



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

(RED)

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

THRU : The OIC, ARD for Technical Services

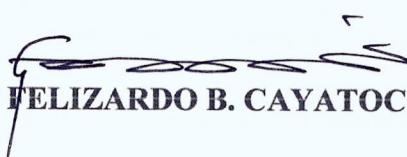
FROM : Provincial Environment and
Natural Resources Officer

SUBJECT : **FIELD INSPECTION REPORT ON THE SILTING AT
MALALONG RIVER, SOFRONIO ESPAÑOLA ALLEGEDLY
DUE TO SAND AND GRAVEL ACTIVITIES AT BULHO
RIVER, BRGY. CALASAGUEN, BROOKE'S POINT,
PALAWAN**

Forwarded is the Memorandum dated 12 August 2022 of CENRO Brooke's Point transmitting the attached field inspection report dated 08 August 2022 regarding the above subject.

It is informed that the field inspection/investigation was conducted upon the request of Engr. Joefred P. Diaz, PDO II/Acting MENR Officer of the Municipality of Sofronio Españoleta due to extraction and hauling of sand and gravel at Bulho River.

For your information, and further evaluation and instruction.


FELIZARDO B. CAYATOC



DENR MIMAROPA

DENR PENRO
PALAWAN RECORDS
RECEIVED

BY: *[Signature]*
DATE: *09-08-2022* 2016

MEMORANDUM

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

The Regional Director
MGB MIMAROPA Region
Roxas Boulevard, Ermita, Manila

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

FROM : The CENRO
Brooke's Point, Palawan

SUBJECT : **FIELD INSPECTION REPORT ON THE SILTING AT
MALALONG RIVER, BRGY. PULOT CENTER, SOFRONIO
ESPAÑOLA ALLEGEDLY DUE TO SAND AND GRAVEL
ACTIVITIES AT BULHO RIVER, BRGY. CALASAGUEN,
BROOKE'S POINT, PALAWAN**

Respectfully forwarded is the field inspection report dated August 8, 2022 regarding the above-cited subject. Please be informed that this Office received a letter dated July 25, 2022 from Engr. Joefred P. Diaz, PDO II/Acting MENR Officer, regarding the request for field inspection/investigation at Malalong River allegedly due to extraction and hauling of sand and gravel at Bulho River.

Result of investigation by a composite team on July 26, 2022 disclosed that there are no on-going sand and gravel activities on the area covered by the Commercial Sand and Gravel Permit docketed under CP (PLW) No. 216-6 granted to Mr. Leon R. Marin during the field inspection at Bulho River. However, murky water was observed by the team during said inspection at Malalong River.

Using Global Positioning (GPS) – based field tracking and Geographic Information System (GIS) – generated map, it was found that Corner No. 1 of the CSAG Permit area is located approximately 996.94 meters away from Malalong Dam and delineated a total area of approximately 0.8069 hectares under excavation. Approximately 0.0947 hectare of the area under excavation is located outside the permit area which violated one of the general terms

and conditions of locally – issued permits stated under Section 79, item b of the Consolidated DENR Administrative Order (CDAO) No. 2010-21¹:

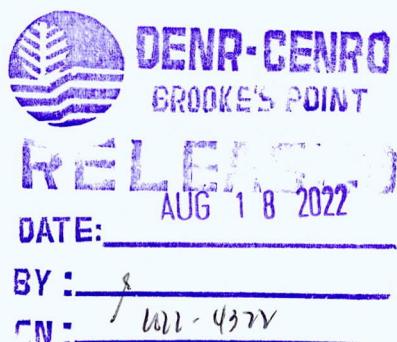
“Section 79 – b. The extraction, removal, and/or disposition of materials under the Permit shall be confined within the area specified therein, the boundaries of which, according to the application, are established on the ground with prominent marks.”

In view of the extraction and disposition of sand and gravel materials outside the permit area, it is recommended that a Cease and Desist Order be issued in violation of Section 103 of Republic Act No. 7942²:

“Theft of Minerals. – Any person extracting minerals and disposing of the same without a mining agreement, lease, permit, license, or steals mineral 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 (PhP 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 liable to pay damages and compensation for the mineral removed, extracted, and disposed of.”

A follow-up inspection/investigation is also recommended: to utilize drone for aerial surveillance and to coordinate with personnel from Environmental and Management Bureau. This matter should also be referred to the Provincial Mining and Regulatory Board – Palawan for their information and further action.

For information, and further evaluation and instruction.



CONRADO M. CORPUZ

¹ Revised Implementing Rules and Regulations of Republic Act No. 7942, otherwise known as the Philippine Mining Act of 1995

² The Philippine Mining Act of 1995



August 8, 2022

MEMORANDUM

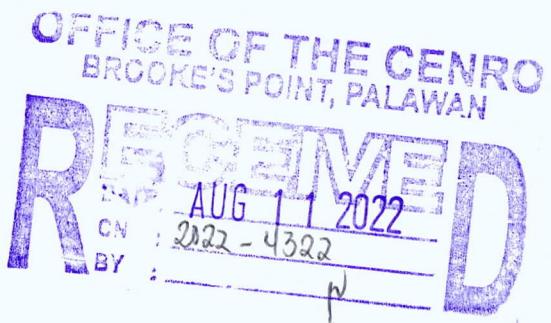
FOR : The CENR Officer
Brooke's Point, Palawan

FROM : Marlou O. Sorettes
Forester I/GIS Focal Person
CENRO – Brooke's Point

Ratib M. Melosin
Forest Technician I
CENRO – Brooke's Point

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

SUBJECT : **FIELD INSPECTION REPORT ON THE SILTATION AT MALALONG RIVER, SOFRONIO ESPAÑOLA ALLEGEDLY DUE TO SAND AND GRAVEL ACTIVITIES AT BULHO RIVER, BRGY. CALASAGUEN, BROOKE'S POINT, PALAWAN**



This refers to the letter dated July 25, 2022 of Engr. Joefred P. Diaz, PDO II/Acting MENR Officer, (*Refer to Annex A*) which was received by this Office on the same date with Document Reference No. 2022-4322. The undersigned conducted a field inspection/investigation on July 26, 2022 within the above-cited locations.

Facts/Findings:

Presented below are the compiled background information and actual field findings acquired by the undersigned throughout the course of the inspection:

1. Per letter of Engr. Diaz dated July 25, 2022, a site inspection was requested to investigate the siltation at Malalong River, Brgy. Pulot Center, Sofronio Espa  ola, Palawan allegedly due to extraction and hauling of sand and gravel at Bulho River, Brgy. Calasaguen, Brooke's Point, Palawan.
2. Together with the representatives of Palawan Council for Sustainable Development (PCSD) and Municipal ENRO – Brooke's Point, the undersigned conducted a field inspection/investigation last July 26, 2022 on the area covered by Commercial Sand and

Gravel (CSAG) Permit denominated under CP (PLW) No. 216-6¹ of Mr. Leon R. Marin situated at Sitio Bulho, Brgy. Calasaguen, Brooke's Point, Palawan. Corner 1 of the permit area has an aerial distance of approximately 3.173 kilometers from the national highway and has a geographical coordinate of 8°57'25.2" N and 117°57'28.8" E (WGS84). It was observed that no sand and gravel operations were being conducted within the permit area and no disturbance on the river were noted during the time of inspection.

The undersigned also conducted a field inspection/investigation on the same date at Malalong Dam, Brgy. Pulot Center, Sofronio Espa ola, Palawan with an aerial distance of approximately 2.353 kilometers from the national highway and has a geographical coordinate of 8°57'25.2" N and 117°58'01.2" E (WGS84). Along with representatives of PCSD and Municipal Office of Sofronio Espa ola, it was observed that the river was murky and allegedly, the sand and gravel operations resumed within the area covered by CSAG Permit area of Mr. Marin.

3. Using Global Positioning System (GPS) – based field tracking and Geographic Information System (GIS) – generated map, it was found that Corner No. 1 of the CSAG Permit area is located approximately 996.94 meters away from Malalong Dam.

It was also delineated that a total area of approximately 0.8069 hectares was excavated and approximately 0.0947 hectare of it is located outside the permit area. This violates one of the general terms and conditions of locally – issued permits stated under Section 79, item b of the Consolidated DENR Administrative Order (CDAO) No. 2010-21²:

“Section 79 – 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.”

The undertaking was supported by Geotagged Photos as shown in *Annex B* and Generated Location Maps as shown in *Annex C*.

Recommendations:

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

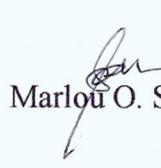
1. To conduct a follow-up inspection/investigation at Bulho River, Brgy. Calasaguen, Brooke's Point and Malalong River, Brgy. Pulot Center, Sofronio Espa ola, Palawan. An aerial surveillance using drone must be conducted to further verify the source of siltation and extent of disturbed waters. Representative from Environmental Management Bureau is also recommended to attend/participate in said follow-up inspection/investigation.

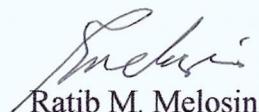
¹ CSAG Permit denominated under CP (PLW) No. 216-6 granted to Mr. Marin by Provincial Mining Regulatory Board (PMRB) – Palawan which was approved on June 2, 2022 and valid until June 1, 2023. Permit area is situated at Sitio Bulho, Brgy. Calasaguen, Brooke's Point, Palawan.

² Revised Implementing Rules and Regulations of Republic Act No. 7942, otherwise known as the Philippine Mining Act of 1995

2. To issue a Cease and Desist Order to the permit holder for conducting sand and gravel activities outside the permit area. The permit holder must be reminded on the following legal provisions under CDAO No. 2010-21:
 - i. *Under Section 79 (General Terms and Conditions of a Quarry/Commercial or Industrial Sand and Gravel/Government Gratuitous/Guano/Gemstone Gathering Permit):*
 - *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*
 - ii. *Under Section 100 (Cancellation/Revocation/Termination of a Quarry/Sand and Gravel/Gratuitous/Guano/Gemstone Gathering Permit), a sand and gravel permit may be cancelled, revoked, and/or terminated, after due process, based on the grounds of failing to comply with the terms and conditions of the permit and Environmental Compliance Certificate, if applicable.*
3. To refer this matter to PMRB – Palawan with the permit holder's violation of Section 79, item (b) for information and further action.

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


Marlo O. Soret


Ratib M. Melosin


Kate Gabrielle L. Castillo

Annex A. Letter dated July 25, 2022 from Engr. Joefred P. Diaz

8/9/22, 8:32 AM

New Doc 2022-07-25_2.jpg



Republic of the Philippines
Province of Palawan
Municipality of Sofronio Españo

July 25, 2022

FOR CONRADO M. CORPUZ
CENRO
Brooke's Point, Palawan

Sir:

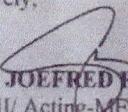
Environmental Greetings!

Per consensus of the ECAN Board during the board meeting last July 21, 2022 to conduct site inspection at Malalong Dam, Pulot Center, Sofronio Españo, Palawan on the desilting effect at Malalong River due to allegedly hauling of gravel/stones at Bolho River.

Please be informed that the said site inspection will be conducted on July 26, 2022, Tuesday, 2: pm. Assembly area is at MENR Office.

Your usual support and assistance are highly appreciated. Thank you and more power!

Sincerely,


Engr. JOEFRED P. DIAZ
PDO II/ Acting-MENRO

2022-4322

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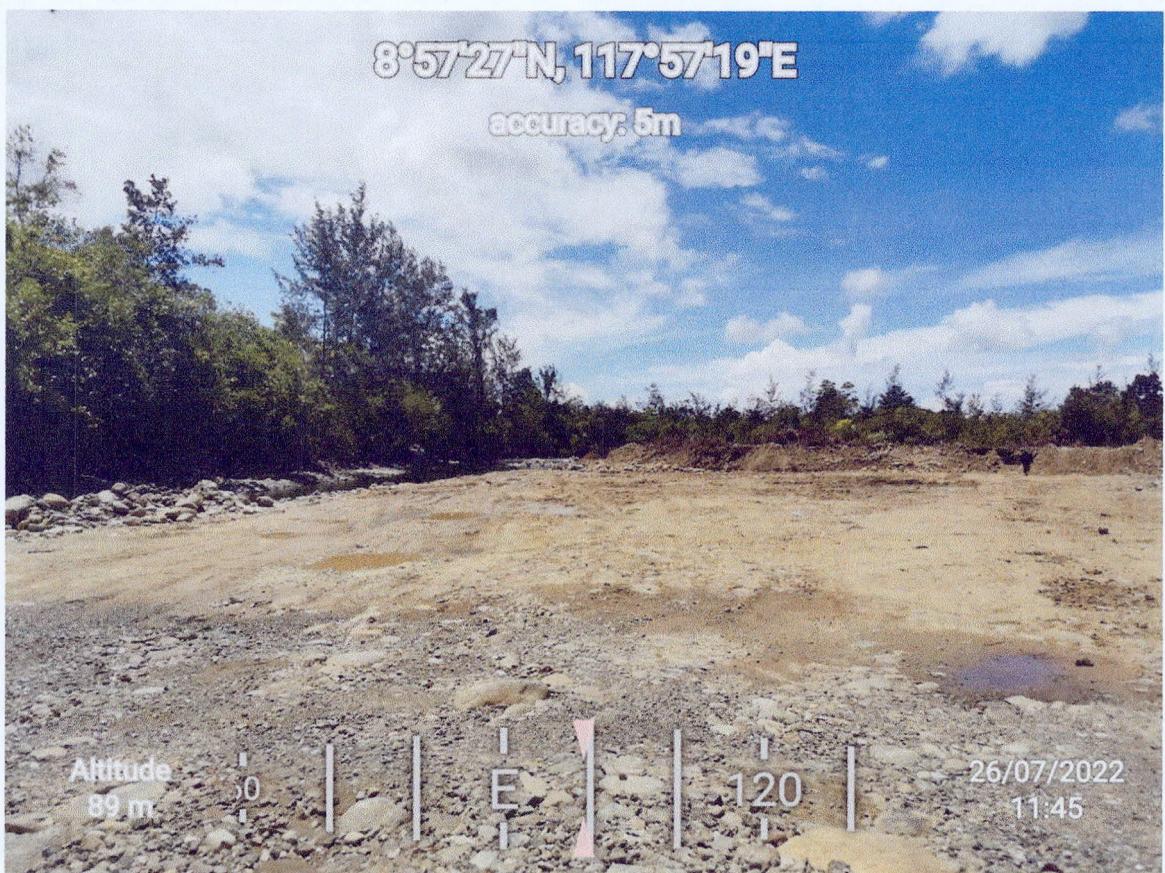
Annex B. Photo Documentation



Descending road to Bulho River accessed by the team



No sand and gravel activities were noted during time of inspection



Area under extraction of sand and gravel

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



Inspection at Malalong Dam

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

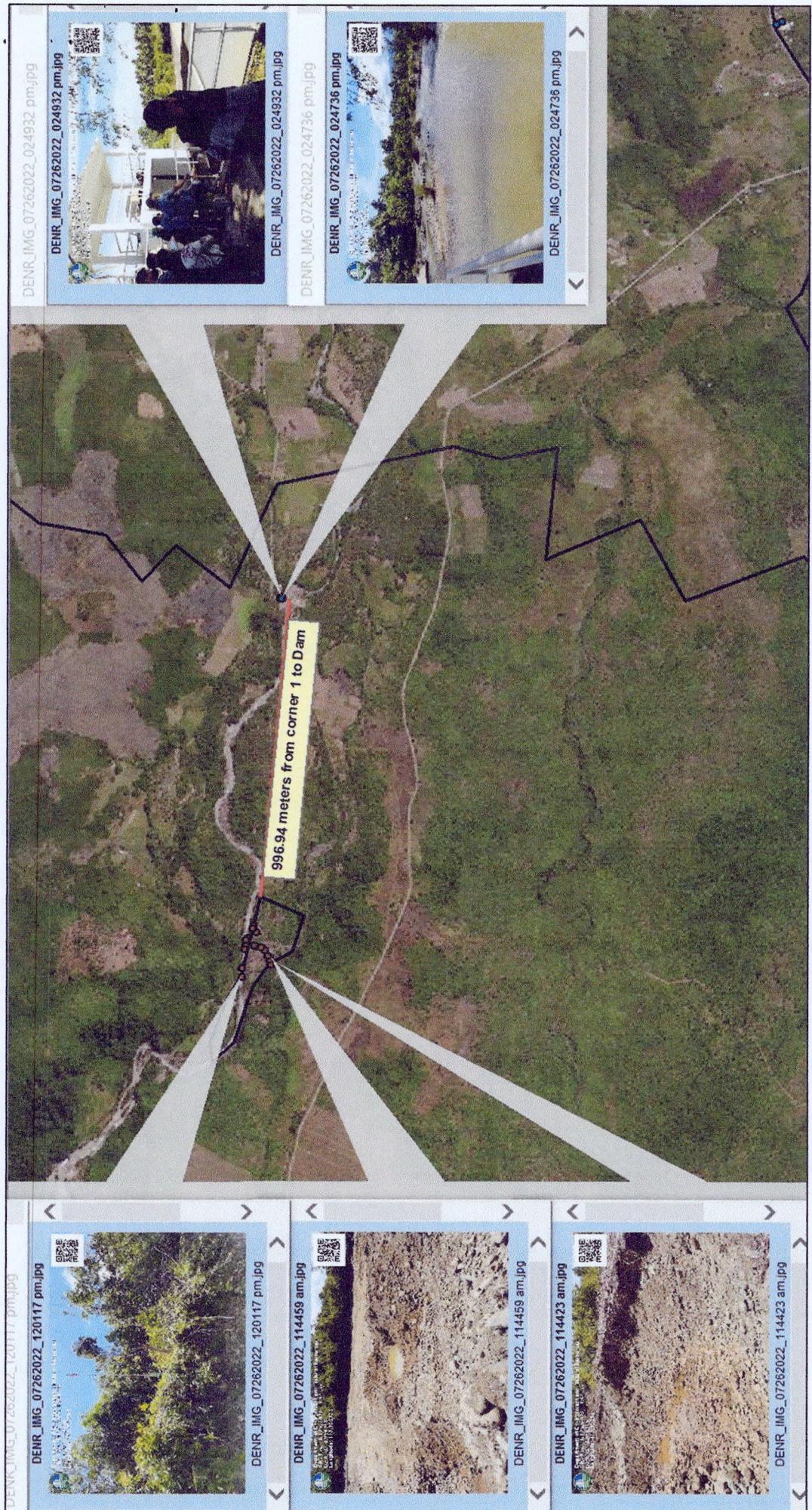
Annex C.

Location Maps

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



M. Rodriguez St. Poblacion District I, Brooke's Point Palawan 5305
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