



DENR - MIMAROPA REGIONAL OFFICE	
RECEIVED	
15 AUG 2022	
<input checked="" type="checkbox"/> INCOMING	<input type="checkbox"/> OUTGOING
DATE	DATE NO.

August 1, 2022

MEMORANDUM

FOR : The Regional Executive Director

THRU : The Assistant Regional Director for Technical Services

FROM : The OIC, PENR Officer

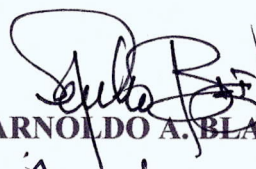
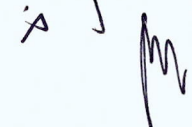
SUBJECT : **LETTER FROM A CERTAIN MS. HELLY Y. ASOY OF SIBUYAN ISLAND, ROMBLON ON THE ALLEGED CONSTRUCTION OF ROAD AND BUNKHOUSES AND CLEARING OF VEGETATION AFFECTING MT. GUITING-GUITING NATURAL PARK (MGGNP) AND ITS BUFFER ZONE (P-2022-90462)**

This is in compliance to the Memorandum dated July 21, 2022 of the OIC, Assistant Regional Director for Technical Services regarding the submission of CSW report of the above-mentioned subject.

The undersigned issued the PENRO Special Order No. 22-73 creating the Investigation Team composed of personnel from MGB, EMB, MES and RPS, to verify the allegations reported by Helly Y. Asoy. Attached is the Investigation Report of the PENRO Romblon Investigation Team dated July 4, 2022.

Findings of investigation revealed that bunkhouses were already established since 2012 based on the generated Google Earth map. Also, no mining activity has been conducted and no cutting of trees were observed during the inspection.

For information and reference.

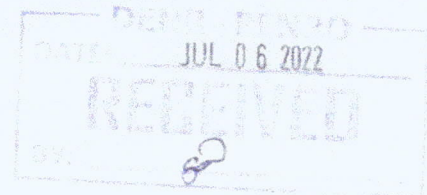

ARNOLDO A. BLAZA, JR.




MEMORANDUM

FOR : The PENR Officer

FROM : Chief, EMS Romblon
Science Research Specialist II
Forester II
Special Investigator
Land Management Inspector



SUBJECT : **INVESTIGATION REPORT REGARDING THE REPORTED CONSTRUCTION OF A ROADWAY BEING CONSTRUCTED ADJACENT TO A COASTAL AREA LOCATED AT BRGY. TACLOBO, SAN FERNANDO, ROMBLON AND CONSTRUCTION OF BUNKHOUSES, DESTRUCTION OF VEGETATION, AND CLEARING OF THE SITE AS REPORTED THRU AN EMAIL BY A CERTAIN HELLY Y. ASOY, A CONCERNED CITIZEN**

DATE : July 4, 2022

FACTUAL BACKGROUND

1. Letter from a certain Helly Y. Asoy, a concerned citizen, alleged that a roadway is being constructed that leads to an adjacent seashore claiming that it will be used as an entry/exit point of all mining activities in Brgy. Taclobo, San Fernando, Romblon. The reports added that a bank houses are already constructed in Sitio Talaba which resulted to the destruction of the surrounding vegetation. Ms. Asoy also alleged that the activity being made in the vicinity affected the protected areas and the buffer zone of Mt Guiting-guiting including mangrove areas.

ACTION TAKEN

A composite team of personnel from Environmental Management Bureau - Romblon, Mines and Geosciences Bureau - Romblon, Enforcement Section, and Regulation and Permitting Section (RPS) of DENR PENRO Romblon was formed to conduct an investigation on the allegation of an illicit activities in Brgy. Taclobo, San Fernando, Romblon in relation to the supposed mining activity of Altai Philippines Mining Corporation (APMC).

By virtue of the Special Order No. 22-73 dated June 21, 2022 issued by OIC, PENR Officer Arnoldo A. Blaza, Jr., the team headed to the Island of Sibuyan, Romblon on June 27, 2022 to verify the veracity of the allegations as reported by a certain Helly Y. Asoy. Upon arrival to the port of Ambulong, Magdiwang, Romblon the team headed straight to the Brgy. Taclobo, San Fernando, Romblon to conduct investigation. Likewise, the team went to the Office of the Municipal Mayor of San Fernando, Romblon to gather information whether the LGU have issued necessary permit in regards with the activity in the mentioned barangay, however, the Municipal Mayor is not around during the time of the visit.

Afterwards, the team met with Helly Y. Asoy and discussed the investigation being conducted and the possible recommendation that DENR PENRO Romblon may issue on



the basis of the evidences gathered during the investigation. The team also met with the person who sold the property adjacent to the coastal area in Brgy. Taclobo.

FINDINGS

- That the subject lot where the roadway is being constructed is identified as Lot 81-C, Psd-04-093729(AR) covered by Transfer of Certificate of Title No. CLOA-2099 awarded to Gloria Rafol Abdula;

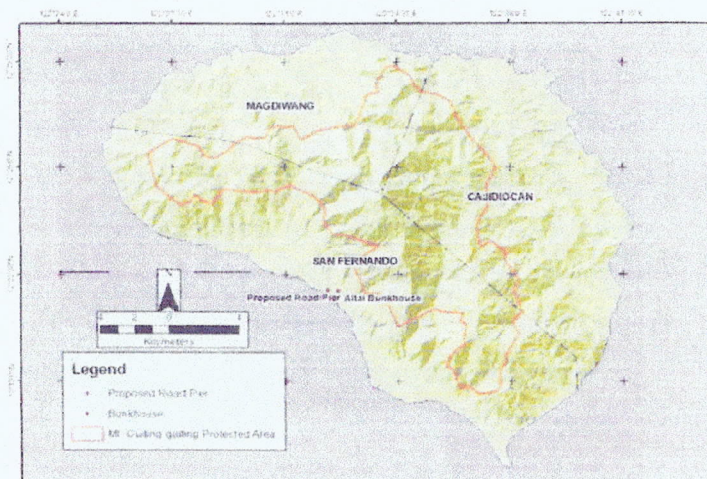


- That the subject lot is now Tax Declared to Zoraida R. Repil under Tax Declaration No. 001491 by virtue of a Deed of Absolute Sale on the other hand the title is yet to be transferred to her name;
- That the subject lot as per verbal information given by Mr. Rene Ventura, resident of the same barangay whose house is adjacent to the subject lot, stated that the subject lot has been sold by Zoraida R. Repil to Altai Philippines Mining Corporation or Altai Mining as known in the locality;
- That as per Zoraida R. Repil, no agreement of sale has been signed between her and Altai Mining as of yet;
- That the subject lot has already been enclosed by a barbed wire with a sign "No Trespassing, Private Property";



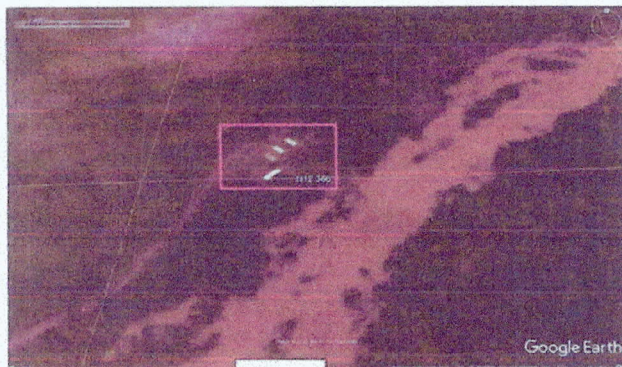


- That the subject lot has been flattened as a preparation for a possible roadway that leads to the seashore;
- That there are no signs of cutting of mangrove trees during the time of the investigation, if there were mangrove trees that have been cut-down it may have been buried underneath due to the levelling of the area;
- That the only signs of cutting was of the mango trees stacked on the corner of the property;
- That the LGU of San Fernando has not issued any permits in regards with the proposed roadway in Brgy. Taclobo;
- That at present Altai Mining have applied for foreshore lease, however, due to lacking requirements DENR PENRO Romblon have sent them a letter to submit the necessary requirements including Certification of No-Object to be issued by the Sangguniang Barangay of Taclobo and Sangguniang Bayan of San Fernando, Romblon;
- That the subsequent area which also been bought by Altai Mining as per information, where the bank houses are located, is located somewhere around 100 meters away from Lot 81-C where it has also been enclosed by a barbed wire having the same warning that the area is a private property;
- That the team were not allowed to conduct inspection inside the premises as the personnel manning the main gate said that their superiors are not in the vicinity to give the team the permission to enter the premises;
- That per drone shot it was found out that there are several dump trucks, bank houses, and heavy equipment's stationed in the vicinity;
- That the area where these heavy equipment's are stationed have been cleared providing clear area for bank houses and the like however no signs of cuttings were found in the vicinity during the flight of the drone;
- That based on the generated map provided by Science Research Specialist II, Felix Carl Falquerabao, the location of bunkhouses are outside the boundary of the protected area;

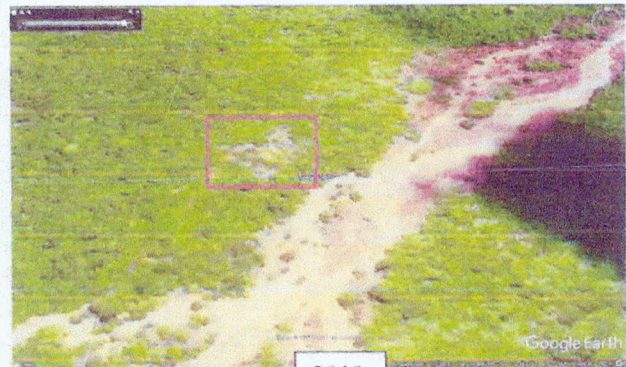




- That based on the generated google earth the bunkhouses are already in the vicinity since 2012;



2012



2019



2022

- That as of this writing no mining activity is being conducted in the vicinity and no cutting of trees were observed in large scale;

LEGAL BASIS

Presidential Decree No. 1067 known as The Water Code of the Philippines

- "Article 51. The banks of rivers and streams and the shores of the seas and lakes throughout their entire length and within a zone of three (3) meters in urban areas, twenty (20) meters in agricultural areas and forty (40) meters in forest areas, along their margins are subject to the easement of public use in the interest of recreation, navigation, floatage, fishing and salvage. No person shall be allowed to stay in this zone longer than what is necessary for recreation, navigation, floatage, fishing or salvage or to build structures of any kind."

Presidential Decree No. 705

- **Section 47.** Mining operations. Mining operations in forest lands shall be regulated and conducted with due regard to protection, development and utilization of other surface resources.

Location, prospecting, exploration, utilization or exploitation of mineral resources in forest reservations shall be governed by Mining laws, rules and



regulations. No location, prospecting, exploration, utilization, or exploitation of mineral resources inside forest concessions shall be allowed unless proper notice has been served upon the licensees thereof and the prior approval of the Director, secured.

Mine tailings and other pollutants affecting the health and safety of the people, water, fish, vegetation, animal life and other surface resources, shall be filtered in silt traps or other filtration devices and only clean exhausts and liquids shall be released therefrom.

Surface-mined areas shall be restored to as near its former natural configuration or as approved by the Director prior to its abandonment by the mining concern.

- **Section 68.** Cutting, gathering and/or collecting timber or other products without license. Any person who shall cut, gather, collect, or remove timber or other forest products from any forest land, or timber from alienable and disposable public lands, or from private lands, without any authority under a license agreement, lease, license or permit, shall be guilty of qualified theft as defined and punished under Articles 309 and 310 of the Revised Penal Code; Provided, That in the case of partnership, association or corporation, the officers who ordered the cutting, gathering or collecting shall be liable, and if such officers are aliens, they shall, in addition to the penalty, be deported without further proceedings on the part of the Commission on Immigration and Deportation.

Provision of Foreshore Lease Application

Application conveys no right to the applicant to enter upon, occupy, cultivate, or make clearings on the land until the same has been finally approved and lease contract executed, and that any lease applicant who shall willfully and knowingly submit false statements or execute false affidavits in connection with the foregoing application shall be deemed guilty of perjury and punished by a fine of not more than two thousand pesos and by imprisonment for not more than five (5) years, and in addition thereto his application shall be cancelled and all amounts paid on account thereof forfeited to the Government, and he shall not be entitled to apply for any public land in the Philippines.

COMMENTS/RECOMMENDATION

The investigation conducted by the composite team was in accordance with the Special Order No. 22-73 dated June 21, 2022 issued by this Office and in response to the request of a certain Ms. Helly Y. Asoy to investigate the subject areas both located in Brgy. Taclobo, San Fernando, Romblon.

The allegations of Ms. Asoy regarding the cutting of trees including mangroves were not observed in the vicinity except for the mango trees stacked in the corner of the lot. Though there might have been cutting of trees which is possible given the condition of the area, however, since the area have already been flattened there have been no visible signs of cutting. Moreover, since both areas are considered private, the owner, Altai Philippines Mining Corporation or Altai Mining, have the rights to exercise their free will over their dominions, thus, DENR PENRO Romblon nor the LGU of San Fernando does not have the rights to interfere in their activities inside their private property, except with those activities that may harm the surrounding ecosystems which is tantamount to violations of environmental laws and regulations. But since there have been no activity during the conduct of investigation that may constitute violations of environmental laws and regulations therefore no sanctions can be issued against the occupation of Altai Mining.

Regarding the use of salvage zone and its foreshore area, Altai Mining will have to pursue their Foreshore Lease Application and submit all the necessary requirements including the



Certification of No Objection to be issued by both Sangguniang Bayan of San Fernando and Sangguniang Barangay of Taclobo. Without those, use of the salvage zone and its foreshore area without necessary clearances from DENR will be treated as illegal and Cease and Desist Order and Notice to Vacate must be issued immediately. As for the cutting of trees, DENR PENRO Romblon specially the Enforcement Section has to be vigilant. As such, the Enforcement Section may create a special team to monitor the activity in the subject area and use of drone is highly recommended as well since the entry to the vicinity is prohibited.

Prior to any exploration activities, ALTAI Mining has to secure the approval of its application for the renewal of the exploration period in compliance with Section 39 of DENR Administrative Order (DAO) No. 2010-21. Likewise, prior to development/commercial extraction, the endorsement of the Sangguniang Bayan concerned shall be secured by ALTAI pursuant to Section 39.4c of DAO No. 2010-21 and the pertinent provisions of R.A. No. 7160, the Local Government Code of 1991.

In closing, the presence of Altai Mining in the locality have caused apprehension and fear to the residents in the locality and to the entire island of Sibuyan. Mining if not done properly may cause large scale damage to the environment including loss of lives, and their livelihood.

IRWIN ANZALDO
Chief, EMS Romblon

ERIC F. LINDAP
Special Investigator

JOSE MARIE F. FABITO
Environmental Monitoring Officer

FELIX CARL FALQUERABAO
Science Research Specialist II

ROMER G. GERVACIO
Land Management Inspector

JAMES MENDOZA
Forester II/Team Leader

COMPOSITE TEAM COMPOSED OF EMB AND MGB ROMBLON,
ENFORCEMENT SECTION, AND REGULATION AND PERMITTING SECTION



LOT 81-C, PSD-04=093729 (AR) covered by Transfer of Certificate of Title
no. CLOA-2099 awarded to Gloria Rafol Abdula which was sold to Zoraida
R. Repil and was allegedly sold to ALTAI Mining, location where the
proposed road is located





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June 21, 2022

PENRO SPECIAL ORDER No. 22-73
Series of 2022

**SUBJECT: CREATION OF INVESTIGATION TEAM FOR THE ONGOING
ROAD CONSTRUCTION AT SAN FERNANDO, ROMBLON**

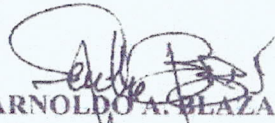
In the interest of service and in order to validate/investigate the ongoing road construction in San Fernando, Romblon, the selected personnel are hereby authorized to comprise the investigation team to wit:

- | | |
|------------------------------|-------------------------------|
| 1. JAMES M. MENDOZA | - Forester II |
| 2. ERIC HINDAP | - Special Investigator I |
| 3. ROMER GERVACIO | - Land Management Inspector I |
| 4. IRWIN A. ANZALDO | - Chief, EMS - EMB |
| 5. FELIX CARL F. FALQUERABAO | - SRS II - MGB |

The Investigation Team shall coordinate with the concerned individuals/LGU/BLGU and investigate the alleged illegal road construction in the island per letter of Mr. Helly Y. Asoy dated June 17, 2022.

They shall submit report with categorical recommendation within seven (7) days after the completion of the activity.

This Order takes effect immediately.

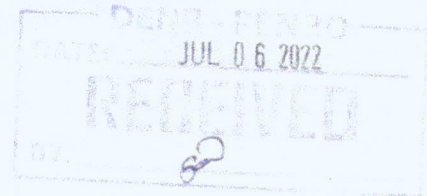

ARNOLFO A. BLAZA, JR
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MEMORANDUM

FOR : The PENR Officer

FROM : Chief, EMS Romblon
Science Research Specialist II
Forester II
Special Investigator
Land Management Inspector



SUBJECT : INVESTIGATION REPORT REGARDING THE REPORTED CONSTRUCTION OF A ROADWAY BEING CONSTRUCTED ADJACENT TO A COASTAL AREA LOCATED AT BRGY. TACLOBO, SAN FERNANDO, ROMBLON AND CONSTRUCTION OF BUNKHOUSES, DESTRUCTION OF VEGETATION, AND CLEARING OF THE SITE AS REPORTED THRU AN EMAIL BY A CERTAIN HELLY Y. ASOY, A CONCERNED CITIZEN

DATE : July 4, 2022

FACTUAL BACKGROUND

1. Letter from a certain Helly Y. Asoy, a concerned citizen, alleged that a roadway is being constructed that leads to an adjacent seashore claiming that it will be used as an entry/exit point of all mining activities in Brgy. Taclobo, San Fernando, Romblon. The reports added that a bank houses are already constructed in Sitio Talaba which resulted to the destruction of the surrounding vegetation. Ms. Asoy also alleged that the activity being made in the vicinity affected the protected areas and the buffer zone of Mt Guiting-guiting including mangrove areas.

ACTION TAKEN

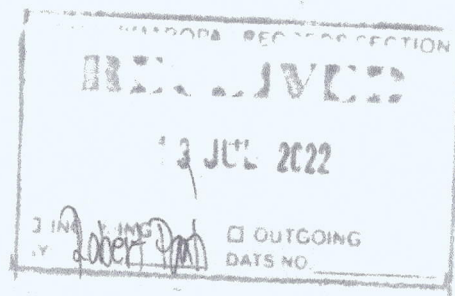
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Afterwards, the team met with Helly Y. Asoy and discussed the investigation being conducted and the possible recommendation that DENR PENRO Romblon may issue on

**Transmittal of Reports****July 11, 2022**

The Regional Executive Director
Attention: The Chief, Records Section
5th Floor 1515 L & S Bldg.
DENR MIMAROPA Region
Roxas, Blvd., Ermita, Manila

**Ma'am:**

Respectfully forwarding are the reports of DENR – PENRO Romblon for the Month of July, 2022 listed hereunder:

No.	Date	Subject
1	July 6, 2022	Indorsement of Investigation Report Regarding the Reported Construction of a Roadway Adjacent to a Coastal Area Located at Brgy. Taclobo, San Fernando, Romblon, Construction of Bunkhouses, Destruction of Vegetation, and Clearing of the Site as Reported Thru an Email by a Certain Helly Y. Asoy, a Concerned Citizen.
2	July 7, 2022	Submission of ENGP's Physical and Financial Accomplishment Report for June 2022
3	July 8, 2022	Submitting the Copy of Resolution No. 2021-16 Series of 2021 Requesting the MIMAROPA Regional Executive Director to Issue Cease and Desist Order on the Approved Commercial Permit of Mr. Ronnel Gutierrez Located in So. Gaong, Tampayan, Magdiwang, Romblon and Requesting the MGB-PMRB to Include PAMB Clearance as One of the Requirements Before the Issuance for Approval of Any Development Project Within Sibuyan Island
4	July 8, 2022	Submission of Template 02- List of Hired NGP Contract of Service (Cos) in PENRO Romblon as of 3 rd Quarter CY 2022
5	July 8, 2022	Report on the Alleged Illegal Extraction of Sand in Cresta De Gallo Island, San Fernando, Romblon
6	July 8, 2022	Report on the Undated Letter Complaint of Mr. Ireneo Rafol Romano Et. Al Re: Alleged Unlawful Extraction of Nickel, Gold, and Illegal Logging in Sibuyan Island, Romblon by Altai Mining Philippines (CO-2022-089703)
7	July 11, 2022	Highlights of the Third Quarter CALSANAG Watershed Forest Reserve-Protected Area Management Board (CWFR-PAMB) Meeting for C.Y. 2022 Held at San Roque, Calatrava, Tablas Island, Romblon on July 8, 2022

Very truly yours,

JOEVIR J. CARARON

MEMORANDUM

TO : THE OIC, PENR OFFICER
Odiongan, Romblon

ATTENTION : THE PROTECTED AREA SUPERINTENDENT
Mount Guiting-Guiting Natural Park (MGGNP)

FROM : THE OIC, ASSISTANT REGIONAL DIRECTOR
FOR TECHNICAL SERVICES

SUBJECT : LETTER FROM A CERTAIN MS. HELLY Y. ASOY OF SIBUYAN
ISLAND, ROMBLON ON THE ALLEGED CONSTRUCTION OF
ROAD AND BUNK HOUSES AND CLEARING OF
VEGETATION AFFECTING MT. GUITING-GUITING NATURAL
PARK (MGGNP) AND ITS BUFFER ZONE [P-2022-90462]

DATE : JUL 21 2022

This pertains to the Memorandum dated 08 July 2022 of the In-Charge, Office of the Director, Biodiversity Management Bureau regarding the above-mentioned subject.

Relative thereto, you are instructed to conduct an investigation/field validation on the alleged construction of the road and bunk houses and clearing of vegetation located at Sitio Talaba in Barangays Taclobo and Espana, San Fernando, Sibuyan, Romblon and its effect to MGGNP particularly to its buffer zone, easement and mangrove areas based on DENR Administrative Order 2019-05 "Implementing Rules and Regulations of Republic Act 7586 or the NIPAS Act of 1992, as Amended by Republic Act No. 11038 or the Expanded NIPAS Act of 2018" and DAO 2021-07 entitled "Guidelines on the Establishment of Legal Easements Along the Seas, Rivers, Lakes, Esteros and Creeks".

Submit CSW report with categorical recommendations to this Office within seven (7) days upon receipt of this Memorandum.

For information and immediate compliance.


MAXIMO C. LANDRITO

CDD/PAMBCS/EGG
07-14-2022



MEMORANDUM

JUL 9 6 2022

FOR : The Regional Executive Director
DENR Region 4-B (MIMAROPA)
1515 L & S Bldg., Roxas Blvd., Metro Manila

FROM : The Supervising Ecosystems Management Specialist
In-Charge, Office of the Director

SUBJECT : **LETTER FROM A CERTAIN MR. HELLY Y. ASOY OF SIBUYAN ISLAND, ROMBLON ON THE ALLEGED CONSTRUCTION OF ROAD AND BUNK HOUSES AND CLEARING OF VEGETATION AFFECTING MT. GUITING-GUITING NATURAL PARK (MGGNP) AND ITS BUFFER ZONE**

This pertains to the attached letter dated 17 June 2022 of certain Mr. Helly Y. Asoy of Sibuyan Island in Romblon informing us of the alleged road construction leading to the seashore in Sitio Talaba, Barangay Taclobo and Barangay Espana, Municipality of San Fernando, Sibuyan Island, Romblon. Said road construction which also involved construction of bunkhouses and clearing of vegetation allegedly affected Mt. Guiting-Guiting Natural Park (MGGNP) including its buffer zones, as well as the easement in the shorelines and the mangrove areas.

Relative thereto, we kindly request your Office through the concerned Protected Areas Superintendent to conduct field validation or investigation and take appropriate administrative and legal actions immediately, as necessary. We would appreciate receiving status update on the matter.

For consideration please.

NORMA M. MOENYAWE

Helly Asoy

Adrian Asoy



Republic of the Philippines
Department of Environment and Natural Resources
BIODIVERSITY MANAGEMENT BUREAU



BMB202202957



UNITED NATIONS OFFICE ON
**ECOSYSTEM
RESTORATION**
2021-2030