



Republic of the Philippines  
**Department of Environment and Natural Resources**  
MIMAROPA Region

PROVINCIAL ENVIRONMENT AND NATURAL RESOURCES OFFICE

Bgy. Sta. Monica, Puerto Princesa City, Palawan

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DENR MIMAROPA RECORDS SECTION	
10 OCT 2022	
<input checked="" type="checkbox"/> INCOMING	<input type="checkbox"/> OUTGOING
BY	DATE NO.

September 29, 2022

**MEMORANDUM**

**FOR** : The Regional Executive Director  
DENR MIMAROPA Region  
1515 L&S Bldg., Roxas Blvd.  
Ermita, Manila

**TO** : The Regional Director  
MGB –MIMAROPA Region  
1515 L&S Bldg., Roxas Blvd.  
Ermita, Manila

**THRU** : The OIC, ARD for Technical Services

**FROM** : Provincial Environment and  
Natural Resources Officer

**SUBJECT** : **FIELD MONITORING OF SAND AND GRAVEL ACTIVITIES  
WITHIN THE MUNICIPALITY OF BROOKE'S POINT,  
PALAWAN**

Forwarded is the Memorandum dated 19 September 2022 of CENRO Brooke's Point transmitting the appended report dated 5 September 2022 from the MGB-MIMAROPA embedded personnel of that office regarding the above subject.

It is informed that field monitoring of Sand and Gravel activities are being conducted regularly to minimize if not totally eradicate the illegal activities of the same.

For information, record and information.

  
FELIZARDO B. CAYATOC

Copy Furnished:  
The Provincial Mining Regulatory Board  
OISCA Rd. Sta. Monica, Puerto Princesa City  
RGT/EMU Doc. No. 2022-8584

DENR-PALAWAN  
PENRO-RECORDS  
**RELEASED**  
By *Alve*  
Date **03 OCT 2022** CN **22-2559**



Republic of the Philippines  
Department of Environment and Natural Resources  
MIMAROPA Region  
**COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE**  
Brooke's Point, Palawan

September 19, 2022

**MEMORANDUM**

**FOR :** The Regional Executive Director  
DENR MIMAROPA Region  
Roxas Boulevard, Ermita, Manila

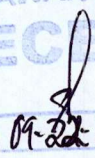
**THRU :** The Regional Director  
MGB MIMAROPA Region  
Roxas Boulevard, Ermita, Manila

The PENRO and Concurrent Acting PMRB Chairperson  
Sta. Monica, Puerto Princesa, Palawan

**FROM :** The CENRO  
Brooke's Point, Palawan

**SUBJECT :** **FIELD MONITORING OF SAND AND GRAVEL ACTIVITIES  
WITHIN THE MUNICIPALITY OF BROOKE'S POINT, PALAWAN**

DENR PENRO  
PALAWAN RECORDS  
RECEIVED

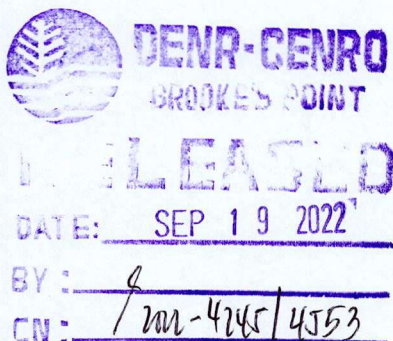
BY:   
DATE: 09-22-2022 22-8584

Respectfully forwarded is the report dated September 5, 2022 from the MGB-MIMAROPA Embedded Personnel of this Office regarding the above-cited subject. Please be informed that a composite team conducted field monitoring of sand and gravel activities last August 3, 2022 on the following areas:

1. Tamlang Irrigation Dam, Brgy. Samariniana, Brooke's Point, Palawan;
2. Tamlang River, Brgy. Saraza, Brooke's Point, Palawan;
3. Area covered by Commercial Sand and Gravel (CSAG) Permit granted to Mr. Bryan Contreras situated at Brgy. Saraza, Brooke's Point, Palawan; and
4. Area covered by Expired CSAG Permit granted to Mr. Nomelito Lagan situated at Brgy. Pangobilian, Brooke's Point, Palawan.

In view hereof, this Office would like to seek clarifications on the issues that have arisen during the conduct of field monitoring and further review of documents per this Office's records. Moreover, sand and gravel activities within this Office's jurisdiction will be strictly and continuously monitored in coordination with concerned local government units and concerned agencies.

For information and further evaluation and instruction.



**CONRADO M. CORPUZ**

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Republic of the Philippines  
Department of Environment and Natural Resources  
MIMAROPA Region  
**COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE**  
**Brooke's Point, Palawan**

OFFICE OF THE CENRO  
BROOKE'S POINT, PALAWAN  
September 5, 2022

RECEIVED  
DATE: SEP 08 2022  
ON: 2022-4245 / 2022-4553  
BY: [Signature]

**MEMORANDUM**

**FOR :** The CENR Officer  
Brooke's Point, Palawan

**FROM :** Kate Gabrielle L. Castillo  
Science Research Specialist II/MGB-MIMAROPA Embedded Personnel  
Mines and Geosciences Bureau – MIMAROPA Region

**SUBJECT :** **FIELD MONITORING OF SAND AND GRAVEL ACTIVITIES  
WITHIN THE MUNICIPALITY OF BROOKE'S POINT,  
PALAWAN**

This refers to the memorandum/report dated August 4, 2022 (*Refer to Annex A*) with Document Reference Nos. 2022-4245 and 2022-4553 from Forester I Marlou O. Sorettes and Forest Technician I Ratib M. Melosin regarding the above-cited subject.

**I. Per field monitoring report dated August 4, 2022:**

In coordination with personnel from Palawan Council for Sustainable Development and Municipal Environment and Natural Resources Office, the team conducted field monitoring of sand and gravel activities within the municipality of Brooke's Point, Palawan last August 3, 2022 on the following areas:

**A. Tamlang Irrigation Dam, Brgy. Samariniana, Brooke's Point, Palawan**

1. During the field monitoring, it was observed that no sand and gravel activities were being conducted on the upstream of Tamlang Irrigation Dam, however, traces of excavation were evident in the area.
2. JCBB Construction, allegedly owned by a certain Mrs. Divine Bautista, was identified to be the contractor excavating sand and gravel from the dam. One (1) unit of backhoe and one (1) unit of dump truck were seen parked near the stockpiles of aggregates.
3. Per interview with Mr. John Wesley V. Baladjay, a wheel loader operator, he was not aware of the pertinent documents that were secured by the contractor for the said activities. Said aggregates were being transported via mixer and used for concreting project at Brgy. Salogon, Brooke's Point, Palawan under the program of the National Task Force to End Local Communist Armed Conflict (ELCAC).

4. Geographic Information System (GIS) – generated map disclosed that the contractor's stockyard is approximately 426.46 meters away from the dam.

**B. Tamlang River, Brgy. Saraza, Brooke's Point, Palawan**

1. One (1) unit of backhoe was seen by the inspection team along Tamlang River during the field monitoring. According to Hon. Erlito Paalan, *Barangay Kagawad* of Saraza, excavated sand and gravel were transported via mixer to Brgy. Amas by NRNS Trading and Construction (NRNS) for the concreting project under the program of the National Task Force to ELCAC and for the gravelling of barangay roads. The team instructed Hon. Paalan to stop the operation and explained that a Cease and Desist Order (CDO) was issued to Barangay Local Government Unit (BLGU) – Saraza and Municipal Local Government Unit (MLGU) – Brooke's Point dated July 8, 2021.
2. Mr. Vincent Lao, Project Supervisor of NRNS, and Mr. Edgar Mortimor, personnel from Provincial Mining Regulatory Board (PMRB) – Palawan, arrived in the said area and apprised the team that there is xerox/machine copy of Certification from PMRB – Palawan which allowed them to extract aggregates in the area.

**C. Area covered by Commercial Sand and Gravel (CSAG) Permit granted to Mr. Bryan Contreras situated at Brgy. Saraza, Brooke's Point, Palawan**

1. The inspection team observed an on-going extraction of sand and gravel concentrated on the downstream portion of the permit area. It was also noted that visible or prominent markings of the boundaries of said area were incomplete and some of the buffer zone was not maintained during the operation.
2. Using Global Positioning System (GPS) – based field tracking and GIS – generated map, it was delineated that a total area of 0.9632 hectare was excavated beyond the approved permit area.

**D. Area covered by Expired CSAG Permit granted to Mr. Nomelito Lagan situated at Brgy. Pangobilian, Brooke's Point, Palawan**

1. Six (6) units of yellow dump trucks and one (1) unit of backhoe on standby were observed within the area covered by the expired CSAG Permit. The inspection team requested for any permit/document for the extraction of sand and gravel within said area.
2. Through a phone call, Engr. Anthony Ross D. Estrada, Engineer II of Provincial Engineering and Pool Office (PEPO), mentioned that they have a xerox copy of Certification from PMRB – Palawan which allowed them to extract aggregates for road gravelling under the program of the National Task Force to ELCAC. The team requested a copy of said document for this Office' information and further clarification.

## **E. Recommendations of the Inspection Team**

1. Issuance of CDOs to the following personalities: Mrs. Bautista (JCBB Construction), Engr. Estrada (Project Engineer), Mr. Lagan, and Mr. Lao (Project Supervisor, NRNS)
2. Conduct of monitoring of illegal sand and gravel activities

## **II. Per document review of the undersigned:**

### **A. Tamlang Irrigation Dam, Brgy. Samariniana, Brooke's Point, Palawan**

1. Based on this Office's records, hereunder is the timeline of events relative to sand and gravel activities conducted near and on Tamlang Irrigation Dam:

<b>DATE</b>	<b>EVENTS</b>
June 1, 2021	<p>Submission to CENR Office the Investigation Report on the Complaint of Mrs. Febe Tamaño regarding Alleged Illegal Sand and Gravel Extraction near Lot No. 3129 located in Brgy. Saraza, Municipality of Brooke's Point, Palawan</p> <p>Submission to CENR Office the Investigation Report on the Complaint of Mr. Carlito T. Valdestamon regarding Alleged Illegal Sand and Gravel Extraction near Tamlang Irrigation Dam located in Sitio Tamlang, Brgy. Samariniana, Municipality of Brooke's Point, Province of Palawan</p> <ul style="list-style-type: none"><li>• The inspection team observed two stationary screening units and excavations with approximately one to two meters in depth.</li><li>• Ivy Michelle Construction and Trading Inc. (Ivy Michelle) was identified to be personality conducting extraction and haulage of aggregates within the subject area. No permits/documents were presented to the inspection team.</li></ul>
June 7, 2021	<p>Submission of Memorandum for the Regional Executive Director (RED) of DENR MIMAROPA Region and the Regional Director (RD) of MGB MIMAROPA Region thru PENR Officer endorsing field inspection reports both dated June 1, 2021 for information, record, and further instruction</p> <p>Issuance of Order by this Office to Ivy Michelle to cease and desist from further conducting sand and gravel activities in any public and private areas until such time that required permit/s are secured from proper authority</p>
July 5, 2021	Submission to CENR Office the Incident Report on the

	<p>Illegal Sand and Gravel Extraction of Ivy Michelle near Tamlang Irrigation Dam located in Sitio Tamlang, Brgy. Samariniana, Brooke's Point, Palawan</p> <ul style="list-style-type: none"> <li>• One (1) unit dump truck and one (1) unit wheel loader were observed to be extracting and hauling sand and gravel during field monitoring. The inspection team intercepted and requested any permit/document for said operation.</li> <li>• Driver of truck dumped the aggregates without warning despite the team's objection and fled from the area.</li> <li>• GPS – based tracking and GIS – generated map showed that the subject area under extraction had increased comparing to the delineated area per investigation reports dated June 1, 2021.</li> </ul>
July 8, 2021	Submission of Memorandum for PENR Officer and Concurrent Acting PMRB Chairperson endorsing incident report dated July 5, 2021 for information, record, and further instruction
August 5, 2021	Issuance of Order by MGB MIMAROPA Region to Ivy Michelle to cease and desist from further conducting sand and gravel activities in any public and private areas until such time that required permit/s are secured from proper authority
March 3, 2022	<p>Submission of Memorandum to PENR Officer and Concurrent Acting PMRB Chairperson endorsing Request for Sand and Gravel from the Upstream of Tamlang Irrigation Dam and Utilization of Said Materials for Backfilling Purposes</p> <ul style="list-style-type: none"> <li>• This Office endorsed the letter from the President of Samariniana Irrigators Service Association regarding said request for information and further evaluation/instruction.</li> </ul>
May 27, 2022	<p>Submission to CENR Office the Field Investigation Report on the Inquiry of Mrs. Febe Tamaño regarding Sand and Gravel Activities of JCBB Construction located at Brgy. Samariniana, Brooke's Point, Palawan</p> <ul style="list-style-type: none"> <li>• Per interview with Hon. Federico V. Dagwat, Jr., <i>Punong Barangay</i> of Samariniana, while waiting for the approval of the barangay's sand and gravel permit application, extraction and transportation of aggregates must be conducted to prevent the delay of the construction of their barangay project.</li> <li>• No sand and gravel activities were being conducted</li> </ul>

	<p>during field inspection but equipment of JCBB Construction were observed to be on and near the dam.</p> <ul style="list-style-type: none"> <li>Representative of JCBB Construction presented to the inspection team the Memorandum dated March 3, 2022 from this Office to PENR Officer and Concurrent Acting PMRB Chairperson. Said endorsement is not equal to a valid mining permit.</li> </ul>
June 3, 2022	<p>Submission of Memorandum for PENR Officer and Concurrent Acting PMRB Chairperson endorsing field investigation report dated May 27, 2022 for information, record and further instruction</p> <p>Issuance of Order by this Office to Hon. Dagwat, Jr. to cease and desist from further conducting sand and gravel activities in any public and private areas until such time that required permit/s are secured from proper authority</p>
July 19, 2022	<p>Submission to CENR Office the Report on the Monitoring/Surveillance of the Illegal Extraction Transportation of Sand and Gravel at Sitio Tamlang, Brgy. Samariniana, Brooke's Point, Palawan</p> <ul style="list-style-type: none"> <li>JCBB Construction was caught in the act of loading and transporting aggregates from their stockyard. No permits/documents were presented to the inspection team to prove the legality to conduct sand and gravel activities.</li> </ul>

#### **B. Tamlang River, Brgy. Saraza, Brooke's Point, Palawan**

- Hereunder is the timeline of events relative to reported sand and gravel activities conducted on Tamlang River, Brgy. Saraza, Brooke's Point, Palawan based on this Office's records:

<b>DATE</b>	<b>EVENTS</b>
July 7, 2021	<p>Submission to CENR Office the Investigation Report regarding Complaint against Punong Barangay Rommel Mahinay on the Alleged Non-Issuance of Endorsement for the Renewal of CSAG Permit of Mr. Karl Louie V. Valdestamon and Allowing Illegal Sand and Gravel Operations in Brgy. Saraza, Brooke's Point, Palawan with Ticket Reference No. PCC-CYR-06-10-2021-093</p> <ul style="list-style-type: none"> <li>The investigation further revealed the rampant extraction of sand and gravel without an approved mining permit for government projects/works. The MLGU – Brooke's Point and BLGU – Saraza were advised to secure Government Gratuitous Permit for the extraction of sand and gravel for</li> </ul>

	government projects/works from PMRB – Palawan.
July 8, 2021	Submission of Memorandum for RED of DENR MIMAROPA Region and RD of MGB MIMAROPA Region thru PENR Officer endorsing field investigation report dated July 7, 2021 for information, record, and further instruction
	Issuance of Orders by this Office to BLGU – Saraza and MLGU – Brooke’s Point to cease and desist from further conducting sand and gravel activities in any public and private areas until such time that required permit/s are secured from proper authority
August 24, 2021	Letter from MGB MIMAROPA Region to BLGU – Saraza and MLGU – Brooke’s Point advising them to refrain from further conducting sand and gravel activities until the necessary mining permit has been secured

**C. Area covered by Commercial Sand and Gravel Permit granted to Mr. Contreras situated at Brgy. Saraza, Brooke’s Point, Palawan**

1. The CSAG permit denominated under CP (PLW) No. 371 granted to Mr. Contreras is located at Brgy. Samariniana, Brooke’s Point, Palawan with an approved area of 1.9070 hectares. It was issued on October 11, 2021 and is valid until October 10, 2022.
2. A Memorandum dated August 5, 2022 was sent from this Office for RED of DENR MIMAROPA Region and RD of MGB MIMAROPA Region through the PENR Officer and Concurrent Acting PMRB Chairperson endorsing the Inspection Report on the Complaint of Mr. Arman Du regarding Alleged Extraction of Sand and Gravel undertaken by Mr. Contreras within titled property of Mr. Jose Belleza identified as Lot No. 2294, PLS-96 in Brgy. Saraza, Brooke’s Point, Palawan.

In response to the letter from Mr. Du and Memorandum from the RD of MGB MIMAROPA Region, an investigation was conducted by a composite team on August 3, 2022. Through GPS – based field tracking and GIS – generated map, the following areas were delineated:

	AREA (in hectares)
<b>AREA WITHIN CSAG PERMIT</b>	
1. Total Area stipulated on CSAG Permit	1.9070
2. Area within Lot No. 2294, PLS-96	approximately 0.5778
3. Area within Lot No. 2495, PLS-96	approximately 0.3186
4. Area within Lot No. 2498, PLS-96	approximately 0.2787
<b>AREA UNDER EXTRACTION OUTSIDE CSAG PERMIT</b>	
1. Total Area under extraction outside CSAG Permit	approximately 0.9633
a. Area within Lot No. 2294, PLS-96	approximately 0.4645
b. Area within Lot No. 2494, PLS-96	approximately 0.0215
c. Area within Lot No. 2495, PLS-96	approximately 0.3595

d. Area within Tamlang River	approximately 0.1188
<b>AREA UNDER EXTRACTION WITHIN LOT. NO. 2294, PLS-96</b>	
1. Area within permit area	approximately 0.3647
2. Area outside permit area	approximately 0.4645

**D. Area covered by Expired CSAG Permit granted to Mr. Lagan situated at Brgy. Pangobilian, Brooke's Point, Palawan**

1. The CSAG permit denominated under CP (PLW) No. 359 granted to Mr. Lagan is located at Brgy. Pangobilian, Brooke's Point, Palawan with an approved area of 4.9674 hectares. It was issued on August 14, 2020 and was valid until August 13, 2021.
2. Based on the Office's records, a Memorandum dated July 25, 2022 was submitted to this Office regarding Report on the Conduct of Monitoring of Sand and Gravel Activities. During the field monitoring last July 21, 2022, it was disclosed that the extraction and transportation of sand and gravel with an estimated volume of 15 truckloads were conducted within the expired CSAG Permit of Mr. Lagan.

Per interview with Mr. Josue Agacita, driver from PEPO, said aggregates were intended for the road project under the program of the National Task Force to ELCAC supervised by Engr. Estrada. Through a phone call with Engr. Estrada, it was also found that said operation is conducted with the consent of Mr. Lagan. The inspection team verbally advised to halt the operation until necessary permit is secured from PMRB – Palawan.

Accordingly, Orders were issued by this Office to Engr. Estrada and Mr. Lagan, both dated August 2, 2022, to cease and desist from further conducting sand and gravel activities in any public and private areas until such time that required permit/s are secured from proper authority.

3. A letter dated August 4, 2022 (*Refer to Annex B*) from Engr. Estrada was received by this Office on the same date regarding the submission of the Certification from PMRB – Palawan signed by Mr. Richchristoper C. Magbanua, Program Director of Mining and Quarrying Regulatory Program, on July 25, 2022. The said certification stated the following:

*"This is to certify that this Office interposes no objection to the clearing of waterways activity of Provincial Government of Palawan (PGP) – Provincial Engineering's Office (PEO) for the local government support fund – support to barangay development program of the National Task Force to End Local Communist Armed Conflict (ELCAC) concreting projects located at Bgy. Saraza, Bgy. Amas, Bgy. Samariñana and Bgy. Salogon, Brooke's Point, Palawan considering that no commercial disposition of materials."*

Same Certification was also submitted by Mr. Lagan through a letter dated August 31, 2022 (*Refer to Annex C*) which was received by this Office on September 1, 2022 to clarify the CDO issued to the same. In said letter, Mr. Lagan also stated the following:

*“xxx This action was in support to the ongoing Local Government Projects and Programs. In my simple understanding, all such matter or said activities are within the context of Government inter agency arrangements, and on my part is a simple gesture of support for expeditious completion of said projects.*

*Further with this, we are writing to clarify the matter because said activities coincidentally happened in a property where my application for renewal of quarry permit are in progress. Please be assured that the resultant of this clearing operation will be delivered to the ongoing government projects. xxx”*

Pursuant to Section 73.a. of the Consolidated DENR Administrative Order No. 2010-21 or the “Revised Implementing Rules and Regulations of Republic Act No. 7942, otherwise known as the Philippine Mining Act of 1995”, any government entity/instrumentality must secure the necessary mining permit such as Government Gratuitous Permit to conduct sand and gravel extraction for government projects/works pursuant to:

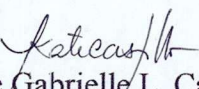
*“Any Government entity/instrumentality in need of quarry, sand and gravel or loose/unconsolidated materials in the construction of building(s) and/or infrastructure for public use or other purposes may apply for a Government Gratuitous Permit with the Provincial Governor/City Mayor through the Provincial/City Mining Regulatory Board... xxx”*

### **III. Recommendations**

In view of the foregoing findings, the undersigned respectfully recommends for the following actions:

1. To refer this report to MGB MIMAROPA Region and PMRB – Palawan for information, evaluation, and further instruction.
2. To request a clarification from PMRB – Palawan regarding the Certification issued on July 25, 2022 that allegedly allows different contractors to extract sand and gravel for government projects without necessary mining permit. Said document created confusion among monitoring agencies because of the different personalities who held copies of said Certification and the exact areas for proposed clearing of waterways were unidentified.
3. To strictly monitor sand and gravel activities within this Office’s jurisdiction in coordination with concerned local government units and other agencies.

For the CENRO’s information, reference, and further instruction.

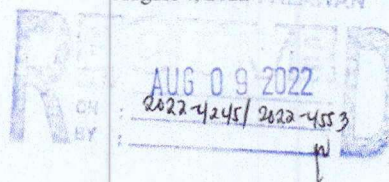
  
Kate Gabrielle L. Castillo

## ANNEX A



Republic of the Philippines  
Department of Environment and Natural Resources  
MIMAROPA Region  
**COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE**  
Brooke's Point, Palawan

OFFICE OF THE CENRO  
BROOKE'S POINT, PALAWAN  
August 4, 2022



### MEMORANDUM

FOR : The Community Environment and  
Natural Resources Officer

FROM : Ratib M. Melosin  
Marlou O. Soretas

SUBJECT : **MULTI-SECTORAL TEAM REPORT ON THE CONDUCT OF  
MONITORING OF SAND AND GRAVEL ACTIVITIES WITHIN  
MUNICIPALITY OF BROOKE'S POINT, PALAWAN.**

Please be informed that the undersigned Multi Sectoral Team (MST) conducted monitoring of sand and gravel activities within the municipality of Brooke's Point, Palawan.

### Facts/Findings:

Presented below are the activities undertaken and actual field findings.

1. On 03 August 2022, the undersigned DENR Personnel in coordination with Palawan Council for Sustainable Development Staff (PCSDS) and Municipal Environment and Natural Resources Office (MENRO) personnel was conducted monitoring on alleged illegal quarry operation at Irrigation Dam of Barangay Samariniana, Brooke's Point, Palawan.

Please be informed that during the undertaking there is no extraction on upstream of Irrigation Dam but there trace of excavation persist.

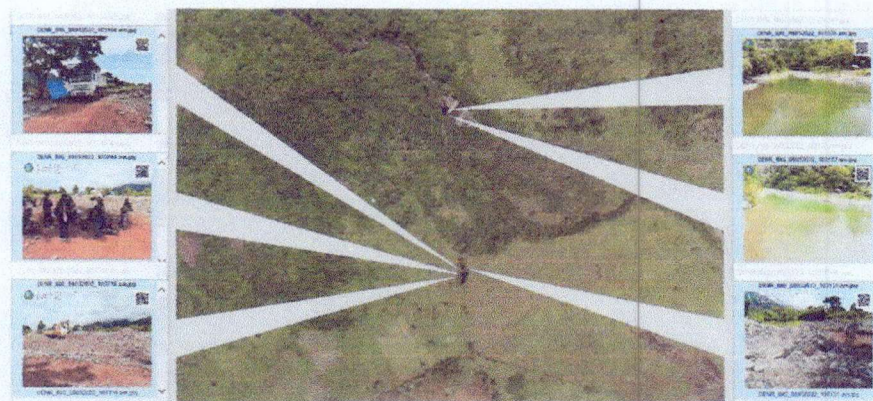
The team observed stockpile/stockyard of sand and gravel within 426.46 meters away from the said irrigation Dam with geographic coordinate of 117°43'48" E, 8°44'49.2" N. The team observed one (1) unit Back hoe and one (1) unit Dump truck parking near stockpile allegedly owned by Mrs. Divine Bautista. On the interview with Mr. John Wesley V. Baladjay a wheel loader operator, insisted that he has no idea on the documents/permit. Accordingly, the sand and gravel aggregates extracted from irrigation Dam by JCBB construction and use for End Local Communist Armed Conflict (ELCAC) concreting project at Barangay Salogon, Brooke's Point, Palawan transported via mixer. They put -up temporarily batching plant without necessary document or Environmental Compliance Certificate from Environmental Management Bureau (EMB). Attached herewith the monitoring report of DENR personnel dated July 19, 2022 same conducted dated July 13, 2022 (**Annex A**).

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M. Rodriguez St. Poblacion District I, Brooke's Point Palawan 5305  
Mobile Phone: Globe: 0917-502-8916; Telephone No. (048) 726-4101  
Email/Gmail: cenrobrookespoint@denr.gov.ph

*The extraction of aggregates without approved mining permit for government projects/works is in violation against Section 103 of Republic Act No. 7942, otherwise known as the "Philippine Mining Act of 1995":*

*"Theft of Minerals. – Any person extracting minerals and disposing the same without a mining agreement, lease, permit, license, or steals minerals or ores or the products thereof from mines or mills or processing plants shall, upon conviction, be imprisoned from six (6) months to six (6) years or pay a fine from ten thousand pesos (PhP10,000.00) to twenty thousand pesos (PhP20,000.00) or both, at the discretion of the appropriate court. In addition, he shall be liable to pay damages and compensation for the minerals removed, extracted, and disposed of. xxx"*



*Showing the relative location of Irrigation Dam and Stockyard by JCBB construction*

2. The team also conducted monitoring of alleged illegal quarry activities with Tamlang River, Barangay Saraza, Brooke's Point, Palawan. We observed one (1) unit Backhoe within geographic coordinate of 117°45'39.6" E, 8°43'22.8" N with estimated distance of 44.73 meters from government Infrastructure Bridge project. According to Kagawad Hon. Erlito Paalan, the extracted Sand and Gravel was transported via mixer to Barangay Amas by NRNS Trading and Construction for ELCAC concreting project and for graveling of Barangay roads. The team instructed Hon. Erlito Paalan to discontinue the operation and explained to him that there is an issued Cease and Desist Order to Barangay Local Government Unit Hon. Romel Mahinay and MLGU Brooke's Point within the said area dated July 8, 2021 based on record.

Based on office records also on August 24, 2021 Hon. Romel Mahinay advising the same to refrain from further conducting Sand and Gravel activities until necessary mining permit has been secured and to monitor said activities in accordance with the powers, duties and function of the Barangay Chief Executive.

In the middle of discussion, the project supervisor of a private contractor NRNS Trading Construction represented by Mr. Vincent Lao and PMRB personnel Mr. Edgar Montimor arrived in the area and they insist that there are xerox/machine copy of Certification from PMRB issued by Program Director, MGRP Richchristopher C. Magbanua accordingly allowing them to extract sand and gravel in the area. Attached

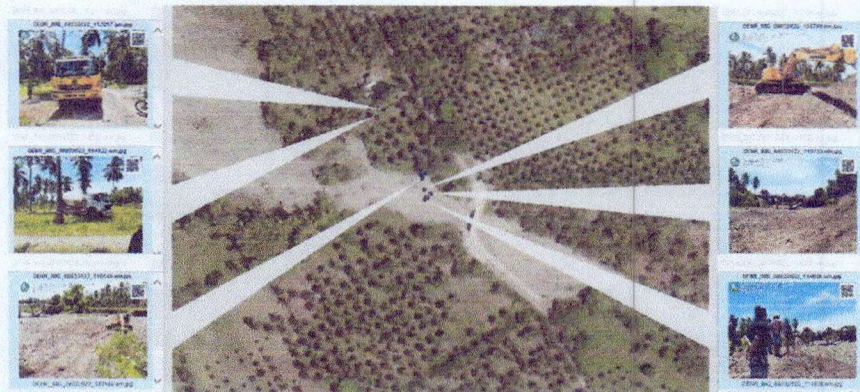
M. Rodriguez St. Poblacion District I, Brooke's Point Palawan 5305  
Mobile Phone: Globe: 0945-257-1402; Smart: 0912-429-0856  
Email/Gmail: cenro\_brkspt@yahoo.com; cenrobrkspt@gmail.com

herewith the Certification stating "This is to certify that this office interposes no objection to the clearing of waterways activities of Provincial Government of Palawan (PGP) – Provincial Engineering's Office (PEO) for the local government support fund – Support to barangay development program of the National Task force to End Local Communist Armed Conflict (ELCAC) concreting projects located at Brgy. Saraza, Brgy. Amas, and Brgy. Salogon, Brooke's Point, Palawan considering that no commercial disposition of materials". This certification as we observed has no clearly defined the exact location of clearing the waterways because they extracted sand aggregates anywhere even in the expired Sand and Gravel permit area at Barangay Pangobilian, Brooke's Point, Palawan. We are confusing that if the aggregates from that say clearing of waterways may be allowed to use by private contractor for their Contract of concreting road projects (**Annex B**).

*The extraction of aggregates without approved mining permit for government projects/works is in violation against Section 103 of Republic Act No. 7942, otherwise known as the "Philippine Mining Act of 1995":*

*"Theft of Minerals. – Any person extracting minerals and disposing the same without a **mining agreement, lease, permit, license**, or steals minerals or ores or the products thereof from mines of mills or processing plants shall, upon conviction, be imprisoned from six (6) months to six (6) years or pay a fine from ten thousand pesos (PhP10,000.00) to twenty thousand pesos (PhP20,000.00) or both, at the discretion of the appropriate court. In addition, he shall be liable to pay damages and compensation for the minerals removed, extracted, and disposed of. xxx"*

It is clearly stated in Section 103 of Republic Act (RA) that the extraction of aggregates without **mining permit** (not a certification) for government project/works is in violation in this Act.



*Showing the location of excavation by NRNS trading construction using Back hoe owned by Provincial Government of Palawan.*

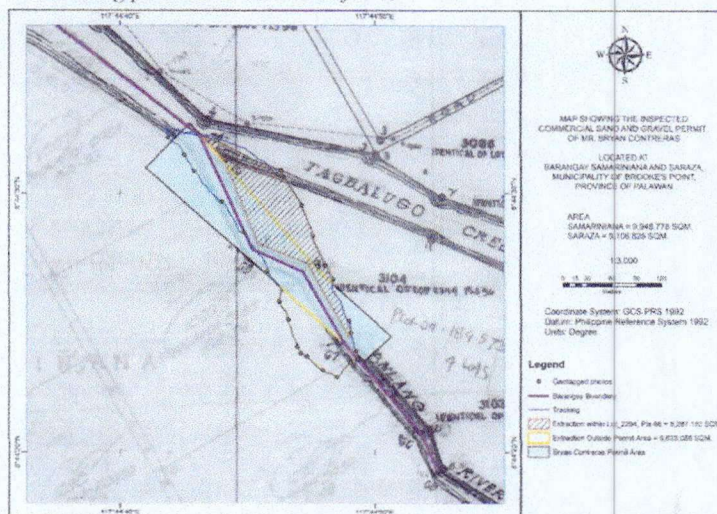
3. The undersigned also conducted monitoring of quarry operation within approved permit of Mr. Bryan Contreras bearing CPA (PLW) No. 880 containing of 1.9070 hectares bounded by Barangay Samariniana and Barangay Saraza based on Cadastral Map.

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During the field monitoring cum inspection/investigation, it was observed that there is an on-going extraction of sand and gravel and the said operation was concentrated on the downstream portion of the permit area. Incomplete visible or prominent markings of the boundaries of the said area were seen as well. Some of the buffer zone was also not maintained during the operation. Using Global Positioning System (GPS) – based field tracking and Geographic Information System (GIS) – generated map, it was delineated that approximate hectarage of 0.5758 North-East and 0.3874 South West with a total of **0.9632 hectare beyond the approved permit area**. Based on GIS generated map 0.8287 hectares is found within Lot No. 2294, PLS – 96 as Mr. Arman Du's objection and 0.1067 hectares is located within the river course of barangay Saraza .

Under **Section 79 b. c. and d.** (General Terms and Conditions of a Quarry/Commercial or Industrial Sand and Gravel/Government Gratuitous/Guano/Gemstone Gathering Permit) of the Consolidated DENR Administrative Order (CDAO) No. 2010-21, otherwise known as the Revised Implementing Rules and Regulations of Republic Act No. 7942, otherwise known as the Philippine Mining Act of 1995:

- b. The extraction, removal, and/or disposition of materials under the Permit shall be confined within the area specified therein, the boundaries of which, according to the application, are established on the ground with prominent marks;*
- c. The Permit Holder shall assume full responsibility and be liable for damages to private and/or public property(ies) that may occasioned by its operations under the Permit;*
- d. The Permit Holder shall manage its operations in a technically and environmentally responsible manner to achieve a safe, non-polluting, and self-sustaining post disturbance landform;*



*Showing the relatively extent of quarry activities of Mr. Bryan Contreras over permit area*

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*Showing the tracking and geo-tagged photos during the conduct of monitoring and investigation*

4. The team also conducted monitoring of alleged quarrying operation at Barangay Pangobilian, Brooke's Point, Palawan. We observed six (6) unit yellow color Dump truck and one (1) unit Back hoe standby within the expired Sand and Gravel Permit of Mr. Nomelito Lagan. The team checked if there is a permit to extract sand and gravel within the area. Thru phone call, a conversation of Forest Technician I Ratib Melosin and Engineer II Anthony Ross D. Estrada (PEPO) they told that they have a xerox copy of certification from PMRB allowing them to extract aggregates in the area for road gravelling of ELCAC concreting project but FT I Ratib Melosin insisted to furnish the DENR CENRO Brooke's Point a copy of that certification for file and clarification to the higher authorities and at the meantime instructed to stop operation until further furnished the necessary permit. Attached also monitoring report conducted dated July 21, 2022 in the same area (**Annex C**).

*The extraction of aggregates without approved mining permit for government projects/works is in violation against Section 103 of Republic Act No. 7942, otherwise known as the "Philippine Mining Act of 1995":*

*"Theft of Minerals. – Any person extracting minerals and disposing the same without a mining agreement, lease, permit, license, or steals minerals or ores or the products thereof from mines or mills or processing plants shall, upon conviction, be imprisoned from six (6) months to six (6) years or pay a fine from ten thousand pesos (PhP10,000.00) to twenty thousand pesos (PhP20,000.00) or both, at the discretion of the appropriate court. In addition, he shall be liable to pay damages and compensation for the minerals removed, extracted, and disposed of. xxx"*

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*Showing the location of expired Sand and Gravel of Mr. Nemelito Lagan where provincial Government of Palawan heavy equipment excavated and hauling of aggregates.*

**Recommendations:**


With view of the foregoing findings, the undersigned respectfully recommends for the following action:

1. Issuance of Cease and Desist Order (CDO) to Ms. Devine Bautista JCBB Construction.
2. Issuance of Cease and Desist Order (CDO) to Engineer Anthony Ross Estrada, Project Engineer.
3. Issuance of Cease and Desist Order (CDO) to Mr. Nomelito Lagan for allowing the Provincial Government to extract sand and gravel even expired permit.
4. Issuance of Cease and Desist Order (CDO) to Vincent Lao, Project Supervisor, NRNS Trading and Construction.
5. To conduct continuous monitoring on illegal Sand and Gravel activities.


For the CENRO's information, reference, and further instruction.

  
**RATIB M. MELOSIN**  
 Forest Technician I

  
**MARLO O. SORETES**  
 Forester I

  
**RONALD AMARILLE**  
 PCSDS/DMO

  
**JOSHIEL BELEN**  
 MENRO Staff

  
**ARTHUR DEMERIN**  
 MENRO Staff

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Republic of the Philippines  
Department of Environment and Natural Resources  
MIMAROPA Region  
**COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE**  
Brooke's Point, Palawan

**ANNEX A**

July 19, 2022

**MEMORANDUM**

**FOR** : The Community Environment and  
Natural Resources Officer

**THRU** : The chief of Enforcement Monitoring Section

**FROM** : The Undersigned

**SUBJECT** : **REPORT ON THE MONITORING/SURVEILLANCE OF THE  
ILLEGAL EXTRACTION TRANSPORTATION OF SAND AND  
GRAVEL AT SITIO TAMLANG BARANGAY SAMARIÑANA  
BROOKE'S POINT PALAWAN.**

In relation with the above-mentioned subject please be informed that the undersigned conducted monitoring/inspection at Sitio Tamlang, Barangay Samariñana, Brooke's Point, Palawan on July 13, 2022.

As per monitoring and ocular inspection of the team within the subject-site, we caught on the act that the JCBB construction loading and transportation aggregates from their established sand and gravel stock yard. Despite the CENRO advised to Kapt. Federico V. Dagwat Brgy Samariñana to **CEASE and DESIST** from further conducting sand and gravel activities in any public/private areas until such time that the require permit are secured from the proper authority.

Please be informed the said JCBB construction without any pertinent document from the concerned agency/ies were presented as proof of such activity legality to conduct/operation related to the aforementioned extraction, transportation of sand and gravel activities the said JCBB allegedly owned by Mrs. Devine Bautista or she familiar known as Mam. Binay according to his care taker Mr. Jhon Mark Manzano, that was there at the time/period when the investigation/monitoring team conducted, however the said stock yard is approximately 300 meters away from the dam where the aggregates came.

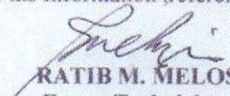
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In line with this, aforementioned observation/findings the monitoring team recommends, to conduct depth investigation regarding this case. And in addition the said illegal transportation of sand and gravel should strictly monitoring of the Barangay Officials in accordance with their duties responsibilities within their respective barangay.

Attached herewith are geotagged photo taken during the actual monitoring/inspection

For his Information ,reference and further instruction.

  
**RATIB M. MELOSIN**  
Forest Technician-I

  
**REYNALDO V. PALISOC**  
FT-I/ TL Quick response

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**SAND AND GRAVEL STOCKYARD LOCATED AT SITIO TAMLANG  
BRGY. SAMARIÑANA, BOOKE'S POINT, PALAWAN**

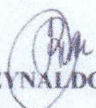


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Geotagged photo Prepared By:

  
**REYNALDO V. PALISOC**

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 Mobile Phone: Globe: 0917-502-8961  
 Email: [cenrobrookespoint@denr.gov.ph](mailto:cenrobrookespoint@denr.gov.ph)

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REPUBLIC OF THE PHILIPPINES  
PROVINCIAL GOVERNMENT OF PALAWAN  
*Provincial Mining Regulatory Board*  
MINING AND QUARRYING REGULATORY PROGRAM



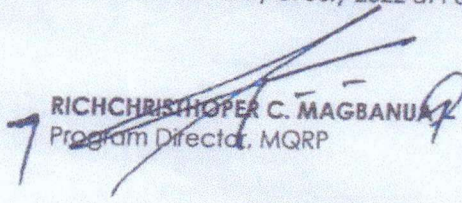
ANNEX B

## CERTIFICATION

This is to certify that this Office interposes no objection to the clearing of waterways activity of **Provincial Government of Palawan (PGP) – Provincial Engineering's Office (PEO)** for the local government support fund – support to barangay development program of the National Task Force to End Local Communist Armed Conflict (ELCAC) concreting projects located at Bgy. Saraza, Bgy. Amas, Bgy. Samarinana and Bgy. Salogon, Brooke's Point, Palawan considering that no commercial disposition of materials.

This certification is being issued upon the request of PGP-PEO for whatever legal purpose it may serve.

Issued this 25<sup>th</sup> day of July 2022 at Puerto Princesa City.

  
RICHCHRISTOPHER C. MAGBANUA  
Program Director, MGRP

## ANNEX C



Republic of the Philippines  
Department of Environment and Natural Resources  
MIMAROPA Region  
**COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE**  
Brooke's Point, Palawan

July 25, 2022

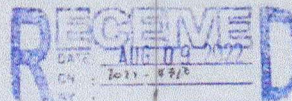
OFFICE OF THE CENRO  
BROOKE'S POINT, PALAWAN

### MEMORANDUM

FOR : The Community Environment and  
Natural Resources Officer

FROM : Ratib M. Melosin  
Marlou O. Soretos

SUBJECT : REPORT ON THE CONDUCT OF MONITORING OF SAND AND  
GRAVEL ACTIVITIES WITHIN MUNICIPALITY OF BROOKE'S POINT,  
PALAWAN.



Please be informed that the undersigned conducted monitoring of sand and gravel activities within the municipality of Brooke's Point, Palawan.

#### Facts/Findings:

Presented below are the activities undertaken and actual field findings.

1. On 21 July 2022, the undersigned conducted coordination with the Barangay Kagawad Edith Advincula of Barangay Pangobilian, Brooke's Point, Palawan regarding the monitoring of alleged illegal Sand and Gravel extraction and hauling activities of the Yellow truck owned by the Provincial Government of Palawan within the expired Sand and Gravel Permit of Mr. Nomelito Lagan. As per interviewed with Mr. Josue Agacita, Driver Provincial Equipment Pool Office they hauled sand and gravel with estimated 15 truckload intended for the construction of ELCAC road project supervised by Engineer Anthony Rose Estrada. Accordingly, thru phone call with Engineer Anthony Ross Estrada, the operation is with consent of Mr. Nomelito Lagan. The team also observed one (1) unit heavy equipment (Back hoe) operated by Mr. Gedeon B. Nabong IV, Heavy Equipment Operator II extracting sand and gravel along Tigaplan river and verbally advised to temporarily stop operation if without clearance from Provincial Mining Regulatory Board (PMRB).
2. The undersigned also conducted coordination with the Barangay Local Government Unit of Ipilan, Brooke's Point, Palawan regarding the alleged illegal extraction of Sand along shoreline of Barangay Barong Barong and delivered to residents of Barangay Ipilan, Brooke's Point, Palawan within housing project. The undersigned verbally informed Barangay Kagawad Margelina Bungaita that the hauling of Sand operation of Mr. Pedro Sarong is illegal and has issued Cease and Desist Order (CDO) by the Office as per records.

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Email/Gmail: cenrobrookespoint@denr.gov.ph

3. The extraction of aggregates without approved mining permit for government projects works is in violation against Section 103 of Republic Act No. 7942, otherwise known as the "Philippine Mining Act of 1995".

"Theft of Minerals. - Any person extracting minerals and disposing the same without a mining agreement, lease, permit, license, or steals minerals or ores or the products thereof from mines of mills or processing plants shall, upon conviction, be imprisoned from six (6) months to six (6) years or pay a fine from ten thousand pesos (PhP10,000.00) to twenty thousand pesos (PhP20,000.00) or both, at the discretion of the appropriate court. In addition, he shall be liable to pay damages and compensation for the minerals removed, extracted, and disposed of xxx"

**Recommendations:**

With view of the foregoing findings, the undersigned respectfully recommends for the following action:

1. Issuance of Cease and Desist Order (CDO) to Engineer Anthony Ross Estrada, Project Engineer and Mr. Nomicito Lagan for allowing the Provincial Government to extract sand and gravel even expired permit.
2. To conduct continuous monitoring on illegal Sand and Gravel activities.

**Photo Documentation**



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Monitoring of alleged illegal sand and gravel extraction within expired Permit of Mr. Nomehito Lagan at Barangay Pangobilian, Brooke's Point, Palawan



Location of Sand and Gravel Extraction within expired Permit of Mr. Nomehito Lagan at Barangay Pangobilian, Brooke's Point, Palawan



Coordination with Barangay Local Government Unit of Ipilan, Brooke's Point, Palawan

For the CENRO's information, reference, and further instruction.

*Rapib M. Melosin*  
**RAPIB M. MELOSIN**  
 Forest Technician I

*Marlot O. Soretos*  
**MARLOT O. SORETES**  
 Forester I

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ANNEX B

AUGUST 4, 2022

TO: DENR  
CENRO  
BROOKE'S POINT, PALAWAN.

OFFICE OF THE CENRO  
BROOKE'S POINT, PALAWAN

AUG 04 2022  
2022-08-04  
[Signature]

WARM GREETINGS!

I WOULD LIKE TO SUBMIT THE CERTIFICATION  
FROM PMRB ABOUT THE CLEARING OF  
WATERWAYS OF PROVINCIAL GOVERNMENT  
OF PALAWAN IN SUPPORT TO ELCA  
PROJECTS AT 4 BARANGAY IN BROOKE'S  
POINT, PALAWAN.

VERY RESPECTFULLY YOURS,

ANTHONY <sup>[Signature]</sup> RODRIGUEZ D. ESTRADA  
ENGINEER II (PEPO)



REPUBLIC OF THE PHILIPPINES  
**PROVINCIAL GOVERNMENT OF PALAWAN**  
*Provincial Mining Regulatory Board*  
**MINING AND QUARRYING REGULATORY PROGRAM**

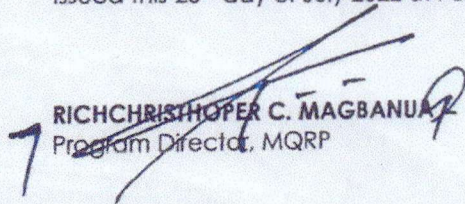


## CERTIFICATION

This is to certify that this Office interposes no objection to the *clearing of waterways* activity of **Provincial Government of Palawan (PGP) – Provincial Engineering's Office (PEO)** for the local government support fund – support to barangay development program of the National Task Force to End Local Communist Armed Conflict (ELCAC) concreting projects located at Bgy. Saraza, Bgy. Amas, Bgy. Samariñana and Bgy. Salogon, Brooke's Point, Palawan considering that no commercial disposition of materials.

This certification is being issued upon the request of PGP-PEO for whatever legal purpose it may serve.

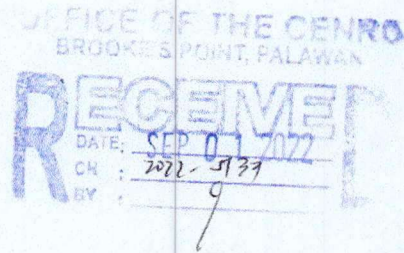
Issued this 25<sup>th</sup> day of July 2022 at Puerto Princesa City.

  
**RICHCHRISTOPHER C. MAGBANUA**  
Program Director, MGRP

## ANNEX C

August 31, 2022

**MR. CONRADO M. CORPUZ**  
CENRO  
Brooke's Point, Palawan



Sir:

Warmest greeting!

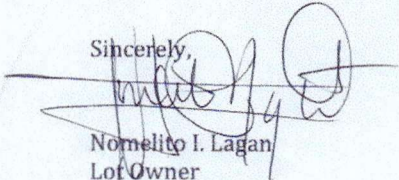
In reference with the letter we received dated August 02, 2022, letter delivered 19 August 2022 in view of the CEASE-AND-DESIST ORDER for conducting sand and gravel activities.

Please find attached a copy of Certification from the Provincial Mining Regulatory Board (PMRB), Mining and Quarrying Regulatory Program (MQRP) wherein the undersigned as the lot owner interposes no objection to the clearing of the waterway's activity of Provincial Government of Palawan (PGP) - Provincial Engineering Office (PEO) within our property in Mate, Pangobilian, Brooke's Point. This action was in support to the ongoing Local Government Projects and Programs. In my simple understanding, all such matter or said activities are within the context of Government inter agency arrangements, and on my part is a simple gesture of support for expeditious completion of said projects.

Further with this, we are writing to clarify the matter because the said activities coincidentally happened in a property where my application for renewal of quarry permit are in progress. Please be assured that the resultant of this clearing Operation will be delivered to the ongoing Government Projects.

Hoping this have addressed the concern of your respected Office. Should there be need for additional information from my end please do not hesitate to reach me on my hand phone No. 0917-597-1266.

Sincerely,



Norberto I. Lagan  
Lot Owner

Attached:

Letter dated 02 August 2022  
PEO certification from PMRB

August 2, 2022

**MR. NOMELITO LAGAN**

Brgy. Pangobilian,  
Brookes Point, Palawan

Sir:

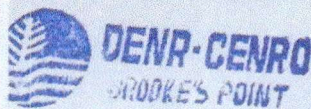
This has reference to the Memorandum dated July 25, 2022 of personnel of this office regarding the monitoring of sand and gravel operation within the municipality of Brookes Point, Palawan.

Please be informed that our personnel conducted a field inspection/investigation in response to the reported alleged illegal sand and gravel operation last July 21, 2022 in coordination with Barangay Officials of Pangobilian, Brookes Point, Palawan. It was observed and verified that one (1) heavy equipment (backhoe) operated by Mr. Gedion B. Nabong IV, heavy Equipment Operator II was extracting sand and gravel along Tigaplan River. Likewise, per interview with Mr. Josue Agacita, Driver-Provincial Equipment Pool Office stated that they had already hauled sand and gravel of estimated fifteen (15) truckloads intended for the construction of ELCAC road project supervised by Engr. Anthony Rose Estrada. Coordination was facilitated by our personnel thru phone call with Engr. Estrada and he informed that you have authorized the subject operations. No pertinent documents from concerned agency/ies were presented as proof of such activity's legality.

In view of the foregoing, you are advised to CEASE and DESIST from further conducting sand and gravel activities in any public and private areas until such time that the required permits are secured from the proper authority. Any violation of the preceding actions will warrant the following penalties and liabilities under Section 103 of Republic Act 7942 as stated:

*"Section 103. Theft of Minerals. Any person extracting minerals and disposing of the same without a mining agreement, lease, permit license, or steals mineral ores or the products thereof from mines or mills or processing plants shall upon conviction, be imprisoned from six (6) months to six (6) years or pay a fine from ten thousand (10,000.00) to twenty thousand pesos (Php. 20,000.00) or both, at the discretion of the appropriate court. In addition, he shall be able to pay damages and compensation for the mineral removed, extracted and disposed."*

We hope that you have been properly informed.



**LEASED**

E: AUG 04 2022

1-2022-4310

Sincerely yours,

**CONRADO M. CORPUZ**  
CENRO

M. Rodriguez St. Poblacion District I, Brooke's Point Palawan 5305  
Mobile Phone: Globe: 0945-257-1402, Smart: 0912-429-0856  
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NOTE:

GRAVEL WAS NOT  
SOLO BUT ASSISTANCE  
TO GOVT PROJECT OPS  
PER UNDERSTANDING  
OF GOVT TO GOVT  
ARRANGEMENT

8/08/22



REPUBLIC OF THE PHILIPPINES  
PROVINCIAL GOVERNMENT OF PALAWAN  
*Provincial Mining Regulatory Board*  
MINING AND QUARRYING REGULATORY PROGRAM

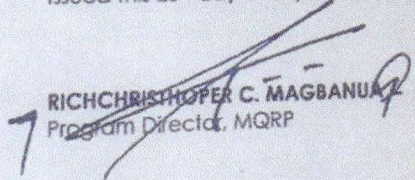


### CERTIFICATION

This is to certify that this Office interposes no objection to the clearing of waterways activity of **Provincial Government of Palawan (PGP) – Provincial Engineering's Office (PEO)** for the local government support fund – support to barangay development program of the National Task Force to End Local Communist Armed Conflict (ELCAC) concreting projects located at Bgy. Saraza, Bgy. Amas, Bgy. Samariñana and Bgy. Salagon, Brooke's Point, Palawan considering that no commercial disposition of materials.

This certification is being issued upon the request of PGP-PEO for whatever legal purpose it may serve.

Issued this 25<sup>th</sup> day of July 2022 at Puerto Princesa City.

  
RICHCHRISTOPHER C. MAGBANUA  
Program Director, MGRP