022 are also covered by the said resolution.
5 However, the Committee agreed that flood mitigation and river restoration
6 are two different concepts. Thus, it was likewise suggested that there
7 should be a separate resolution or policy for the application process of
8 flood mitigation proponents.

9 The meeting was adjourned at 12:36 in the afternoon.

Prepared by:


Atty. Jaime Lorenzo P. Bañez
IAC Secretariat

Attested by:


Hon. Eduardo B. Gadiano
Governor of Occidental Mindoro