



Republic of the Philippines
Department of Environment and Natural Resources
MIMAROPA Region *082-A*

OUTGOING

Received by: *[Signature]*
Date: *2/3/2023*

February 2, 2023

**DENR MIMAROPA
RECORDS SECTION
RECEIVED**

FEB 06 2023

☐ INCOMING ☐ OUTGOING
BY: _____ DATE NO. _____
TIME: _____

MEMORANDUM

FOR : The Regional Executive Director
DENR MIMAROPA-Region
1515 DENR By the Bay Building, Roxas Blvd
Brgy. 668, Ermita, Manila

THRU : The Assistant Regional Director for Technical Services

FROM : The OIC, PENR Officer

SUBJECT : **SUBMISSION OF COMPLETED STAFF WORK (CSW)
REPORT ON THE INVESTIGATION REGARDING THE
ALLEGED ILLEGAL CONSTRUCTION OF PORT AT SITIO
BATO, BRGY ESPAÑA, SAN FERNANDO ROMBLON**

Respectfully submitting the investigation report on the alleged illegal construction of port at Sitio Bato, Brgy. España, San Fernando, Romblon. Said construction is executed by Altai Philippines Mining Corporation.

Results of the investigation revealed that there is a stockpile on the foreshore area adjacent to Lot 1209, located at Sitio Bato, Brgy. España, San Fernando, Romblon which measures sixteen (16) meters wide and two hundred and ten (210) meters long. The reclamation activity started on January 13, 2023. However, said activity was put to a halt on January 17, 2023, when Chief Executive of the Local Government of San Fernando, Mayor Nanette Tansingco instructed the company to do so. There was no issued Environmental Compliance Certificate/Certificate of Non-Coverage from the Environmental Management Bureau. These results point out to violations on the provisions stipulated in DAO 2004-04, Section 2 (c) and Section 2 (f), and Section 51 of PD 1067 (Water Code of the Philippines) and Section 6(8) of the Philippine Reclamation Authority Administrative Order No. 2005-1.

This office is also seeking for legal advices regarding this matter, for further action.

For your information, records and further instruction.

[Signature]
ARNOLDO A. BLAZA JR.



January 30, 2023

MEMORANDUM

FOR : OIC, PENRO

FROM : The Chief, TSD

**SUBJECT : SUBMISSION OF COMPLETED STAFF WORK (CSW)
REPORT ON THE INVESTIGATION REGARDING THE
ALLEGED ILLEGAL CONSTRUCTION OF PORT AT SITIO
BATO, BRGY ESPAÑA, SAN FERNANDO ROMBLON**

Respectfully submitting the investigation report on the alleged illegal construction of port at Sitio Bato, Brgy. España, San Fernando, Romblon. Said construction is executed by Altai Philippines Mining Corporation.

Results of the investigation revealed that there is a stockpile on the foreshore area adjacent to Lot 1209, located at Sitio Bato, Brgy. España, San Fernando, Romblon which measures sixteen (16) meters wide and two hundred and ten (210) meters long. The reclamation activity started on January 13, 2023. However, said activity was put to a halt on January 17, 2023, when Chief Executive of the Local Government of San Fernando, Mayor Nanette Tansingco instructed the company to do so. There was no issued Environmental Compliance Certificate/Certificate of Non-Coverage from the Environmental Management Bureau. These results point out to violations on the provisions stipulated in DAO 2004-04, Section 2 (c) and Section 2 (f), and Section 51 of PD 1067 (Water Code of the Philippines) and Section 6(8) of the Philippine Reclamation Authority Administrative Order No. 2005-1

It is thereby recommended that a Notice of Violation and a Notice to Vacate be issued by the Regional Executive Director. The Philippine Reclamation Authority should also be informed of the violations of the corporation, thru a letter.

Lastly, this office is also seeking for legal advices regarding this matter, for further action.

For your information, records and further instruction.


MALVIN R. ROCERO



January 28, 2023

MEMORANDUM

FOR : The PENRO

FROM : The Investigation Team

SUBJECT : **SUBMISSION OF COMPLETED STAFF WORK ON THE INVESTIGATION REGARDING THE ALLEGED ILLEGAL CONSTRUCTION OF PORT AT SITIO BATO, BRGY ESPAÑA, SAN FERNANDO ROMBLON**

I. JUSTIFICATION

There is a need to abide by governmental laws and policies. Application for permits, leases and deeds is a must for every occupant of government properties. The office, on the other hand, act on such matter for it is the prime goal of the government to be of service to its community and make sure that utmost service is given.

II. LEGAL BASIS

DAO 2004-04, Section 2 (c) and Section 2 (f)

“Foreshore Lease Agreement (FLA) is an agreement executed by and between the DENR and the applicant to occupy, develop, utilize and arrange the foreshore land.”

“It also provide for the easement of salvage zone which is defined under this Order as land measuring twenty (20) meters measured land ward from the interior limit of the shoreline for easement purposes”.

Section 51 of PD 1067 (Water Code of the Philippines)

“The river banks 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 salvage or to build structures of any kind”.

“Salvage zone is res nullius and cannot be the subject of the commerce of man part of the public domain and intended for public use; and so long as this is so, it cannot be appropriated by any person except through expresses authorization granted in due form by competent authority”.

Section 6 (No. 8) of Philippine Reclamation Authority Administrative Order No. 2005-1

“Unauthorized or illegal reclamation that are partially reclaimed and which have undergo continuous reclamation up to completion, shall temporarily be stopped through the cease and desist order to be issued by PRA upon filing of application for registration. The reclamation activities shall be resumed and completed after the President shall have approve the project and the remaining works shall be undertaken in accordance with the policies, guidelines, and procedures under the regular process of legally undertaking any reclamation project.

The completed portion of the unauthorized or illegal reclamation shall be dealt with these guidelines. ”

III. FACTUAL BACKGROUND

January 13, 2023 – the duty personnel of DENR Sibuyan Sub-Station stationed at Guard Post 3, Brgy. España, San Fernando Romblon, received a verbal complaint from a concerned citizen regarding the alleged illegal construction of port allegedly perpetrated by Altai Philippines Mining Corporation.

FT II Ernie Forcadas immediately acted on the said complaint and took photos on site – which were then submitted to the Office of the PENRO

January 17, 2023 - an investigation team composed of Forester I Rolly Morales, Forest Technician I Ernie Forcadas, Forest Rangers Henry Carbonilla and Ludwin Ruado, conduted an investigation regarding the same matter as per instruction of the PENRO. The team affirmed that there is a large stockpile of top land soil at the applied portion for port purposes of Altai Phil. Mining Corporation. The said corporation also failed to show documents that will support the reclamation being done.

Consequently on the same date - January 17, 2023 – Mayor Nanette B. Tansingo of the Municipality of San Fernando issued an immediate suspension of port construction.

January 23, 2023 – Special Order No.23-08 was released by the Office of the PENRO, directing a team to further investigate on the alleged illegal port construction, as it was the recommendation on the submitted initial report.

IV. ACTIONS TAKEN

On January 25, 2023, Special Investigators Ann Adriguez of the Monitoring and Enforcement Section, and Eric Hindap of the Regulation and Permitting Section, conducted site visit, and conducted further investigation on the said matter as per PENRO Special Order No. 23-08.

V. FINDINGS

Findings of the investigation include:

1. There is a stockpile on the foreshore area adjacent to Lot 1209, located at Sitio Bato, Brgy. España, San Fernando, Romblon
2. The reclamation measures sixteen (16) meters wide and two hundred and ten (210) meters.
3. The reclamation activity started on January 13, 2023 – with trucks piling gravel, sand and huge rocks, on a twenty-four hour schedule.
4. 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.
5. No documents, Provisional Permit etc., were presented during the interview with Engr. Santiago.
6. 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.
7. No issued Environmental Compliance Certificate/Certificate of Non-Coverage from the Environmental Management Bureau

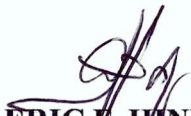
VI. COMMENTS/ RECOMMENDATIONS

The Investigation team recommends that there should be no activities on the constructed rough port, until the documentary requirements and permits be met and approved. The Altai Phil. Mining Corporation should be penalized for stacking at the foreshore area without due permits.

The Office of the PENRO should also issue a Notice to Vacate and Self Demolition for the violated provision stipulated in DAO 2004-04, Section 2 (c) and Section 2 (f), and Section 51 of PD 1067 (Water Code of the Philippines). In addition, a Notice of Violation, may likewise be issued for non-compliance on ECC/CNC requirements by the Environmental Management Bureau. Finally, a letter may be sent to the Philippine Reclamation Authority to notify the agency of the violation regarding port construction.

Prepared by:


ANN J. ADRIGUEZ
Special Investigator


ERIC F. HINDAP
Special Investigator

Noted:


MALVIN R. ROCERO
Chief, Technical Services Division



The investigators conduct site visit at the constructed port at Sitio Bato, Brgy. España, San Fernando, Romblon, on June 25, 2023





The port which measures 16 meters wide and 210 meters long, situated at Sitio Bato, Brgy. España, San Fernando, Romblon





The investigators interview Engr. Arnulfo Santiago, Vice President for Mining Operations of Altai Phil. Mining Corporation on January 25, 2023.





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

VERIFICATION

REPUBLIC OF THE PHILIPPINES)
PROVINCE OF ROMBLON)
MUNICIPALITY OF ODIONGAN)
X-----X

We, ANN J. ADRIGUEZ and ERIC F. HINDAP, both Filipino, of legal age, both married and have a postal address at Limon, Norte, Looc, Romblon and Tuburan, Odiongan, Romblon, Philippines, respectively, after having been duly sworn and state:

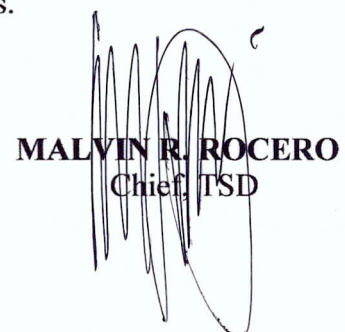
That we are the same person who prepared and signed the foregoing report of investigation; That we have read the said report and understand all the contents thereof. That the said report and all the contents are true as correct to the best of our knowledge, belief and information.

IN WITNESS WHEREOF, we have hereinto set our hands this 28th day of January 2023 at Odiongan, Romblon.


ANN J. ADRIGUEZ
Affiant


ERIC F. HINDAP
Affiant

SUBSCRIBED AND SWORN to before me this 28th day of January, 2023 at Odiongan, Romblon, and the affiants exhibit to me this Driver's License No. D10-17-000444 issued at LTO Odiongan and PRC No. 0656910 Issued at Manila, Philippines.


MALVIN R. ROCERO
Chief, TSD

REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF TRANSPORTATION
LAND TRANSPORTATION OFFICE
DRIVER'S LICENSE

Last Name, First Name, Middle Name
ADRIGUEZ, ANN JABOLI


Nationality Sex Date of Birth Weight (kg) Height (m)
PHL F 1981/10/22 68 1.60

Address
DAPAWAN, ODIONGAN, ROMBLON

License No. **D10-17-000444** Expiration Date **2031/10/22** Agency Code **D10**

Blood Type **O+** Eyes Color **BLACK**
DL Codes **A, A1** Conditions **NONE**

Signature of Licensee *[Signature]* **EDGAR C. GALVANSE**
Assistant Secretary



Republic of the Philippines
PROFESSIONAL REGULATION COMMISSION
PROFESSIONAL IDENTIFICATION CARD

LAST NAME ► **HINDAP**
FIRST NAME ► **ERIC**
MIDDLE NAME ► **FALOGME**
REGISTRATION NO. ► **0656910**
REGISTRATION DATE ► **10/27/2000**
VALID UNTIL ► **02/07/2024**

PROFESSIONAL TEACHER

