



Republic of the Philippines  
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES  
Visayas Avenue, Diliman, Quezon City  
Tel. No. 929-6626 to 29; 929-6633 to 35  
926-7041 to 43; 929-6252; 929-1669  
Website: <https://www.denr.gov.ph> / Email: [web@denr.gov.ph](mailto:web@denr.gov.ph)

MIMAROPA RECORDS SECTION  
**RECEIVED**  
02 JUN 2022  
1 INC. [ ] OUTGOING  
DATE NO. [ ]  
7-1012-85598-10

**MAY 31 2022**  
**MEMORANDUM**

FOR : **The Regional Executive Director**  
DENR Region IV-B MIMAROPA  
1515 L&S Building, Roxas Boulevard, Ermita, Manila  
[mimaroparegion@denr.gov.ph](mailto:mimaroparegion@denr.gov.ph)

ATTENTION : **The Chief**  
Legal Division, DENR Region IV-B MIMAROPA  
[denr4blegal@gmail.com](mailto:denr4blegal@gmail.com)

FROM : **The Director**  
Legal Affairs Service

SUBJECT : **PLANNED EJECTMENT COMPLAINT AGAINST  
MARCOPPER MINING CORPORATION (MMC)**

This refers to the Letter<sup>1</sup> of the Office of the Solicitor General (OSG) dated 20 April 2022 as regards the filing of a complaint for ejectment and payment of sum of money with prayer for preliminary mandatory injunction against Marcopper Mining Corporation (MMC).

This Office was furnished with a copy of the letter addressed to the Regional Executive Director of DENR MIMAROPA wherein the OSG is requesting for a copy of several documents in support of the planned action.

Please note that this civil case is distinct from the suggested administrative action to eject the corporation from the premises of the Balogo Port in Marinduque with the issuance of a Final Notice to Vacate.

In this regard, this Office is endorsing said OSG Letter to you for your information and appropriate action.

  
NORBERTO A. ENERAN, LL.M., CESO III

Copy furnished:

The Undersecretary  
Legal, Administration, Human Resources and  
Legislative Affairs

The Assistant Secretary  
Legal Affairs

PENRO Marinduque  
Capitol Compound, Barangay Bangbangalon  
Boac, Marinduque

Hon. Presbitero Velasco Jr.  
Governor, Provincial Government of Marinduque

ASG Gilbert U. Medrano  
Office of the Solicitor General  
134 Amorsolo St., Legazpi Villa, Makati City

<sup>1</sup>Copy attached as Annex "A"





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DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES  
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MAY 31 2022

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[denr4blegal@gmail.com](mailto:denr4blegal@gmail.com)

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Legal Affairs Service

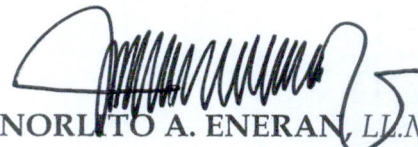
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NORLITO A. ENERAN, LL.M., CESO III  
sgr

Copy furnished:

**The Undersecretary**  
Legal, Administration, Human Resources and  
Legislative Affairs

**The Assistant Secretary**  
Legal Affairs

**PENRO Marinduque**  
Capitol Compound, Barangay Bangbangalon  
Boac, Marinduque

**Hon. Presbitero Velasco Jr.**  
Governor, Provincial Government of Marinduque

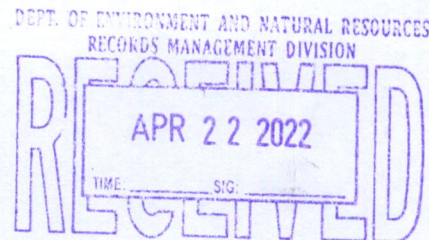
**ASG Gilbert U. Medrano**  
Office of the Solicitor General  
134 Amorsolo St., Legazpi Villa, Makati City

<sup>1</sup>Copy attached as Annex "A"





Republic of the Philippines  
**OFFICE OF THE SOLICITOR GENERAL**



20 April 2022

**LORMELYN E. CLAUDIO, CESO IV**

*OIC, Regional Executive Director*

Department of Environment and Natural Resources (DENR)

MIMAROPA Regional Office No. IV-B

1515, L&S Building,

Roxas Boulevard, Ermita, Manila

Re: Follow-up on planned Ejectment Complaint against  
Marcopper Mining Corporation (MMC)

Attention: **ATTY. GANDHI G. FLORES**  
*Chief, Legal Division*

Dear *OIC RED Claudio*:

This refers to the Office of the Solicitor General's (OSG) letter dated 18 March 2022 as regards the planned filing of a complaint for ejectment and payment of sum of money with prayer for preliminary mandatory injunction against MMC.

It may be recalled that in said letter, we raised and/or inquired the following:

1. certified true or authenticated copies of the necessary documents;
2. updated computation of arrears collectible from 2001 up to the present;
3. environmental violations of MMC, if any, which we may use in (a) the planned complaint for ejectment to support a prayer for temporary restraining order and/or preliminary injunction, and/or (b) separate case; and
4. the intended DENR representative/signatory of the planned complaint and inputs to said draft, if any.

May we have an update or feedback anent said letter.



Relatedly, may we inform your good office that we took the liberty to inquire with the Department of Transportation (DOTr) the status of the repair and rehabilitation of Balogo Port. The DOTr, through Undersecretary Giovanni Z. Lopez, informed us that Php300 million has indeed been appropriated under the General Appropriations Act; that it has submitted the requisite special Budget Request; and that it awaits the Department of Budget and Management's (DBM) release of the Special Allotment Release Order (SARO). A copy of DOTr's letter dated 04 April 2022 to the OSG is attached for your immediate reference.

If you find it necessary, we can have a strategic meeting (in virtual or electronic form) on the matter, including the possible non-judicial remedies available to the Government.

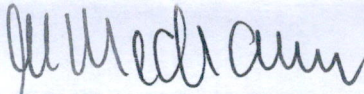
You may contact Associate Solicitor Rigel C. Bajande or Ms. Ernelyn Joy C. Santos, this office, with the following numbers: landline 8988-1674 loc.738, mobile 0927-2837348 and email addresses: [rcbajande@osg.gov.ph](mailto:rcbajande@osg.gov.ph) and [rigelbajande@gmail.com](mailto:rigelbajande@gmail.com).

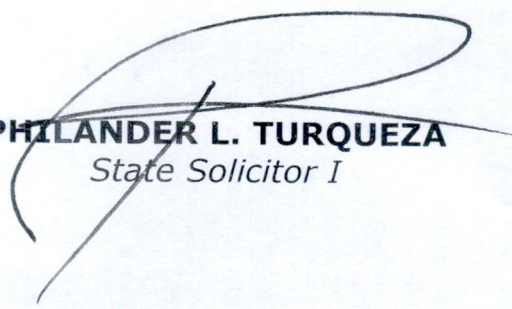
Thank you very much.

Very truly yours,

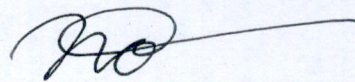
**JOSE C. CALIDA**  
*Solicitor General*

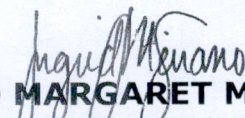
By:

  
**GILBERT U. MEDRANO**  
*Assistant Solicitor General*

  
**PHILANDER L. TURQUEZA**  
*State Solicitor I*



For:   
**RIGEL C. BAJANDE**  
*Associate Solicitor I*

  
**INGRID MARGARET M. SERRANO**  
*Associate Solicitor I*

attachment: a/s

Copy furnished:

**ATTY. ERNESTO D. ADOBO JR., CESO I**  
*Undersecretary for Legal, Administration,  
Human Resources and Legislative Affairs*  
DENR Central Office  
Visayas Ave., Diliman  
Quezon City

**ATTY. NORLITO A. ENERAN, LLM, CESO III**  
*Director, Legal Affairs Service*  
DENR Central Office  
Visayas Ave., Diliman,  
Quezon City

**HON. PRESBITERO J. VELASCO, JR.**  
*Governor*  
Province of Marinduque  
Provincial Capitol, Provincial Capitol Street,  
Boac, Marinduque

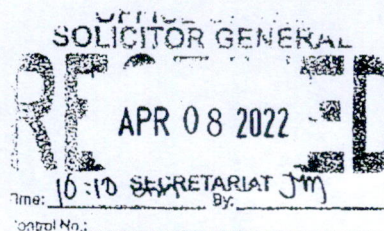




Republic of the Philippines  
**DEPARTMENT OF TRANSPORTATION**

04 April 2022

**Atty. RIGEL C. BAJANTE**  
Associate Solicitor I  
Office of the Solicitor General  
Legaspi Village, Makati City



Dear Atty. Bajante:

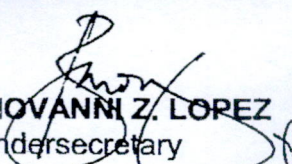
This has reference to your letter requesting for a copy of the Certificate of Availability of Funds and/or Program of Work for the Repair/Rehabilitation of Balogo Port in Sta. Cruz, Marinduque.

In relation thereto, we wish to inform you that funds for the Repair/Rehabilitation of Balogo Port in Sta. Cruz, Marinduque, while included in the CY 2022 General Appropriations Act in the amount of P300 Million, has been classified by the Department of Budget and Management (DBM) under "For Later Release", hence, subject to the submission of Special Budget Request (SBR) for the release of its covering allotment. Accordingly, we have already sent our SBR for the same to DBM on 23 March 2022 after having completed and collated all the necessary supporting documents, copy of DBM's Acknowledgement Receipt is attached for your reference. Pending release of the allotment (SARO) for the same, we shall not be able to issue a Certificate of Availability of Funds.

Likewise attached, for your perusal and reference, is a copy of your requested Program of Work for the Repair/Rehabilitation of Balogo Port.

Thank you very much.

Very truly yours,

  
**GIOVANNI Z. LOREZ**  
Undersecretary

Cc : Office of the Secretary, DOTr  
Governor Presbitero J. Velasco, Jr., Provincial Capito, Boac, Marinduque  
Atty. Gilbert U. Medrano, Assistant Solicitor General, OSG, Makati City  
Atty. Philander L. Turqueza, State Solicitor I, OSG, Makati City  
Atty. Ingrid Margaret M. Serrano, Associate Solicitor I





Republic of the Philippines  
**OFFICE OF THE SOLICITOR GENERAL**

28 March 2022

**HON. ARTHUR P. TUGADE**

*Secretary*

Department of Transportation (DOTr)  
APO Court along Sergio Osmeña Street,  
Clark Freeport Zone, Pampanga, Philippines  
(via registered mail and e-mail)

Attention: **Atty. Giovanni Z. Lopez**  
*Chief of Staff*  
DOTr

Dear *Atty. Lopez*,

We write in relation to a possible complaint for unlawful detainer that the Department of Environment and Natural Resources (DENR) together with the Office of the Solicitor General (OSG), is planning to file against a certain party.

Under Page 415, Volume No. I of the General Appropriations Act of 2022, the DOTr has allotted a total amount of Three-Hundred Million Pesos (PhP300,000,000.00) for the Repair/Rehabilitation of the Balogo Port in Sta. Cruz, Marinduque. As such, may we request for a copy of the Certificate of Availability of Funds and/or program of work details for the said port project.

For ease of communication, you may reach Associate Solicitor Rigel C. Bajande or Ms. Emelyn Joy C. Santos, this office, with the following numbers: landline 8988-1674 loc.738, mobile 0927-2837348 and email addresses: [rcbajande@osg.gov.ph](mailto:rcbajande@osg.gov.ph) and [rigelbajande@gmail.com](mailto:rigelbajande@gmail.com).

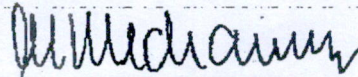
Thank you very much and more power!

Very truly yours,

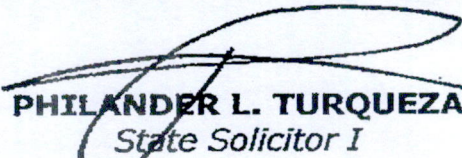
**JOSE C. CALIDA**  
*Solicitor General*



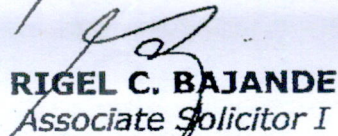
By: \_\_\_\_\_



**GILBERT U. MEDRANO**  
*Assistant Solicitor General*



**PHILANDER L. TURQUEZA**  
*State Solicitor I*



**RIGEL C. BAJANDE**  
*Associate Solicitor I*



**INGRID MARGARET M. SERRANO**  
*Associate Solicitor I*

*Copy furnished:*

**HON. PRESBITERO J. VELASCO, JR.**  
*Governor*  
Province of Marinduque  
Provincial Capitol, Provincial Capitol Street,  
Boac, Marinduque





In following-up, pls. cite DMS ref #

**2022-BA-0035338-E**

REPUBLIC OF THE PHILIPPINES  
**DEPARTMENT OF BUDGET AND MANAGEMENT**  
GENERAL SOLANO STREET, SAN MIGUEL, MANILA

**ACKNOWLEDGEMENT RECEIPT**

The **DEPARTMENT OF BUDGET AND MANAGEMENT** hereby acknowledges the receipt of your letter/request which has been uploaded to the DBM-Document Management System and routed to the appropriate office/s with the following information:

Sender: DOTr - PERSONAL DELIVERY

Document Title: DOTr-REQUEST FOR SARO FOR THE REPAIR,REHABILITATION OF BALOGO PORT IN STA. CRUZ MARINDUQUE

Document Reference No: 2022-BA-0035338-E

Date and Time Uploaded: Wednesday, March 23, 2022 9:50:42 AM

Uploaded By: CRD RECEIVING GLENN

Routed To: BMB-A Christine P. Santos

CC:

Total no of pages received: 1 copy and 33 pages

The determination of the completeness of the documentary requirements submitted, if any, is subject to the evaluation of the technical person in charge.

This receipt is system generated and does not require signature.

Received by:



DOCUMENT  
MANAGEMENT  
SYSTEM





Republic of the Philippines  
**DEPARTMENT OF TRANSPORTATION**

04 March 2022

**HON. TINA ROSE MARIE L. CANDA**  
OIC Secretary  
Department of Budget and Management  
General Solano Street, San Miguel  
1005 Manila

**Subject:** Submission of Documentary Requirements for the Issuance of Special Allotment Release Order (SARO) for the Repair/Rehabilitation of Balogo Port in Sta. Cruz, Marinduque

Dear **Secretary Canda**:

Greetings! We are writing to transmit the submitted documentary requirements of the Provincial Government of Palawan and the Provincial Government of Marinduque for the facilitation of the issuance of the Special Allotment Release Order (SARO) for the construction of the following project which was included in the FY 2022 General Appropriations Act (GAA):

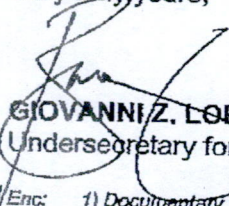
Name of Project	Amount	Implementing Agency
Repair/Rehabilitation of Balogo Port, Sta. Cruz, Marinduque	Php 300,000,000.00	DPWH- Region IV-B

Relative thereto, this Department respectfully endorses the documentary requirements for submission, in order to facilitate the release of the SARO of the subject port project, namely:

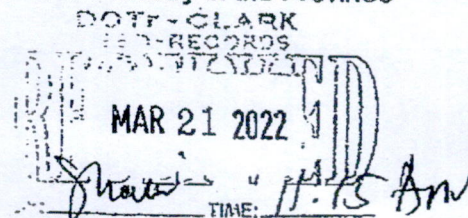
1. Signed Budget Execution Documents
2. Signed BP Form 202
3. Project Profile
4. Implementation and Procurement Timelines
5. Program of Works (POW)
6. Certification as to Existence of the lot for the project
7. Geo- Hazard Certification of the Project
8. Cost- benefit analysis of the project
9. Certificate of Structural Integrity/Resiliency by DPWH/DOTr Engineers
10. Environmental Clearance from DENR-EMB/equivalent certificate from MDRRMO/MPDO that the location of the project is not within a protected area.

We sincerely hope for your favorable response on our request, for the immediate realization of the subject port projects, and for the anticipated growth of the Maritime Industry in the Province of Marinduque.

Very truly yours,

  
**GIOVANNI Z. LOPEZ**  
Undersecretary for Finance

Enc: 1) Documentary Requirements to support the Release of SARO for the Repair/Rehabilitation of Balogo Port





Republic of the Philippines  
DEPARTMENT OF TRANSPORTATION  
Project Management Service  
Clark Freeport Zone, Pampanga

## INDIVIDUAL PROJECT PROGRAM OF WORK

(1) Date January 6, 2021  
(2) Agency DOTC  
(3) Region IV-B  
(4) City/Municipality Sta. Cruz, Marikinaque

<p>(5) Name / Location of Project</p> <p style="text-align: center;"><b>REPAIR/REHABILITATION OF BALOGO PORT</b></p> <p style="text-align: center;">Sta Cruz, Marikinaque</p>	<p>(7) Source of Fund</p> <p style="text-align: center;">C.Y. 2022 GAA</p>	<p>(8) Issued Obligated Authority</p>	<p>(9) Funding Warrant</p>		
<p>(6) Plan Set No.</p>		<p>(10) Project Description</p> <p style="text-align: center;">REHABILITATION OF BALOGO PORT</p>			
<p>(11) Number of Calendar Days to Complete</p> <p style="text-align: center;">Duration : Two Hundred Seventy (270) Calendar Days</p>		<p>(12) Technical Personnel Required</p> <p>1-Civil Engineer I- Instrumentation I- Survey Aide 1-Safety Engineer 1-Materials 1-Function</p>			
<p>(13) Equipment to be Used</p> <p>Concrete Mixer, Backhoe, Payloader, Dumptruck, Tandem Roller, Ro One Bagger Concrete Mixer, Bar Cutter, Concrete Vibrator, 40kva Generator set, Water Tank Truck, Welding Machine, cutting Outfit Truck Mounted Feeder Crane, Crawler Crane, Barge with Tugboat Diesel Hammer (K40, wt.2100s), Drop Hammer, Abrasive Cutting Machine, Service Vehicle and Minor tools.</p>		<p>(14) Estimated Cost by Item of Work (Materials, Labor and Equipment)</p>			
<p>(14.1) Scope of Work to be Done ITEM</p>	<p>(14.2) % of Total</p>	<p>(14.3) Unit</p>	<p>(14.4) Quantity</p>	<p>(14.5) Total Amount</p>	<p>(14.6) Unit Price</p>
<p>A. FACILITIES FOR THE ENGINEERS</p> <p>A.1 TEMPORARY FACILITIES</p>	<p>2.03%</p>	<p>lot</p>	<p>1.00</p>	<p>4,500,000.00</p>	<p>4,500,000.00</p>
<p>B. OTHER GENERAL REQUIREMENTS</p> <p>B.1 MOBILIZATION &amp; DEMOBILIZATION</p> <p>B.2 HEALTH AND SAFETY</p>	<p>1.10%</p>	<p>lot</p>	<p>1.00</p>	<p>2,400,000.00</p>	<p>2,400,000.00</p>
<p>C. REHABILITATION OF BALOGO PORT</p> <p>Rehabilitation of existing concrete pier with lock-up area and RORO ramp Construction of Terminal Shed Concreting of Access Road Utilities</p>	<p>96.87%</p>	<p>lot</p>	<p>1.00</p>	<p>210,300,000.00</p>	<p>210,300,000.00</p>
<p>*** nothing follows ***</p>					
TOTAL DIRECT COST	100.00%			P219,000,000.00	



BREAKDOWN OF ESTIMATED EXPENDITURES	AMOUNT	% OF TOTAL
<b>I. ESTIMATED DIRECT COST</b>		
<b>A. DIRECT COST</b>	<b>219,000,000.00</b>	<b>73.00%</b>
1. LOT ACQUISITION		
1.1 IMAGE		
1.2 SURVEY WORKS		
1.3 APPRAISAL		
2. MATERIALS		
2.1 COST AT SOURCE		
2.2 TRANSPORT EXPENSES		
2.3 STORAGE COST		
3. LABOR		
3.1 DIRECT LABOR		
4. EQUIPMENT EXPENSES		
4.1 RENTALS		
5. MOBILIZATION / DEMOBILIZATION		
<b>B. INDIRECT COST</b>	<b>71,978,130.00</b>	<b>23.99%</b>
1. OCM		
1.1 OVERHEAD		
1.2 CONTINGENCIES		
1.3 MISCELLANEOUS		
2. CONTRACTOR'S PROFIT		
3. V.A.T. & CONTRACTOR'S TAX		
<b>SUB-TOTAL</b>	<b>P290,978,130.00</b>	<b>96.99%</b>
<b>II. ESTIMATED GOVERNMENT EXPENSES</b>		
1. ROW / SITE ACQUISITION		
2. SOIL EXPLORATION		
3. PROJECT MANAGEMENT		
4. MATERIALS TO BE FURNISHED BY THE GOVERNMENT		
<b>SUB-TOTAL</b>	<b>P9,000,000.00</b>	<b>3.00%</b>
<b>III. CONTINGENCY RESERVES</b>		
1. PHYSICAL		
2. PRICE ESCALATION		
<b>SUB-TOTAL</b>	<b>P21,570.00</b>	<b>0.01%</b>
<b>TOTAL PROJECT ESTIMATED COST</b>	<b>P300,000,000.00</b>	<b>100.00%</b>

Prepared by:

ROGELYN S. SAPIONG  
Engineer I

Checked by:

CELESTE D.L.  
RAMOS  
Engineer II

Submitted by:

SANTY M. ZAPATA  
Head, EADD

Recommending Approval:

ROLANDO D. LARA

Appraised by:

VADM. NARCISO A. VINGSON, JR.