



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
Telfax No. (048) 434 - 8791
Email Add: penropalawan@denr.gov.ph



September 12, 2022

MEMORANDUM

REC

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

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

: The Provincial Mining Regulatory Board

THRU : The OIC, ARD for Technical Services

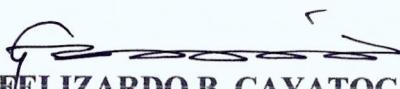
FROM : Provincial Environment and
Natural Resources Officer

SUBJECT : **INVESTIGATION REPORT OF THE APPREHENDED TRUCK
OF PANAAD CONSTRUCTION IN SITIO MONTE VISTA,
BARANGAY POBLACION, TAYTAY, PALAWAN**

Forwarded is the Memorandum dated 30 August 2022 of CENRO Taytay transmitting the attached memorandum dated 15 August 2022 of Science Research Specialit II Francis Jade R. Cometa, MGB embedded personnel assigned at that office regarding the above subject.

It is informed that a Cease and Desist Order has been issued to Panaad Construction by the same office.

For information and further instruction/s.


FELIZARDO B. CAYATOC

Copy furnished:
The Provincial Mining Regulatory Board (PMRB)
OISCA Rd., Sta. Monica, PPCity
RGT/EMU Doc. No. 7939

DENR-PALAWAN
PENRO-RECORDS
RELEASED
By Rhea
Date: 13 SEP 2022 2022-2349



Republic of the Philippines
Department of Environment and Natural Resources
Region IV- MIMAROPA
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE
5312 Taytay, Palawan
e-mail ad: cenrotaytay@denr.gov.ph
Contact Nos. 0912 171 3889 (S)/0917 158 9399 (G)

August 30, 2022

MEMORANDUM

FOR : The Provincial Environment and Natural Resources Office – Palawan @ Sta. Monica, Puerto Princesa City

FROM : The Community Environment and Natural Resources Officer Taytay-El Nido, Palawan

SUBJECT : **INVESTIGATION REPORT OF THE APPREHENDED TRUCK OF PANAAD CONSTRUCTION IN SITIO MONTE VISTA, BARANGAY POBLACION, TAYTAY, PALAWAN**

**DENR PENRO
PALAWAN RECORDS
RECEIVED**
BY: *AT*
DATE: *0905-2022-22-7939*

Respectfully forwarded is the memorandum dated August 15, 2022 of Science Research Specialist II Francis Jade R. Cometa of Mines and Geoscience Bureau regarding the above subject for your level of action.

Further, be informed that CEASE AND DESIST ORDER has been issued to Panaad Construction and this Office sent memorandum/letters to the Provincial Mining Regulatory Board (PMRB) to corroborate that no active quarry permit has been issued within the Municipality of Taytay, Palawan; and to Hon. Jon O. Tumampil, Chairperson of Barangay Cataban where the rock boulders came from to comment on the allegation that he knows and has consent on the said hauling.

For information and further instruction.

Copy furnished
**DENR CENRO
TAYTAY, PALAWAN**
RELEASED
Regional Executive Director, DENR MIMAROPA
Regional Executive Director, Mines and Geosciences Bureau
Provincial Environment and Natural Resources Officer – Palawan
Provincial Mining Regulatory Board

ALAN L. VALLE



MEMORANDUM

FOR : The CENR Officer
Taytay, Palawan

FROM : THE UNDERSIGNED

SUBJECT : INVESTIGATION REPORT OF THE APPREHENDED TRUCK
OF PANAAD CONSTRUCTION IN SITIO MONTE VISTA,
BARANGAY POBLACION, TAYTAY, PALAWAN.

DATE : AUGUST 15, 2022

DENR CENRO
TAYTAY, PALAWAN
RECEIVED
BY: *JWS*
DATE: 8-15-22 4263

On August 12, 2022, the undersigned apprehended a dump truck loaded with illegally sourced rock boulders in So. Monte Vista, Bgy. Poblacion, Taytay, Palawan.

Background Information

On August 12, 2022, a truck loaded with rock boulders passed the DENR – CENRO Taytay Forest Product Monitoring Station 1 (FPMS1). The undersigned, upon checking that the truck was loaded with aggregates proceeded to apprehend the said truck and investigate if the said truck have the necessary transport permit.

As Mines and Geoscience Bureau personnel and a Deputized Environment and Natural Resources Officer for mines, the undersigned is authorized to investigate illegal mining activity and cause the confiscation/ seizure of the minerals/ mineral products and the tools, equipment & conveyance used in the commission of the offense in favor of the Government pursuant to Par. 2f, Sec. 7 of DAO 2010-21.

Purpose and Scope

The investigation aims to validate the legality of the transport activity and to conduct necessary action/s to address the issue. The investigation includes interview with concerned individuals, ocular inspection of the area and identification of the party responsible for the activity.

Findings and Observation

1. The dump truck was apprehended in So. Monte Vista, Bgy. Poblacion, Taytay, Palawan. Based on the Global Positioning System (GPS) reading acquired by Timestamp Camera, the location can be defined by the following coordinates: 10°48'54.18" north latitude and 119°29'54.24" east longitude.

2. On 12 February 2022, the undersigned apprehended a white 10-wheeler HOWO dump truck with plate number **NEM 3393** owned by **Panaad Construction**. (**Photo 1 – 2**)
3. Upon inspection, it was found out that the truck was loaded with boulder sized rock. (**Photo 3**)
4. The undersigned then asked the driver, Mr. Raul Bucog if they hold any transport permit for the said boulders. Mr. Bucog then presents a Special Delivery Receipt (SDR). Upon inspection of the receipt, the receipt lacks the necessary details like the name of permittee and permit number. Thus, the said SDR cannot be used as permit to transport the boulder materials. (**See attached SDR**)
5. Mr. Bucog also discloses that they sourced the rock boulders in So. Barok, Bgy. Cataban, Taytay, Palawan and will be used in riprapping of a section of road in Bgy. New Guinlo, Taytay, Palawan. As per the Provincial Mining Regulator Board of Palawan, there is currently no active quarry permittee in the Municipality of Taytay.
6. Upon verification that the above-mentioned transport of boulder materials does not have any legal mining and transport permits. It can be considered as *prima facie* evidence of illegal mining pursuant to **Republic Act No. 7942 (Philippine Mining Act of 1995)** and **DENR Administrative Order No. 2010-21**. This is enough cause for the confiscation of materials being transported, the tools, equipment utilized and the vehicle containing the same.
7. The undersigned, as a Deputized Environment and Natural Resource Officer, seized the minerals and the truck was secured. The truck was then brought to the FPMS1 for safe keeping with Forest Protection Officers Gilbert Angeles and Marlon Paulo acting as witnesses and custodian of the seized truck. (**Photo 4 & 6**)
8. On 14 August 2022, the undersigned had a dialogue with Eng. Joey Galang. He said that they were not informed on the technicalities of the special delivery receipt. He said that they thought that if they produced an SDR, they were already permitted to transport quarry materials.
9. He also added that he only contacted a certain Mr. Rommel to process the SDR copies for the transport of rock boulders.
10. He further narrated that the Bgy. Captain of Bgy. Cataban, Hon. Jon Tumampil, also permitted them to haul the rock boulders because it was for a dredging activity.
11. The undersigned then explained to Eng. Galang that an SDR will only be used in the utilization of stockpiled quarry materials from an area with an expired quarry permit given that the stockpiled quarry materials were extracted or stocked when the quarry permit was still active.
12. The undersigned also explained that Captain Tumampil does not have authority to permit quarrying activities in the area. Also dredging activities still needs a dredging

permit from the Department of Public Works and Highways pursuant to DPWH Joint Memorandum Circular (JMC) No. 01 Series of 2019.

Comments and Recommendations

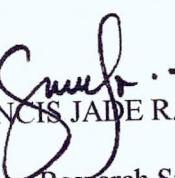
1. Based on the field findings, Panaad Construction doesn't have any legal personality to transport or extract earth materials without any delivery receipt or any supporting legal documents pursuant to **Par. 1, Sec. 117, DAO 2010-21**. The ***absence*** of any of the foregoing documents shall be considered ***prima facie*** evidence of ***illegal mining*** and shall cause the confiscation/ seizure of the minerals/ mineral products and the tools, equipment & conveyance used in the commission of the offense in favor of the Government, subject to further investigation.
2. Panaad Construction was also found to be in violation of **Section 103 of the Republic Act No. 7942**, otherwise known as **the Philippine Mining Act of 1995**, which provides that:

*"Section 103. **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 (P10,000.00) to Twenty thousand pesos (P20,000.00), 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. In the case of associations, partnerships, or corporations, the president and each of the directors thereof shall be responsible for the acts committed by such association, corporation, or partnership"*

3. A **Seizure Receipt** was then given to Mr. Raul Bucog, driver of the apprehended truck. (See attached seizure receipt)
4. Panaad Construction is advised to immediately *cease and desist* from further conducting sand and gravel extraction operation in the area without the necessary mining permit.
A **Cease and Desist Order** will be issued by this office to affect the same.
5. It is also recommended that this case be turned over to the Palawan Provincial Mining Regulatory Board (PMRB) to impose applicable penalty in accordance to their existing rules and regulation.
6. Furthermore, the PMRB is also recommended to trace and investigate the source of the SDRs given and being used by contractors to extract and haul aggregates from an area without any valid or active quarry/mining permits.

7. A separate investigation is recommended to investigate the source area in So. Barok, Bgy. Cataban, Taytay, Palawan. The last time the undersigned visited the area, a No Trespassing sign was seen preventing the investigation of the area.
8. Hon. Jon Tumampil is also recommended to explain his participation on the illegal quarrying in his jurisdiction.
9. Regular monitoring in the area is hereby recommended to stop any extraction activity in the subject area.

For CENRO's information and further actions


FRANCIS JADE R. COMETA
Science Research Specialist II

CC:

The Regional Executive Director
DENR - MIMAROPA

The Regional Director
Mines and Geosciences Bureau
MIMAROPA Region
7/F DENR Bldg., 1515 Roxas Blvd. Ermita, Manila

Provincial Mining Regulatory Board

PHOTO DOCUMENTATION



Photo 1: Front side of the apprehended truck.



Photo 2: Backside of the apprehended truck.



Photo 3: Loaded boulder sized rock with an approximate volume of 20 cu. m.

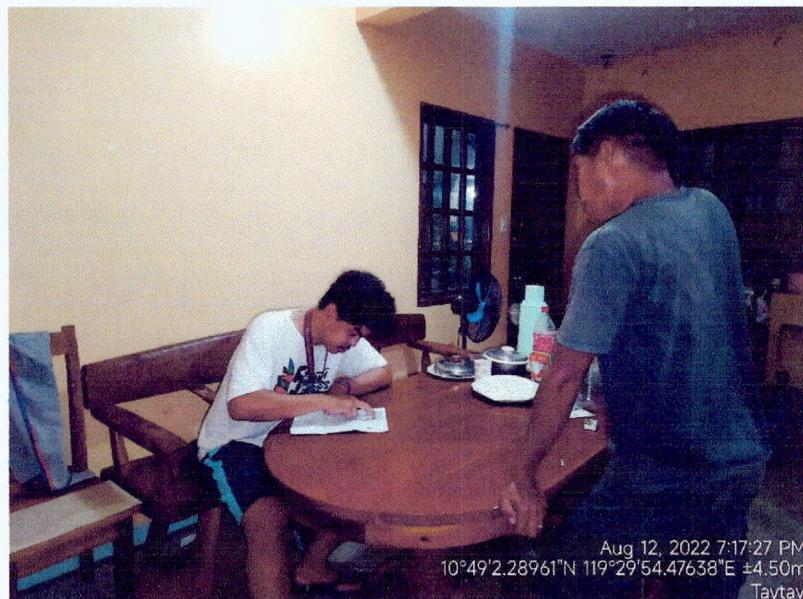


Photo 4: The undersigned (left) and Mr. Bucog (right) while preparing the seizure receipt for the truck.



Photo 5: Driver's license of Mr. Bucog.



Photo 6: The truck of Panaad Construction impounded in DENR – CENRO Taytay FPMS 1.



Republic of the Philippines
Provincial Government of Palawan
OFFICE OF THE GOVERNOR
Puerto Princesa City.

SAND AND GRAVEL DELIVERY RECEIPT

SPECIAL DELIVERY RECEIPT 08/11/22

Date

Sold to: BCT

Destination: _____

Truck Plate No.: JEM 3293

Kind of Materials Sold: _____

Volume (Cubic Meter): 16

Value (In Pesos): _____

Origin: CATABAN

Name of Permittee: _____

Commercial Foreshore/Industrial _____

Permit No.: _____

Date Granted: JAN. 28, 2022

Treasurer's Official Receipt No.: _____ Date _____

Total Volume Allowed Under Permit _____

(Cu.M.): _____

Total Volume Extracted to Date: _____

(Cu.M.): _____

Remaining Volume Allowed To Be Extracted 608

To Date (Cu.M.): _____

No. 566063

By: _____
[Signature]
Permittee/Representatives

Not valid unless countersigned at the back by the Provincial Governor or his
duly authorized representative.

ANNEX III



Republic of the Philippines
Department of Environment and Natural Resources
MINES AND GEOSCIENCES BUREAU
Regional Office No. IV- MIMAROPA
7/F DENR By The Bay Bldg., 1515 Roxas Blvd., Ermita, M. M.
Tel. No. (02) 536-0214 • Telefax No. (02) 302-1352

SEIZURE RECEIPT

**RECEIPT FOR CONFISCATED/SEIZED MINERALS/MINERAL PRODUCTS,
TOOLS, EQUIPMENT AND CONVEYANCES PURSUANT TO DAO 96-40**

Important: Confiscated or seized articles found in the possession of Apprehending Officers not listed in this form shall be deemed illegally-possessed and shall subject the possessor to criminal and administrative action.

QUANTITY	UNIT	DESCRIPTION	ESTIMATED VALUE
1	Truck	white HOWO 10 wheeler Truck ↳ Plate # NEM 3393	→ \$ 3,000,000
20 m ³		rock boulders	→ \$ 20,000

We certify that the above-cited articles were seized and/or confiscated in
Monte Vista, Poblacion, Taytay at 11:01 PM
(Place of Apprehension) (Time)
on Aug. 12, 2022.
(Date)

Owner's Name: Bucog, Raul E. /Driver
Signature : R. E. Bucog
Address : San Manuel, Puerto Princesa

FRANCIS SINGER, JR. COMES
Investigating/Apprehending Officer

WITNESSESS:

1. Gilbert Angeles
Boyy Old Quinta, Taytay
(Name & Address)

2. Marlon Pablo
Monte Vista, Taytay
(Name & Address)

Received the articles listed above in FPM 5 1
(Storage Place)
on Aug. 12, 2022 at 7:24 pm.
(Date) (Time)

The same, having been seized/confiscated and left in my custody, pending further investigation by the DENR, Mines and Geosciences Bureau Regional Office No. IV, I hereby pledge to faithfully keep and protect the said articles from loss or destruction in any manner to the best of my ability.


Gilbert Angeles

Custodian/Receiving Officer