



MEMORANDUM

FOR : THE REGIONAL EXECUTIVE DIRECTOR

FROM : THE OIC, ASSISTANT REGIONAL DIRECTOR
FOR TECHNICAL SERVICES

SUBJECT : **COMMENTS ON THE MOTION FOR
RECONSIDERATION DATED FEBRUARY 22, 2023 RE
ILLEGAL CONSTRUCTION OF CAUSEWAY AND
OTHER RELATIVE ACTIVITIES OF ALTAI
PHILIPPINES MINING CORPORATION (APMC)**

DATE : **MAY 19 2023**

1st Issue: Cutting Permit

In compliance to your Memorandum dated 12 May 2023, respectfully submitted herewith are the comments on the Motion for Reconsideration dated 22 February 2023 filed by Altai Philippines Mining Corporation (APMC) thru its legal counsel, Atty. Mary Jane F. Balagtas specifically on application for tree cutting permit.

Kindly be informed that this Office received two (2) application of APMC for issuance of cutting permit. Below is the chronological events of documents and action taken by the Licenses, Patents and Deeds Division, to wit:

1. DATS No: P-2022-98563
Within MPSA No. 304-2009-IVB
No. of trees: 2,673
Volume of trees (cu.m.): 576.62
Location: Sitio Bato, Barangay España, San Fernando, Romblon

DATE		DOCUMENT
26 October 2022	-	Inspection Report of technical personnel of PENRO Romblon
11 November 2022	-	Memorandum of OIC, PENRO Romblon for the RED forwarding subject application
16 November 2022	-	Application received by RO
22 November 2022	-	Application received by LPDD
05 December 2022	-	Memorandum to the PENRO Romblon
		Returning the application for submission of the required documents are the following:
		1. Letter of Application;
		2. Certified True Copy of Mineral Production Sharing Agreement (MPSA);

		<ol style="list-style-type: none"> Certified true copy of Securities and Exchange Commission (SEC) Registration and General Information Sheet; Certified true copy of Secretary's Certificate appointing their authorized representative; LGU endorsement interposing no objection to the cutting of subject trees; Certified True Copy of Environmental Compliance Certificate (ECC); Earth-balling and Transplanting Plan; Copy of approved Environmental Protection and Enhancement Program (EPEP); Rectified tree charting map in accordance with FMB Technical Bulletin No. 21-A and shapefile with defined projection saved in CD/flash drive and/or e-mailed to forestsection2016@gmail.com; and Tally Sheet and Stand & Stock Table (Excel Format), geotagged photographs of trees requested for cutting and panoramic view of the inventoried area (saved in CD/flash drive and/or e-mailed to forestsection2016@gmail.com)
09 December 2022	-	Advance copy of Memorandum dated 05 December 2022 was sent to penroromblon@denr.gov.ph

2. DATS No. P-2022-96573

Proposed 1-hectare nursery

No. of trees: 397

Volume of trees (cu.m.)

Location: Lot No. 1318Cad-447-D located in Barangay Taclobo, San Fernando, Romblon

DATE		DOCUMENT
19 September 2022	-	Inspection Report of technical personnel of PENRO Romblon
06 October 2022	-	Memorandum of OIC, PENRO Romblon for the RED forwarding subject application
13 October 2022	-	Application received by RO
25 October 2022	-	Application received by LPDD
02 December 2022	-	<p>Memorandum to the PENRO Romblon</p> <p>Returning the application and for submission of the lacking requirements as follows:</p> <ol style="list-style-type: none"> Letter of Application; Authenticated copy of Land Title; Certified true copy of Deeds of Absolute Sale for the above-mentioned property, if applicable; Certified true copy of Securities and Exchange Commission (SEC) Registration and General Information Sheet; Certified true copy of Secretary's Certificate appointing their authorized representative; LGU endorsement interposing no objection to the cutting of subject trees;

		<p>7. Rectified tree charting map in accordance with FMB Technical Bulletin No. 21-A and shapefile with defined projection saved in CD/flash drive and/or e-mailed to forestsection2016@gmail.com; and</p> <p>8. Tally Sheet and Stand & Stock Table (Excel Format), geotagged photographs of trees requested for cutting and panoramic view of the inventoried area (saved in CD/flash drive and/or e-mailed to forestsection2016@gmail.com)</p>
09 December 2022	-	Advance copy of Memorandum dated 05 December 2022 was sent to penroromblon@denr.gov.ph

DENR Administrative Order (DAO) No. 2021-11 re “Guidelines in the Processing and Issuance of Permits for the Cutting, Removal and Relocation of Naturally Growing Trees” governs application for the cutting and removal of naturally growing trees either in the public/forestlands or private lands. Section 4 of the same policy provides that any applications with incomplete or invalid documentary requirements shall be returned to the applicant without prejudice to refile.

Further, Presidential Decree (PD) No. 705 re “Revised Forestry Code of the Philippines” as amended stipulates that:

SECTION [68] [78] 77. 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 Article 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, collection or possession [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”

2nd Issue: Miscellaneous Lease Agreement (MLA)

This refers to the Memorandum dated May 12, 2023 regarding the Motion for Reconsideration filed by Altai Philippines Mining Corporation (APMC) thru its legal counsel, Atty. Mary Jane F. Balagtas.

Based on the records, APMC filed their application for Miscellaneous Lease Application on September 12, 2022. The application and other documents pertinent to the application was received by the Records Unit on November 9, 2022 and received by LPDD on November 10, 2022. Upon evaluation of the submitted documents, it was observed that the application and all the other requirements were in the name of the Hanniel T. Ngo, one of the officer of APMC. The area applied for would be utilized by the APMC, therefore the applicant should be the corporation represented by Hanniel T. Ngo. Memorandum dated November 16, 2022, containing the observation and recommendation on the application was forwarded to PENR Office. The amended application was received by the Records Unit of the Regional Office on December 12, 2022. Upon evaluation, it was observed that the survey plan was still in the name of Hanniel T. Ngo. On January 10, 2023, a Memorandum to the Surveys and Mapping Division indorsing the survey plan for amendment. An amendment order was issued on January 11, 2023. On January 17, 2023, This office acted on the documents promptly by drafting memorandum and CSW for the approval of the appraisal which was forwarded the Office of the OIC, Assistant Regional Director for

Technical Services for review and initial. The same was forwarded to the Office of the Regional Executive Director on January 23, 2023.

Altai Philippines Mining Corporation (APMC) introduced improvements in the area prior to the approval of their permit which is in violation of existing laws, rules and regulations. The Office provided the necessary assistance to the proponent within the bounds of our mandate in processing their application.

FOR INFORMATION AND FURTHER INSTRUCTION/S, IF ANY.



MAXIMO C. LANDRITO



Republic of the Philippines
Department of Environment and Natural Resources
MIMAROPA REGION

CERTIFIED TRUE COPY OF THE ORIGINAL


MICHELLE B. TUYAN May 26, 2023
OIC-Chief, Records Section
Administrative Section-DENR MIMAROPA

MEMORANDUM

TO : THE OIC, PENR OFFICER
Romblon

FROM : THE OIC, ASSISTANT REGIONAL DIRECTOR
FOR TECHNICAL SERVICES

SUBJECT : REQUEST OF ALTAI PHILIPPINES MINING CORP. (APMC)
FOR THE ISSUANCE OF PERMIT TO CUT NATURALLY
GROWN TREES WITHIN THEIR MINERAL PRODUCTION
SHARING AGREEMENT (MPSA) LOCATED IN SITIO BATO,
BARANGAY ESPAÑA, SAN FERNANDO, ROMBLON [P-
2022-98563]

DOCUMENT/S ATTACHED : DENR Administrative Order (DAO) No. 2021-11 re. "Guidelines in the
Processing and Issuance of Permits for the Cutting, Removal and Relocation
of Naturally Growing Trees"

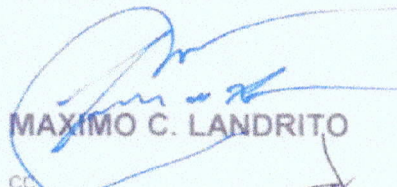
DATE : DEC 05 2022

This pertains to the request of ALTAI Philippines Mining Corp. (APMC) for the issuance of permit to cut 2,673 naturally grown trees with gross volume of 576.62 cu.m. within their Mineral Production Sharing Agreement (MPSA) in Sitio Bato, Barangay España, San Fernando, Romblon.

Review and evaluation of submitted documents supporting subject application disclosed that the following should be complied, to wit:

1. Letter of Application;
2. Certified True Copy of Mineral Production Sharing Agreement (MPSA);
3. Certified true copy of Securities and Exchange Commission (SEC) Registration and General Information Sheet;
4. Certified true copy of Secretary's Certificate appointing their authorized representative;
5. LGU endorsement interposing no objection to the cutting of subject trees;
6. Certified True Copy of Environmental Compliance Certificate (ECC);
7. Earth-balling and Transplanting Plan;
8. Copy of approved Environmental Protection and Enhancement Program (EPEP);
9. Rectified tree charting map in accordance with FMB Technical Bulletin No. 21-A and shapefile with defined projection saved in CD/flash drive and/or e-mailed to forestsection2016@gmail.com; and
10. Tally Sheet and Stand & Stock Table (Excel Format), geotagged photographs of trees requested for cutting and panoramic view of the inventoried area (saved in CD/flash drive and/or e-mailed to forestsection2016@gmail.com)

Submission of the above-mentioned requirements will be our basis in taking further action, thereon.


MAXIMO C. LANDRITO

- cc - The Regional Executive Director
- ALTAI Philippines Mining Corp.



Department of Environment
and Natural Resources
MIMAROPA Region



Doc ID: 98563



Republic of the Philippines
Department of Environment and Natural Resources
MIMAROPA REGION

CERTIFIED TRUE COPY OF THE ORIGINAL

MICHELLE B. TUYAN
OIC-Chief, Records Section
Administrative Division, DENR MIMAROPA

May 26, 2023

MEMORANDUM

TO : THE OIC, PENR OFFICER
Romblon

FROM : THE OIC, ASSISTANT REGIONAL DIRECTOR
FOR TECHNICAL SERVICES

SUBJECT : REQUEST FOR THE ISSUANCE OF PERMIT TO CUT TREES
THAT WILL BE AFFECTED BY THE PROPOSED ONE-
HECTARE NURSERY AREA OF ALTAI PHILIPPINES MINING
CORP. (APMC) IN BARANGAY TACLOBO, SAN FERNANDO,
ROMBLON [P-2022-96573]

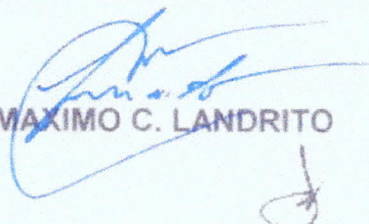
DATE : DEC 02 2022

This pertains to the request of ALTAI Philippines Mining Corp. (APMC) for the issuance of permit to cut trees that will be affected by the proposed one-hectare nursery area within a private land covered by Lot No. 1318 located in Barangay Taclobo, San Fernando, Romblon.

Review and evaluation of submitted documents supporting subject application disclosed that the following should be complied, to wit:

1. Letter of Application;
2. Authenticated copy of Land Title;
3. Certified true copy of Deeds of Absolute Sale for the above-mentioned property, if applicable;
4. Certified true copy of Securities and Exchange Commission (SEC) Registration and General Information Sheet;
5. Certified true copy of Secretary's Certificate appointing their authorized representative;
6. LGU endorsement interposing no objection to the cutting of subject trees;
7. Rectified tree charting map in accordance with FMB Technical Bulletin No. 21-A and shapefile with defined projection saved in CD/flash drive and/or e-mailed to forestsection2016@gmail.com and
8. Tally Sheet and Stand & Stock Table (Excel Format), geotagged photographs of trees requested for cutting and panoramic view of the inventoried area (saved in CD/flash drive and/or e-mailed to forestsection2016@gmail.com)

Submission of the above-mentioned requirements will be our basis in taking further action, thereon.


MAXIMO C. LANDRITO

cc

- The Regional Executive Director
- ALTAI Philippines Mining Corp.



Department of Environment
and Natural Resources
MIMAROPA Region



Doc ID: 96573



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

MEMORANDUM FOR THE SECRETARY

THRU : **ATTY. JUAN MIGUEL T. CUNA, CESO I**
Undersecretary for Field Operations
- Luzon, Visayas and Environment

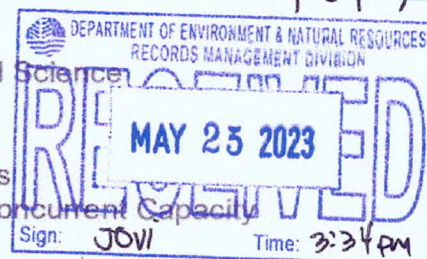
USEC CARLOS PRIMO DAVID, PH.D.
Undersecretary for Integrated Environmental Science

ENGR. GILBERT C. GONZALES, CESO III
OIC, Assistant Secretary for Field Operations
- Luzon and Visayas and EMB Director in Concurrent Capacity

FROM : **THE REGIONAL EXECUTIVE DIRECTOR**

SUBJECT : **UPDATE ON ALTAI PHILIPPINES MINING CORPORATION (APMC)**

DATE : **22 MAY 2023**



Please find hereunder the actions taken by this Office since the serving of the JOINT ORDER (**ANNEX 1**) issued by the undersigned and MGB Regional Director Glenn Noble and EMB Regional Director Joe Amil Salino on 06 February 2023. The said Order directs the PENRO to execute the filing of appropriate legal actions, if warranted, on the reported cutting of trees without permit, among others.

DATE	ACTIONS TAKEN
06 February 2023	The undersigned sent a letter to PBGEN Sidney S. Hernia, PNP MIMAROPA Regional Director, requesting for their assistance in the implementation of the Joint Order (ANNEX 2).
08 February 2023	The PENRO team thru PENRO Special Order No. 23-19 coordinated with Officials of Barangay España, San Fernando, Romblon and APMC representatives regarding the conduct of re-inventory of trees within the APMC area. Mr. Marvin Roy and Mr. Jaime Yap, both APMC representatives advised the PENRO team to make a request letter with the corresponding Special Order to be forwarded to their main office. The PENRO was able to provide the request letter and SO. However, the APMC representatives informed the PENRO team that the requested documents should be forwarded to APMC's main office as they are not authorized to receive such documents.

09 February 2023	The PENRO Team per Special Order No. 23-19 went back to the APMC area and coordinated with their representatives who informed them that they are still waiting for the instruction from their main office with regards to the conduct of tree re-inventory within APMC area.
09 February 2023	OIC, PENR Officer Arnoldo A. Blaza, Jr., sent a request thru a Memorandum to DENR MIMAROPA Regional Office to facilitate the conduct of detailed assessment on the potentially damaged sea grass and other marine resources due to the illegal construction of causeway by APMC and recommended experts from the ERDB and BMB to lead the assessment team (ANNEX 3).
10 February 2023	The PENRO Team per Special Order No. 23-19 coordinated with the APMC representatives and was again denied by APMC to conduct the re-inventory of trees.
13 February 2023	Issued a Memorandum to OIC-PENRO Blaza requiring him to explain why illegal tree cutting was undertaken without the PENR Office noticing it (ANNEX 4).
13 February 2023	The undersigned thru a Memorandum (ANNEX 5) instructed OIC, ARDTS, LPDD and CDD Chiefs to submit CSW re APMC exploration in view of the possible Senate inquiry and prepare the following: <ol style="list-style-type: none"> 1. CSW on the application of MLA of APMC 2. CSW on the TCP of APMC 3. Possible implication of APMC mining on the adjacent MGGNP
16 February 2023	OIC, PENRO Blaza forwarded Memorandum dated 10 February 2023 from Sibuyan Sub-Station personnel stating that the team was not given the consent to enter the said area to conduct re-inventory of trees within the 20-hectare area of APMC (ANNEX 6)
23 February 2023	OIC, PENR Officer Arnoldo A. Blaza, Jr., reiterated their request thru Memorandum dated 09 February 2023 addressed to DENR MIMAROPA Regional Office to facilitate the conduct of marine resources assessment. Further, the Region was informed that PENRO Blaza issued a Special-Order No. 2023-20 dated 07 February 2023 creating a team to conduct rapid assessment of potentially damaged seagrass and other marine resources as affected by causeway illegal construction of APMC. (ANNEX 7)
27 February 2023	<p>Issued memoranda (ANNEX 8) requesting for the assistance of Biodiversity Management Bureau (BMB) and the Ecosystems Research and Development Bureau (ERDB) in the conduct of assessment of marine resources allegedly affected by the construction of the causeway. Initial assessment was done by the PENRO staff.</p> <p>However, considering the letter of Mayor Nanette B. Tansingco of San Fernando, Romblon to the Secretary dated 30 January 2023 alleging that "the construction of the port has caused damaged to the corals and the natural habitats of marine life" (ANNEX 9) and the issue is being scrutinized by NGOs, we opted to have a more in-depth assessment of the areas surrounding the built causeway.</p> <p>The assessment of marine resources in the area was completed by the ERDB last Friday, 19 May 2023.</p>

27 February 2023	<p>In compliance with Secretary Maria Antonia Yulo-Loyzaga's instruction during the virtual meeting with USEC Cuna, the undersigned, MGB MIMAROPA RD Glenn Marcelo Noble and EMB MIMAROPA RD Joe Amil Salino, OIC, PENRO Blaza submitted a map (ANNEX 10) showing the following:</p> <ol style="list-style-type: none"> 1. Location of the MPSA issued to APMC with a total area of 1,580 hectares 2. Proposed buffer zone of MGGNP or the designated forestland having a total area of 10,391.79 hectares and the forested agricultural land (outside timberland) having a total area of 9,546.89 hectares 3. CBFMA with an area of 698.64 hectares <p>As shown on the map, 168.37 hectares of the MPSA area have encroached the protected area while 913.57 hectares are within the proposed buffer zone of MGGNP.</p>
02 March 2023	Meeting with Secretary Loyzaga and Undersecretary Carlo Primo David re updates on APMC. The undersigned called PENRO Blaza and directed him to complete the inventory of trees which were cut without Tree Cutting Permit and initiate the necessary legal action against APMC.
08 March 2023	<p>A technical conference (ANNEX 11) was conducted with APMC management informing them that a team from PENRO was created to conduct re-inventory of trees within APMC.</p> <p>The APMC gave its consent for the conduct of the said activity within parcels 1, 2, 3 and the 20-hectare APMC area of operation at Sitio Bato, San Fernando, Romblon, provided that the company's representatives are present.</p> <p>The APMC thru its Legal Counsel Atty. Mary Jane Balagtas requested for the copy of the investigation reports on alleged clearing/affected areas and damage to marine life and sea grass as basis of the issuance of NOV dated February 03, 2023.</p>
08 March 2023	<p>Provincial CBFM Coordinator / CDO II Vannesa R. Gadon submitted a Completed Staff Work (CSW) (ANNEX 12) on the request of APMC for the issuance of permit to cut trees within their MPSA as instructed by OIC-ARDTS thru Memorandum dated 27 February 2023.</p> <p>Based on the report of Provincial CBFM Coordinator Gadon, the 4MCO (renamed to Samahan ng Malayang Magsasaka at Manggagawa) has prior rights over the CBFM area and thus, recommending the exclusion of the CBFMA overlapping with the MPSA granted to APMC.</p>
09 March 2023	A Team was created through PENRO Special Order No. 2023-33 dated 09 March 2023 to conduct re-inventory /inspection of trees within the 20-hectare including parcels 1,2 and 3 of APMC located at Sitio Bato, Brgy. España, San Fernando, Romblon.
10	OIC-PENRO Blaza submitted an update/ report (ANNEX 13) on the actions taken by PENRO Romblon in relation to the instruction to file

March 2023	<p>appropriate legal actions on the reported cutting of trees without permit by APMC which include the following:</p> <ol style="list-style-type: none"> 1. Meeting with Sibuyan Sub-Station personnel to strategize the conduct of the tree re-inventory/inspection of trees and discuss the functions/roles of each of the team member. 2. Preparation of the letter and conduct of courtesy call to the Municipal Mayor of San Fernando, Romblon with APMC representatives 												
11 -15 March 2023	<p>The PENRO team conducted an ocular inspection and was assisted by the APMC site OIC, Laboratory Assistant, Rubenson A. Angoy during the inspection. The team validated and relocated the previously inventoried trees and listed the missing trees based on the previous baseline data</p>												
17 March 2023	<p>The Re-Inventory/Inspection team submitted their report (ANNEX 14), addressed to the OIC, PENR Officer. Based on the report of the PENRO Inspection Team, a total of 442 saplings were damaged/removed and 114 trees were cut without Tree Cutting Permit. As reported, there were 88 cut trees within the 20-hectare site, 2 cut trees within Parcel 1, 17 cut trees within Parcel 2 and 7 cut trees within Parcel 3.</p> <p>SUMMARY</p> <table> <tr> <td>Trees Inventoried (No.)</td><td>2,717</td></tr> <tr> <td>Existing Trees (No.)</td><td>2,603</td></tr> <tr> <td>Missing Trees (No.)</td><td>114</td></tr> <tr> <td>Missing/Inventoried (%)</td><td>4%</td></tr> <tr> <td>Volume of Missing Trees (bd.ft.)</td><td>7,312.18</td></tr> <tr> <td>Estimated Value (Php)</td><td>329,048.10</td></tr> </table> <p>Based on the findings and observations, the team recommended the following:</p> <ul style="list-style-type: none"> ▪ Conduct of clarificatory meeting ▪ Retrieval and custody of the discovered uprooted trees and timber pieces to be used for possible filing of criminal complaints against the APMC and other individuals involved 	Trees Inventoried (No.)	2,717	Existing Trees (No.)	2,603	Missing Trees (No.)	114	Missing/Inventoried (%)	4%	Volume of Missing Trees (bd.ft.)	7,312.18	Estimated Value (Php)	329,048.10
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Volume of Missing Trees (bd.ft.)	7,312.18												
Estimated Value (Php)	329,048.10												
24 March 2023	<p>OIC, PENRO Blaza requested for legal assistance in the case build-up. According to him, the physical evidences could not be retrieved as these are now on cliffs of the MPSA area.</p>												
04 May 2023	<p>A meeting was conducted by the ARD for Technical Services as well as Chiefs of Enforcement Division and Legal Division on the request of PENRO Blaza for legal assistance. In the said meeting, the PENRO was advised to file a case even without the actual physical evidences so long as the geotagged photos of the cut trees now on cliffs would be presented.</p> <p>The Enforcement Division and Legal Division advised the PENRO to still file the case as the geotagged photos would suffice and other documents such as the land cover map would show that indeed, trees were cut and the area had been stripped of vegetation.</p>												

As practised, the filing of case on violation of PD 705 emanates from the field/PENRO/CENRO level. However, to date, instead of a case filed by the OIC-PENRO, he requested for legal assistance. In the meeting held on 04 May 2023, the Chiefs of Enforcement Division and Legal Division advised him to file the case even without the physical evidences since the cut trees could not be retrieved as such fell on cliffs and some could not be found. The reasons presented by the OIC-PENRO in his reports and through verbal communications with him are not enough to justify the failure of not filing a case against APMC. As discussed with the Assistant Regional Directors and the concerned Regional Division Chiefs, OIC-PENRO Blaza should be issued with a Show Cause Order for his failure to implement the Joint Order and observe what the existing environmental laws require. A copy of the Show Cause Order is attached for information and reference (**ANNEX 15**).

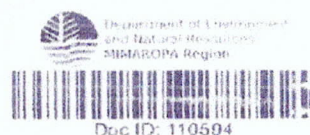
Case build up is still ongoing with the assistance of our Enforcement Division and Legal Division.

As stated in the PENRO's Report, trees were cut in Parcels 1 and 2 of the MPSA area. However, it was not mentioned if the cut trees are within the area which overlapped with a CBFM area as shown on **ANNEX 16**. It was not also stated in the report if cut trees are within Parcels 2's corners 6,7,8 and 9 with an approximate area of 63 hectares. The said area is within the Mt. Guiting-Guiting Natural Park (MGGNP) according to the memorandum of then RED Maria Lourdes Ferrer to the RD of MGB MIMAROPA on December 17, 2021 (**ANNEX 17**). These are now being validated by this Office.

The impacts of tree cutting such as soil erosion, siltation to nearest water body and disturbance of sensitive fauna will be included in the EIA to be undertaken by the APMC. The same will be subjected to intensive monitoring by a composite team.

As to the Motion for Reconsideration filed by APMC, a Resolution will be issued upon submission of comments and reports from concerned offices.


LORMELYN E. CLAUDIO, CESO IV



Cc: **ATTY. JONAS R. LEONES, CESO I**
Undersecretary for Policy, Planning and International Affairs

USEC AUGUSTO D. DELA PEÑA
Undersecretary for Organizational Transformation and Human Resources

ATTY. IGNATIUS LOYOLA A. RODRIGUEZ
Undersecretary for Special Concerns and Legislative Affairs



MEMORANDUM

FOR : OIC, PENR Officer

FROM : Chief, RPS

SUBJECT : **COMPLETED STAFF WORK (CSW) REGARDING THE MISCELLANEOUS LEASE APPLICATION OF ALTAI PHILIPPINES MINING CORPORATION (APMC) COVERED BY MLA No. 045913-3 IN SITIO BATO, BRGY. ESPAÑA, SAN FERNANDO, ROMBLON**

DATE : February 2, 2023

FACTUAL BACKGROUND

Altai Philippines Mining Corporation represented by Mr. Hanniel T. Ngo has an existing lease application with Miscellaneous Lease Application No. 045913-03 submitted on September 12, 2022. There have been a series of ocular inspection conducted in Sitio Bato, Brgy. España, San Fernando, Romblon where the docking port is currently being constructed.

As of current date, the permits and clearances applied by APMC is yet to be approve by the higher authority in order to proceed with the construction of the said docking port.

INSPECTIONS/ACTION TAKEN:

- July 4, 2022 – investigation composed of personnel from Regulation and Permitting Section, Enforcement Section, Mines and Geosciences Bureau (MGB), and Environmental Management Bureau (EMB) regarding the proposed docking port of APMC per letter of Ms. Helly Asoy (*Annex A*)
- July 6, 2022 - 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 (*Annex B*)
- July 11, 20 – memorandum addressed to Chief, Enforcement and Monitoring Section to conduct regular monitoring of APMC (*Annex C*)
- July 13, 2022 – memorandum regarding Altai's request to secure a copy of the report (*Annex D*)
- July 25, 2022 - letter addressed to DAR requesting for the list of CLOAs within Timberland designated Buffer Zones and A and D lands (*Annex E*)
- August 1, 2022 – memorandum of chronology of events pertaining to APMC (*Annex F*)
- August 10-11, 2022 – conduct of inventory of trees inside the premises of APMC on allegation of cutting surrounding trees without permit (*Annex G*)
- September 12, 2022 - Altai Philippines Mining Corporation through their President Hanniel T. Ngo submitted an application for Miscellaneous Lease of a foreshore area in Sitio Bato, Brgy. España, San Fernando, Romblon (*Annex H*)



- September 22, 2022 – conduct of inspection of the foreshore area subject of application for survey authority of APMC (*Annex I*)
- September 30, 2022 - Approval of Survey Authority No. AAB-2022-031 (*Annex J*)
- October 3, 2022 – appraisal of the proposed docking port was conducted by the personnel from Regulation and Permitting Section (*Annex K*)
- October 6, 2022 - Survey returns submitted to the Regional Office (*Annex L*)
- October 17, 2022 - Approval of the submitted survey (*Annex M*)
- November 11, 2022 - Indorsement of Appraisal report of APMC (*Annex N*)
- November 11, 2022 Indorsement of Miscellaneous Lease Application of a foreshore land (*Annex O*)
- November 23, 2022 - Memorandum from ARD for Technical Services regarding their observations of the submitted appraisal report and FLA (*Annex P*)
- December 1, 2022 - Letter addressed to Mr. Hanniel T. Ngo informing him of the additional requirements to be submitted in conjunction with the findings of the Regional Office (*Annex Q*)
- December 8, 2022 – indorsement of Miscellaneous Lease Application of APMC (*Annex R*)
- December 9, 2022 – transmittal of MLA of APMC (*Annex S*)
- January 18, 2023 – investigation conducted by the personnel of DENR Sibuyan Sub-station regarding the alleged illegal construction of pier (*Annex T*)
- January 18, 2023 – letter of suspension addressed to Mr. Hanniel T. Ngo due to the absence of approved MLA/Provisional Permit (*Annex U*)
- January 25, 2023 – conduct of investigation regarding the alleged violation of APMC where a docking port is being constructed without permits and clearances from concerned agencies (*Annex V*)
- January 27, 2023 – issuance of Notice of Violation issued by Environmental Management Services due to construction of sea port with reclamation in violation of RA 9275 known as the Philippine Clean Water Act of 2004 (*Annex W*)
- January 30, 2023 – memorandum addressed to OIC, PENRO regarding the completed staff work of the alleged violation of APMC (*Annex X*)
- February 1, 2023 – issuance of Notice of Violation as per the recommendation of investigation team (*Annex Y*)
- February 1, 2023 – letter addressed to Atty Janilo Rubiato of PRA and PPA informing their office about the on-going activity of APMC in the above-mentioned barangay (*Annex Z*)
- February 2, 2023 – submission of CSW regarding the alleged illegal construction of port (*Annex AA*)
- February 3, 2023 – issued Notice of Violation to Mr. Hanniel T. Ngo for cutting trees without Special Private Land Timber Permit (*Annex AB*)



FINDINGS:

1. On June 27, 2022 by virtue of Special Order No. 22-73 dated June 21, 2022 a composite team was created to conduct an ocular inspection and investigation in the vicinity occupied by Altai Philippines Mining Corporation (APMC) in Brgy. Taclobo, San Fernando, Romblon. The team was composed of representatives from Mines and Geosciences Bureau (MGB) – Romblon, Environmental Management Bureau (EMB) – Romblon, Enforcement Section and Regulation and Permitting Section (RPS) of DENR PENRO Romblon.
2. 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;
3. 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;
4. 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;
5. That as per Zoraida R. Repil, no agreement of sale has been signed between her and Altai Mining as of yet;
6. That the subject lot has already been enclosed by a barbed wire with a sign “No Trespassing, Private Property”;
7. That the subject lot has been flattened as a preparation for a possible roadway that leads to the seashore;
8. 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;
9. That the only signs of cutting was of the mango trees stacked on the corner of the property;
10. That the LGU of San Fernando has not issued any permits in regards with the proposed roadway in Brgy. Taclobo;
11. 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-Objection to be issued by the Sangguniang Barangay of Taclobo and Sangguniang Bayan of San Fernando, Romblon;
12. 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;
13. 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;



14. That per drone shot it was found out that there are several dump trucks, bank houses, and heavy equipment's stationed in the vicinity;
15. 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;
16. 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;
17. That based on the generated google earth the bunkhouses are already in the vicinity since 2012;
18. Subject area is a foreshore area adjacent to a property identified as Lot 1209 Cad 447-D San Fernando Cadastre located at Sitio Bato, Brgy. España, San Fernando, Romblon;
19. Portion of Lot 1209 having a total area of 30, 002 square meters was sold to Altai Philippines Mining Corporation (APMC) by virtue of Contract to Sell signed by Milagros H. Pefianco and Barbara Ann Pefianco Calderon and APMC dated June 29, 2022;
20. The subject area has a total area of 4, 563 square meters which is 2, 025 square meters of foreshore area and 2, 538 for causeway which is already in the offshore part of the vicinity;
21. The adjacent lot is an untitled property as per verification by the Register of Deeds;
22. The portion of Lot 1209 to be utilized by Altai Philippines Mining Corporation represented by Mr. Hanniel T. Ngo have already been flattened and covered by gravel which is a preparation for the construction of the access road;
23. The survey of the subject area (Mli-045913-3-D) has been approved on October 17, 2022;
24. The combined cost of proposed access road and private port amounts to Php36, 235, 400.00;
25. There are no residential houses surrounding the subject area;
26. The proposed causeway will serve as a docking site for incoming barge;
27. Based on the approved Appraisal Report the Recommended Rental Rate per Annum amounts to Php 677, 201.00 or Php 56,433.42 per month;
28. Letters addressed to different offices and agencies such as DPWH, PPA, Office of the Municipal Engineer, and Office of Municipal Planning Officer have already been sent out and there were no opposition signified by any of the agencies and offices dated October 26, 2022;
29. APMC have satisfied all the requirements needed for the approval of their Miscellaneous Lease Application;
30. The stockpile is on the foreshore area adjacent to Lot 1209, located at Sitio Bato, Brgy. España, San Fernando, Romblon
31. The reclamation measures sixteen (16) meters wide and two hundred and ten (210) meters.



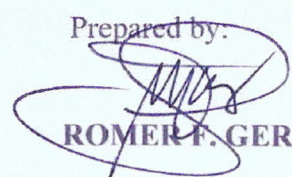
32. The reclamation activity started on January 13, 2023 – with trucks piling gravel, sand and huge rocks, on a twenty-four hour schedule.
33. According to Engr. Arnulfo Santiago – Vice President for Mining Operations and General Manager of Altai Phil. Mining Corporation in San Fernando, the reclaimed area will not be concreted and will remain a rough causeway.
34. No documents, Provisional Permit etc., were presented during the interview with Engr. Santiago.
35. No on-going reclamation activity was conducted during the site visit of the investigators. They were met by Engr. Frankylle R. Arreo, who also ascertained that the reclamation activity was put to a halt, as per Mayor Tansingco's instruction on January 17, 2023.
36. No issued Environmental Compliance Certificate/Certificate of Non-Coverage from the Environmental Management Bureau

COMMENT/RECOMMENDATION

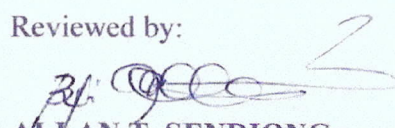
The construction of the docking port in Sitio Bato, Brgy. España, San Fernando, Romblon has caused disturbance in the said barangay since they are operating without an approved Miscellaneous Lease Agreement (MLA) and/or Provisional Permit despite the constant reminder that no operation shall be carried out until permits and clearances have been issued. The mere occupation and development of the area without the necessary instrumentalities is a clear violation of the provision of Presidential Decree No. 1067 known as the Water Code of the Philippines and DENR Administrative Order No. 2004-24 and other pertinent laws, rules, and regulations on foreshore management.

IN VIEW HEREOF, since this Office has already issued a Notice of Violation against the operation of APMC, it is strongly recommended that regular monitoring of the activities of APMC be done. This is to ensure that APMC is following the guidelines set by the agency to avoid further degradation of the surrounding ecosystem.

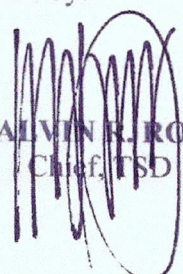
Prepared by:


ROMERT F. GERVACIO

Reviewed by:


ALLAN T. SENDIONG

Noted by:


MALVIN R. ROCERO
Chief, TSD



ANNEXES

1. Annex A: Investigation report regarding the letter of Helly Asoy dated July 4, 2022
2. Annex B: indorsement of investigation report regarding a construction of roadway dated July 6, 2022
3. Annex C: Memorandum addressed to Chief, EMS dated July 11, 2022
4. Annex D: Memorandum regarding the request of APMC dated July 13, 2022
5. Annex E: letter addressed to DAR requesting for the list of CLOAs dated July 25, 2022
6. Annex F: Memorandum of chronology of events dated August 1, 2022
7. Annex G: inventory of trees inside the premises of APMC dated August 10-11, 2022
8. Annex H: Submission of MLA by APMC dated September 12, 2022
9. Annex I: Inspection of Foreshore area subject of survey authority dated September 22, 2022
10. Annex J: Approval of Survey Authority dated September 30, 2022
11. Annex K: Appraisal of the proposed docking port dated October 3, 2022
12. Annex L: submission of Survey Returns to Regional Office dated October 12, 2022
13. Annex M: Approval of survey dated October 17, 2022
14. Annex N: Indorsement of Appraisal Report dated November 11, 2022
15. Annex O: Indorsement of MLA dated November 11, 2022
16. Annex P: Memorandum from ARD for Technical Services dated November 23, 2022
17. Annex Q: Letter addressed to Mr. Hanniel T. Ngo dated December 1, 2022
18. Annex R: Indorsement of MLA dated December 8, 2022
19. Annex S: transmittal of MLA dated December 9, 2022
20. Annex T: Investigation regarding the alleged illegal construction of pier dated January 18, 2023
21. Annex U: letter of suspension addressed to Mr. Hanniel T. Ngo dated January 18, 2023
22. Annex V: investigation dated January 25, 2023
23. Annex W: issuance of Notice of Violation by EMB-Romblon dated January 27, 2023
24. Annex X: memorandum of CSW regarding the alleged violation addressed to RED dated January 30, 2023
25. Annex Y: issuance of Notice of Violation by PENRO Romblon dated February 1, 2023
26. Annex Z: letter addressed to PRA and PPA
27. Annex AA: memorandum regarding the submission of CSW on the alleged illegal construction of port dated February 2, 2023
28. Annex AB: issuance of Notice of Violation dated February 3, 2023