



August 23, 2022

MEMORANDUM

FOR : The Regional Executive Director

FROM : The OIC, PENR Officer

SUBJECT : **LETTER DTD. JUNE 17, 2022 FROM MS. HELLY Y. ASOY REGARDING AN ILLEGAL ROAD CONSTRUCTION ALONG SITIO TALABA, BARANGAYS TACLOBO AND ESPAÑA IN SIBUYAN ISLAND, ROMBLON [DATS E-2022-89045]**

This pertains to your Memorandum dated August 11, 2022 regarding the submission of report with categorical recommendations of the above-mentioned subject.

This is to inform you that the undersigned immediately took an action on the matter. This office issued the PENRO Special Order No. 22-73 dated June 21, 2022 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 Investigation Team dated July 4, 2022.

Result of the investigation revealed that bunkhouses were already established since 2012. No mining activity has been conducted and no cutting of trees were observed during the inspection. Additionally, both areas are already enclosed with barbed wire having a sign "No Entry, Private Property".

For information and record.


ARNOLDO A. BLAZA, JR.

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MEMORANDUM

FOR The Regional Executive Director
DENR MIMAROPA Regional Office

THRU Assistant Regional Director for Technical Services
DENR MIMAROPA Regional Office

FROM OIC, PENR Officer

SUBJECT : **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**

DATE July 6, 2022

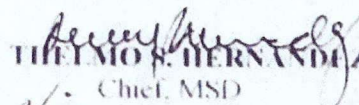


Respectfully indorsing is the investigation report conducted on June 27, 2022 in the vicinity of Altai Philippines Mining Corporation or Altai Mining as known in the locality of Brgy. Taclobo, San Fernando, Romblon following the report made by a certain Helly Y. Asoy.

Output of the recently conducted investigation are as follows.

1. No evidence of cutting of mangroves in the vicinity where the proposed road is located during the conduct of investigation. The site has already been flattened.
2. The areas where the bunkhouses are located have been in the vicinity since 2012.
3. Both areas are already enclosed with barbwire having a sign that says "No Entry, Private Property".

For your information and record

For and in the absence of OIC, PENR Officer


THELMO S. HERNANDEZ
Chief, MSD




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;

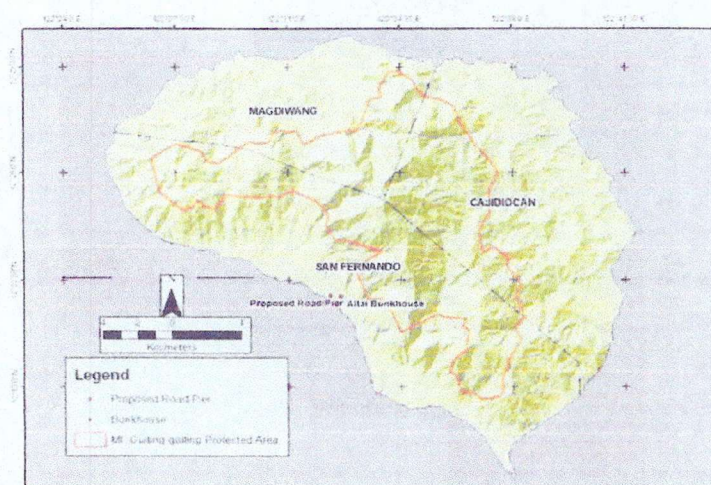


- That the subject lot is now Tax Declared to Zoraida R. Repil under Tax Declaration No. 001491 by virtue of a Deed of Absolute Sale on the other hand the title is yet to be transferred to her name;
- That the subject lot as per verbal information given by Mr. Rene Ventura, resident of the same barangay 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";



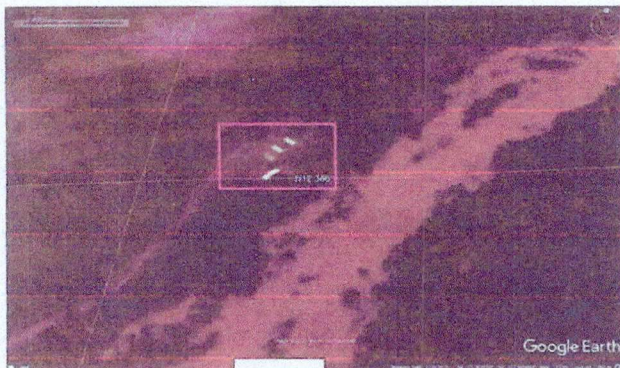


- That the subject lot has been flattened as a preparation for a possible roadway that leads to the seashore;
- That there are no signs of cutting of mangrove trees during the time of the investigation, if there were mangrove trees that have been cut-down it may have been buried underneath due to the 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;





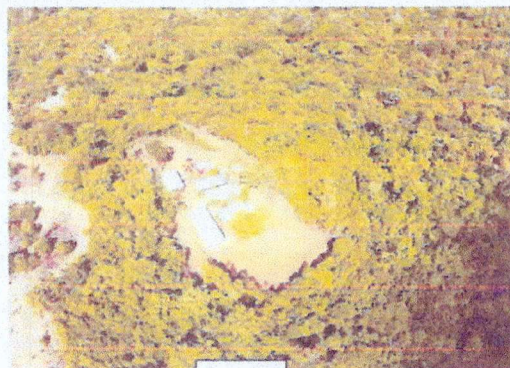
- That based on the generated google earth the bunkhouses are already in the vicinity since 2012;



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

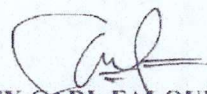


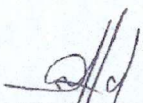
Certification of No Objection to be issued by both Sangguniang Bayan of San Fernando and Sangguniang Barangay of Taclobo. Without those, use of the salvage zone and its foreshore area without necessary clearances from DENR will be treated as illegal and Cease and Desist Order and Notice to Vacate must 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.

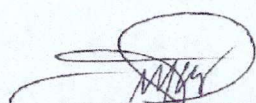
Prior to any exploration activities, ALTAI Mining has to secure the approval of its application for the renewal of the exploration period in compliance with Section 39 of DENR Administrative Order (DAO) No. 2010-21. Likewise, prior to development/commercial extraction, the endorsement of the Sangguniang Bayan concerned shall be secured by ALTAI pursuant to Section 39.ac 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.

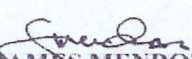

IRWIN ANZALDO
Chief, EMS Romblon


FELIX CARL FALQUERABAO
Science Research Specialist II


ERIC F. LINDAP
Special Investigator


ROMER G. GERVACIO
Land Management Inspector


JOSE MARIE F. FABITO
Environmental Monitoring Officer


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





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





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**

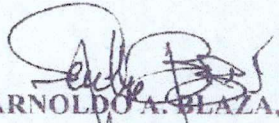
In the interest of service and in order to validate/investigate the ongoing road construction in San Fernando, Romblon, the selected personnel are hereby authorized to comprise the investigation team to wit:

- | | |
|------------------------------|-------------------------------|
| 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.


ARNOLDO A. PLAZA, JR.
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