

MEMORANDUM

FOR : The Regional Executive Director
DENR, MIMAROPA
1515 L&S Building, Roxas Boulevard,
Ermita Manila

FROM : The Director

SUBJECT : **LETTER OF GOVERNOR PRESBITERO J. VELASCO JR. RE:
REQUEST FOR THE ISSUANCE OF A SPECIAL ORDER
DIRECTING THE ASSET MANAGEMENT TEAM TO
INITIATE TAKE-OVER OF MARCOPPER MINING
CORPORATION'S AREA/S AND IMPROVEMENTS COVERED
BY CANCELLED OR TERMINATED, AND EXPIRED
TENURIAL INSTRUMENTS IN ORDER TO SECURE THE
AREA**

DATE : 23 JUN 2022

This refers to the Memorandum dated May 6, 2022, from Engr. Juancho Pablo S. Calvez, Officer-in-Charge, Office of the Director, Mines and Geosciences Bureau, relative to the above-noted subject.

As stated in the attached letter of Provincial Governor Velasco, Jr., addressed to Secretary Jim O. Sampulna, dated March 22, 2022, the Province of Marinduque expressed their intent to lease the lots in Barangay Balogo, Sta. Cruz, Marinduque, which was formerly leased by Marcopper Mining Corporation. However, the said lots are still in the possession of the former lessee and is continuously refusing to vacate the same despite repeated notices and demands through PENR Officer Imelda Diaz, PENRO Marinduque. Thus, they are requesting the DENR to issue a Special Order directing the duly created Asset Management Team to initiate the take-over of Balogo Port and Warehouse located in Barangay Balogo, Sta. Cruz, Marinduque.

In this regard, and considering that this matter is within that Office's administrative jurisdiction, we are referring the matter to your end with the recommendation that an Asset Management Team be constituted by that Office in accordance with Section 5¹ of DAO 2020-09², for the subsequent turn-over of the said area as set forth in Section 7 of the aforementioned DAO.

For your immediate compliance, please.

Cc:

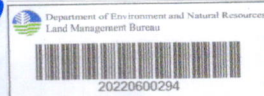
The Director
Mines and Geosciences Bureau
7/F 1515 DENR Building
Roxas Boulevard, Ermita, Manila

Hon. Presbitero J. Velasco, Jr.
Governor
Province of Marinduque
4900

ATTY. EMELYNE V. TALABIS, CESO IV

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HP



¹ Section 5. Creation of an Asset Management Team

² Issued on June 5, 2020. Guidelines on the Management of Cancelled or Terminated, Expiring, and Expired Tenuiral Instruments.

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Republic of the Philippines
Department of Environment and Natural Resources
MINES AND GEOSCIENCES BUREAU

North Avenue, Diliman, Quezon City, Philippines

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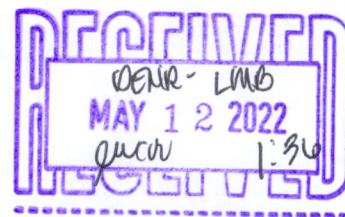
MEMORANDUM

FOR : The Acting Director
Land Management Bureau
880 F.R. Estuar Building
Quezon Ave. Brgy. Paligsahan, Quezon City

FROM : The Officer-in-Charge
Office of the Director
Mines and Geosciences Bureau

SUBJECT : Letter of Governor Presbitero J. Velasco, Jr. in re: Request for the Issuance of a Special Order Directing the Asset Management Team to Initiate Take-over of Marcopper Mining Corporation's Area/s and Improvements Covered by Cancelled or Terminated, and Expired Tenurial Instruments in Order to Secure the Area

DATE : May 6, 2022



This refers to the Letter dated March 22, 2022 of Marinduque Governor Presbitero J. Velasco, Jr., addressed to the Department of Environment and Natural Resources (DENR) Acting Secretary Jim O. Sampulna, requesting issuance of a Special Order directing the Asset Management Team to initiate take-over of Marcopper Mining Corporation's area/s and improvements covered by cancelled or terminated, and expired tenurial instruments in order to secure the area.

Relative thereto, our Legal Service Division has determined the following:

1. For the request to lease the lots in Barangay Balogo, Sta. Cruz, Marinduque, it is the Land Management Bureau (LMB) which has jurisdiction over them and not the Mines and Geosciences Bureau. Under Section 4 of Commonwealth Act No. 141 or the Public Land Act, "*the Director of Lands shall have direct executive control of the survey, classification, lease, sale or any other form of concession or disposition and management of the lands of the public domain.*" As such, it is the LMB that can order Marcopper Mining Corporation to vacate the lots and surrender the same to the Government; and
2. If there are properties in the contested areas which are already acquired by private persons/entities, the government cannot occupy or possess the same without exercising Eminent Domain – after payment of just compensation, or Police Power – for reasons of health, safety, and the general welfare as the case may be.

"MINING SHALL BE PRO-PEOPLE AND PRO-ENVIRONMENT
IN SUSTAINING WEALTH CREATION AND IMPROVED QUALITY OF LIFE."

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In view thereof and considering that the matter is within your purview, we are endorsing the matter to your Office, for your recommendation/ appropriate action. Kindly direct your reply to Gov. P. J. Velasco, Jr., copy furnish the DENR Secretary and this Office.



5/10/2022 Memorandum 7:33 AM


NGR. JUANCHO PABLO S. CALVEZ

* *

cl.: as stated



The Secretary

Department of Environment and Natural Resources
Visayas Avenue, Diliman, Quezon City
DENR-AS RMD- 2022-007959

The Regional Director

Mines and Geosciences Bureau MIMAROPA Region
7/F, 1515 DENR Building
Roxas Boulevard, Ermita, Manila

Hon. Presbitero J. Velasco, Jr.

Governor
Province of Marinduque
4900 Boac, Marinduque



Office of the Governor

22 March 2022

HON. JIM O. SAMPULNA, CESO I

Secretary

Office of the Secretary

Department of Environment and Natural Resources

DENR Building, Visayas Avenue 1101

Quezon City, Metro Manila

RE: Request for the issuance of a Special Order directing the Asset Management Team to initiate take-over of the area/s and improvements covered by cancelled or terminated, and expired tenurial instruments in order to secure the area

Dear Secretary Sampulna,

Good day!

The Province of Marinduque has already expressed our intent to lease the lots in Barangay Balogo, Sta. Cruz, Marinduque, owned by the Republic of the Philippines under the management of the Department of Environment and Natural Resources.

However, Marcopper Mining Corporation, the former lessee of the aforementioned property, is still in possession of the said property and continuously refusing to vacate the same despite repeated notice and demand to vacate the same, thru DENR-PENRO Marinduque Imelda Diaz.

Relative to our meeting last March 18, 2022, we are requesting from your good office to issue a Special Order directing the duly created Asset Management Team to initiate take-over of Balogo Port and Warehouse located at Barangay Balogo, Sta. Cruz, Marinduque and to secure possession of the same.

We are hoping for your utmost support and immediate action regarding this matter.

Respectfully submitted.

Yours Truly,

HON. PRESBITERO J. VELASCO, JR

Provincial Governor