



Republic of the Philippines  
Department of Environment and Natural Resources  
**PROVINCIAL ENVIRONMENT AND NATURAL RESOURCES OFFICE**  
**MIMAROPA Region**

SEP 09 2022

**MEMORANDUM**

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

The Regional Director  
EMB-MIMAROPA Region  
Calapan City, Oriental Mindoro

**THRU :** The Assistant Regional Director  
For Technical Services

**FROM :** The OIC, PENR Officer

**SUBJECT :** CONSTRUCTION OF MISSING LINKS/NEW ROADS SABLAYAN  
VICTORIA (MINDORO CROSS ISLAND ROAD PROJECT)

Respectfully forwarded is the memorandum of CENR Officer Anastacio A. Santos dated August 22, 2022 pertaining to the issuance of cease and desist order to DPWH-MIMAROPA Region and its contractor from conducting further developments and implementation of the entire project.

In this regard, the DENR-CENR Office would like to express their sincerest gratitude and appreciation for the expeditious action and recommendation of your office.

For your information and record.

  
**ERNESTO L. TAÑADA**

DENR-MIMAROPA RECORDS SECTION	
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Republic of the Philippines  
Department of Environment and Natural Resources  
MIMAROPA Region  
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE

August 22, 2022

**MEMORANDUM**

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

: The Regional Director  
EMB- MIMAROPA Region  
Calapan City, Oriental Mindoro

THRU : The PENR Officer  
Mamburao, Occidental Mindoro

FROM : The CENR Officer

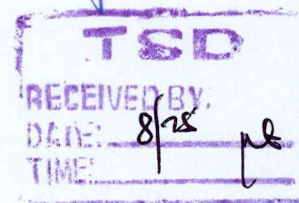
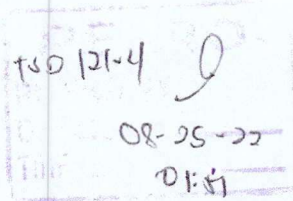
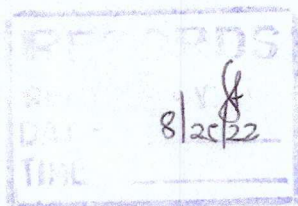
SUBJECT : CONSTRUCTION OF MISSING LINKS/NEW ROADS  
SABLAYAN VICTORIA (MINDORO CROSS ISLAND  
ROAD PROJECT)

The DENR-CENRO Sablayan would like to express its sincerest gratitude and appreciation for your swift action and recommendation to the above cited subject matter.

With a single mission, rest assured that we will live up to your unwavering commitment and dedication in protecting the environment and our natural resources.

Thank you very much and more power.

  
FOR. ANASTACIO A. SANTOS, MPA







Department of Environment and Natural Resources  
Environmental Management Bureau  
MIMAROPA Region



**IN THE MATTER OF ENVIRONMENTAL  
IMPACT ASSESSMENT LAW**

**EMB-MIMAROPA CASE NO.  
OCCMIN-407-21**

**-VS-**

**CONSTRUCTION OF MISSING  
LINKS/NEW ROADS, SABLAYAN-  
VICTORIA (MINDORO CROSS ISLAND  
ROAD PROJECT)**

**For: VIOLATION OF P.D. 1586 AND  
ITS IMPLEMENTING RULES AND  
REGULATIONS**

Respondent

X-----X

**ORDER**

For consideration is the recommendation of CENRO - Sablayan, Occidental Mindoro, and the result of the validation inspection conducted at Pag-asa, Sablayan, Occidental Mindoro, to issue Cease and Desist Order (CDO) against DPWH - MIMAROPA Region and its contractors for implementing the Victoria - Sablayan (Mindoro Cross Island) Road Project without a valid Environmental Compliance Certificate (ECC) issued by this Office.

The facts of the case are as follows:

On 17 August 2019, a Certificate of Non-Coverage (CNC) with Reference No. CNC-OL-R4B-2019-08-00476 was issued in favor of DPWH Mindoro Occidental District Engineering Office for the Construction of Concrete Road - Victoria Sablayan (Mindoro Cross Island Road), Phase VII, Mindoro Occidental Project located at Brgy. Victoria, Sablayan, Occidental Mindoro.

The Certificate also stated that the project is classified as a National Road Project with a distance of 0.8180 kilometer length with no critical slope.

On 15 March 2021, this Office conducted a site inspection for new projects operating with/without ECC Applications.

During the inspection, it was discovered that the project has a total distance of sixty-one (61) kilometers with critical slope, covering the areas of Sablayan, Occidental Mindoro to Victoria, Oriental Mindoro, and has already undertaken excavation, clearing, grubbing, and removal of trees without a valid ECC.

Furthermore, Phase I to V of the project, covering a distance of six (6) kilometers was already finished while the remaining phases of the project are currently ongoing and is being undertaken by STX Enterprises.



*"Sec. 12. Environmental Impact Assessment (EIA). Considering that protected areas are environmentally critical areas, the proponent of development projects and activities with potentially significant adverse impacts as determined by the Environmental Management Bureaus (EMB), whether or not these projects or activities are included in the management plan, shall secure an Environmental Compliance Certificate (ECC) in accordance with the Philippine Environment Impact Statement (EIS) System x x x x*

*"No actual implementation of such activities shall be allowed without the required ECC under the Philippine EIA System. Violations of environmental laws, rules and regulations, including those under the EIA System, shall be penalized accordingly."*

Upon review, records would show that EMB Central Office issued a letter dated 11 February 2022 regarding the Results of the First Procedural Screening of the Proposed Victoria Sablayan Road Project with a Total Length of 61.43 KM of DPWH Region 4B.

Based on their assessment, the draft Environmental Impact Study (EIS) submitted by the Respondent was found to be inadequate and lacking requirements would still have to be submitted for further evaluation. As of date, the project remains operational despite not having a valid ECC issued by the EMB Central Office.

Section 4 of P.D. 1586 states that, *"No person, partnership, or corporation shall undertake or operate any such declared environmentally critical project or area without first securing an Environmental Compliance Certificate issued by the President or his duly authorized representative."*

Moreover, Section 4, Item VIII, of EMB Memorandum Circular No. 2020-21 states that,

*"In case of non-compliance with the order, decision, or resolution by the Respondent, or non-compliance to the environmental commitments submitted by the Respondent, remedies such as but not limited to the following shall be undertaken:*

*xxxxxxx*

*c. Issuance of Cease and Desist Order*

*xxxxxxxxx"*



Thus, CENRO - Sablayan, Occidental Mindoro recommended the issuance of a Cease and Desist Order against the Respondent for implementing the project without a valid ECC.

Subsequently, on 03 August 2022, this Office conducted a site inspection to validate the status of the project.

During the inspection, it was discovered that Phase 1 to 7 of the project, covering a distance of seven (7) kilometers is already nearing its completion while Phase 8 which covers a total distance of eight (8) kilometers has already commenced with excavations and openings observed in the project site.

Furthermore, Engr. Ronald Patulot of STX Enterprises Construction also explained that they have undertaken the construction of slope protection, box culvert, and head wall canal from November 2021 to March 2022, however the same was not completed.

Engr. Patulot also admitted that they have already started the activities for Phase 8 of the project, citing that they are following a timetable in completing the project and that they have not received any Notice from DPWH to suspend the project.

This Office now resolves whether Respondent should be held liable for violation of Section 4, P.D. 1586 for implementing an Environmentally Critical Project without a valid ECC. Upon review and evaluation, this Office finds Respondent **LIABLE** for violation of Section 4 of P.D. 1586.

Section 4 of P.D. 1586, otherwise known as "Philippine Environmental Impact Statement System" provides that government and private entities are required to secure an Environmental Compliance Certificate (ECC) before starting a project falling under the system.

Furthermore, Item 3.4.1 of EMB Memorandum Circular NO. 2014-005 provides that National Road projects with a length greater than or equal to ten (10) kilometers with critical slope are classified as Environmentally Critical Project and therefore required to secure an ECC prior to project implementation.

It must also be noted that based also on the report from CENRO, a portion of the project will traverse F.B. Harrison Game Refuge and Bird Sanctuary.

Relative thereto, Section 12 of Republic Act 7586 as amended by Republic Act 11038 or the Expanded National Integrated Protected System Areas of 2018 provides,



Accordingly, a Notice of Violation (NOV) was issued against the project on 08 June 2021 for violation of Section 4 of PD 1586.

In response to the NOV, Respondent filed a Position Paper wherein it acknowledged that this Office has already transmitted the documentary requirements of their ECC Application to EMB Central Office, upon determination that the project is classified as an Environmentally Critical Project.

Respondent further contends that they have already informed this Office relative to their intention to engage the services of consultants who will conduct the Environmental Impact Study (EIS) and pleaded to allow the project to continue with the commitment that all affected trees will have proper inventory.

In addition, Respondent also explained that given the time constraints and current government policy on utilization of allotted funds, they had no recourse but to implement the project within the given time.

On 09 August 2021, this Office issued an Order denying Respondent's Position Paper and directed Respondent to pay the fine amounting to **FIFTY THOUSAND PESOS (Php 50,000.00)**, within fifteen (15) days from receipt of the Order.

On 07 September 2021, Respondent paid the penalty amounting to FIFTY THOUSAND PESOS (Php 50,000.00) as evidenced by Official Receipt No. 0847289B. Accordingly, a Resolution was issued by this Office dated 22 September 2021 lifting the violation cited against the Respondent with the directive to suspend implementation of all activities until and unless a valid ECC has been issued in favor of the project.

On 25 March 2022, DENR – CENRO Sablayan, Occidental Mindoro issued a directive addressed to DPWH – Mamburao, Occidental Mindoro advising them to refrain from introducing any further developments in the area after it was discovered that the trees were illegally cut in Phases 7 and 8 of the project, without any valid permits from the DENR.

On 22 May 2022, DENR – CENRO conducted a validation inspection of the project wherein it was discovered that the road construction remains ongoing as evidenced by the newly bulldozed earthwork and affected trees within the sloping terrain. Moreover, the report also noted that the road project was undertaken without any valid Tree Cutting Permit and ECC issued in favor of the project.



**WHEREFORE**, in view of the foregoing, Respondent DPWH – MIMAROPA Region and its contractors are directed to **CEASE AND DESIST** from conducting further developments and implementation of the entire project **EFFECTIVE IMMEDIATELY** upon receipt of this Order and shall remain effective until and unless a valid ECC has been secured for the project.


**Furthermore**, Respondent DPWH – MIMAROPA Region and its contractors are hereby directed to submit an effective Rehabilitation Plan including Slope Protection Measures, within fifteen (15) days from receipt of this Order, subject to evaluation and validation of its effectiveness.

The **Chief, PEMU – Occidental Mindoro** or h/s duly authorized representative is directed to serve this Order within seventy-two (72) hours from receipt hereof. A report shall likewise be submitted to the undersigned within forty-eight (48) hours upon execution thereof stating the proceedings taken therein.

**SO ORDERED.**

Manila, 17 AUG 2022

  
**JOE AMIL M. SALINO**  
Regional Director

 Department of Environment and Natural Resources  
Environmental Management Bureau  
Regional Office No. IV - B MIMAROPA

  
17 AUGUST 2022 ODRRDSAT INQ-006