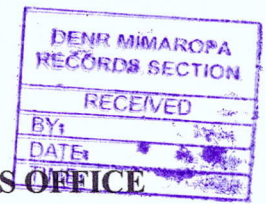




Republic of the Philippines
Department of Environment and Natural Resources
PROVINCIAL ENVIRONMENT AND NATURAL RESOURCES OFFICE
MIMAROPA Region



JUN 08 2023

MEMORANDUM

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

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

FROM : The OIC, PENR Officer
Mamburao, Occidental Mindoro

SUBJECT : ALLEGED ILLEGAL EXTRACTION OF SAND AND GRAVEL FROM
THE COASTAL BARANGAYS OF SAN JOSE, OCCIDENTAL
MINDORO (PRESIDENTIAL ACTION CENTER CODE NO. PACE-
CAM-05-01-2023-065 AND 8888 CITIZEN'S COMPLAINT HOTLINE
TICKET REFERENCE NO. POSP-052323-863-001)

Respectfully forwarded is the Investigation Report of the MGB-MIMAROPA Region Embedded Technical Personnel dated May 31, 2023 in compliance to the complaint of Mr. Ryan V. Cadiao regarding the above-cited subject

For your information, reference and further instruction.


ERNESTO E. TAÑADA



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

JUN 01 2023

MEMORANDUM

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

The Regional Director
MGB MIMAROPA Region
1515 DENR By the Bay Building
Roxas Blvd., Brgy. 668, Ermita, Manila

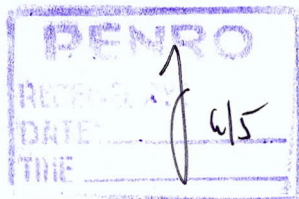
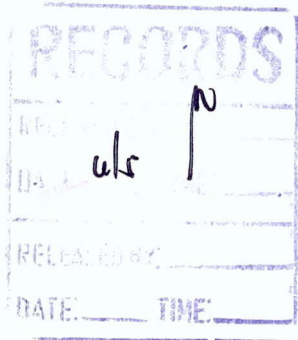
THRU : The OIC, PENR Officer
Mamburao, Occidental Mindoro

FROM : The CENR Officer

SUBJECT : ALLEGED ILLEGAL EXTRACTION OF SAND AND GRAVEL
FROM THE COASTAL BARANGAYS OF SAN JOSE,
OCCIDENTAL MINDORO (PRESIDENTIAL ACTION CENTER
CODE NO. PACE-CAM-05-01-2023-065 AND 8888 CITIZEN'S
COMPLAINT HOTLINE TICKET REFERENCE NO. POSP-052323-
863-001)

Respectfully forwarded is a copy of the investigation report dated 31 May 2023 of the MGB MIMAROPA Region Embedded Technical Personnel regarding the above subject.

For your information, reference and further instruction.



For and in the absence of CENRO:


NILO IV SALVADOR
DMO IV/Deputy CENRO

Brgy. Labangan, San Jose, Occidental Mindoro
Tel. Number (043) 457-0236/ (043) 742-6627
Email: cenrosanjose@denr.gov.ph



May 31, 2023

MEMORANDUM

FOR : The CENR Officer
San Jose, Occidental Mindoro

THRU : The Chief, Enforcement and Monitoring Section *[Signature]*

FROM : The MGB Embedded Technical Personnel

SUBJECT : **ALLEGED ILLEGAL EXTRACTION OF SAND AND GRAVEL FROM THE COASTAL BARANGAYS OF SAN JOSE, OCCIDENTAL MINDORO (PRESIDENTIAL ACTION CENTER CODE NO. PACE-CAM-05-01-2023-065 AND 8888 CITIZEN'S COMPLAINT HOTLINE TICKET REFERENCE NO. POSP-052323-863-001)**

BACKGROUND INFORMATION

In a Memorandum dated 18 May 2023, the Provincial Environment and Natural Resources Office (PENRO) referred for immediate attention the Memorandum dated 16 May 2023 of the Mines and Geosciences Bureau MIMAROPA Region with the attached 02 May 2023 letter of Mr. Ryan Noel V. Cadio addressed to the Office of the President of the Philippines through the Presidential Action Center bearing Code No. PACE-CAM-05-01-2023-065, on his complaint against the MGB due to negligence on the above subject.

A similar complaint, marked with 8888 Citizen's Complaint Hotline Ticket Reference No. POSP-052323-863-001, was received by the MGB which was subsequently referred and endorsed to the PENRO through MGB Memorandum dated 24 May 2023.

By virtue of the above complaints, the MGB is requesting this Office to conduct an investigation in the coastal barangays of San Jose, Occidental Mindoro, mentioned in the complaint letters.

Accordingly, the undersigned, accompanied by Forest Technician Loren Kaye Garcia and Forest Protection Officer Ednor Legaspi from this Office, conducted the necessary field investigation in the identified coastal barangays on 29-30 May 2023. Field proceedings consisted of coastal site inspection/monitoring, data gathering, and interviews with concerned local government units.

Brgy. Labangan, San Jose, Occidental Mindoro
Tel. Number (043) 457-0236/ (043) 742-6627
Email: cenrosanjose@denr.gov.ph

FIELD FINDINGS:

Presented below are the compiled information and field findings acquired by the undersigned during the undertaking:

1. The above complaint letters specifically addressed the coastal barangays of San Roque, Pag-asa, Caminawit, Central, Poblacion 4, and Poblacion 5 as the concerned municipal coastal areas affected by the alleged illegal extraction of beach sand. However, it should be clarified that Brgy. Central does not have any coastal areas, and it is actually Brgy. San Agustin that is situated along the coast. The coastlines of these barangays extend along the western boundary of San Jose (Refer to Annex A) and are easily accessible through major roads and thoroughfares.
2. The undersigned first conducted site inspection along the stretch of Aroma Beach, within the jurisdiction of San Roque, where the complainant initially witnessed an individual allegedly extracting beach sand. No beach sand extraction/removal activities were observed throughout the inspection nor any signs/indications thereof. Similar observations were made during the inspection and assessment of the rest of the beaches along the barangay's coastline.
3. Monitoring along the southern shoreline, which spans the coastal barangays of Poblacion 4 & 5, Pag-asa, and Caminawit, as well as the northern coastal barangay of San Agustin, yielded the same above findings. It should be noted that high tide levels prevailed at the time of the field investigation, causing temporary submergence of certain sections of the narrow coastlines in these areas, and making them less accessible for inspection.
4. The following Information was gathered from interviews with concerned barangay local government units pertaining to the issue:
 - a. According to Kagawad Joselito Dinglasan of San Roque, the barangay has not received any additional complaints concerning beach sand mining/extraction since the issue was brought to their attention last year. Similarly, no incidents have been observed/reported during the continuous patrolling and monitoring activities of assigned barangay tanods at Aroma Beach. Kagawad Dinglasan stated that no related barangay ordinances pertaining to beach sand extraction have been passed, and suggested that a municipal ordinance be lobbied instead. He believes it is more appropriate and effective as it will cover all of the municipality's coastal barangays, including the island barangays, and will not be limited to their area. He emphasized that not only do residents of San Roque visit Aroma Beach, but individuals from other barangays as well. Hence, a municipal ordinance, if passed, will apply to all.

When inquired about the public notice/tarpaulin/billboard/signages to be installed along segments of Aroma Beach that were agreed upon last year during a similar investigation, Kagawad Dinglasan informed that he is currently coordinating with the Chairperson of the Sangguniang Bayan's Committee on Natural Resources and Environmental Protection regarding the installation of the mentioned signages which will indicate that

extraction/removal of beach sand is prohibited and will cite the provisions of Batas Pambansa Blg. 265 and penalties for violation thereof.

- b. In a separate interview, Punong Barangays Rene Fabular of Poblacion 5 and Hermenegildo Bleza of Pag-asa both emphasized that beach sand extraction is strictly prohibited in their respective barangays. PB Fabular pointed out that their barangay, particularly settlements in close proximity to the coastline, is already prone to coastal inundation, and that such acts may leave them more vulnerable to impacts of flooding. Likewise, PB Bleza stressed that they have already adapted the national law governing beach sand extraction to prohibit such activities, and that barangay tanods are constantly monitoring their coastline. He recalled that one of their tanods spotted an individual extracting a pail of sand and was ordered to immediately stop the activity.
 - c. Discussion with one of San Agustin's barangay Kagawads revealed that they were similarly aware of the said Batas Pambansa and had adapted it in prohibiting illegal beach mining activities within the barangay's coastal areas. Extraction and removal of sand and gravel deposits in their area is restricted to the adjacent Busuanga River.
 - d. In a dialogue with Punong Barangay Danilo Centeno of Caminawit and one of the Barangay Kagawads of Poblacion 4, they acknowledged that beach sand removal in their coastal areas had previously been done by some of their residents, but is limited in small amounts and only utilized for their houses. They claimed that they were unaware of the existing laws governing illegal beach mining and that such activities are prohibited; as a result, some residents unknowingly extract beach sand for domestic purposes. However, they added that there were no reported or observed individuals conducting such activities recently.
 - e. Barangays San Roque, Pag-asa, and San Agustin, issued a Certification certifying that no beach sand extraction activities have been reported/monitored in their respective barangays (*Refer to Annex C*).
5. The undersigned then proceeded to the Municipal Hall, specifically to the Office of the Sanggunian Bayan (SB) and the Municipal Environment and Natural Resources Office (MENRO), and obtained the following information:
 - a. During a conversation with Ms. Arlet Mactal, Secretary to the SB, she informed that Mr. Cadiao presented the same complaint to their office last year. He specifically requested the passage of a municipal ordinance implementing guidelines for sanctioning and penalizing individuals illegally extracting beach sand. Subsequently, the SB referred the complaint letter to the MENRO and requested to conduct an investigation. Following receipt of the SB's request, the MENRO inspection team conducted monitoring and thorough investigation at Aroma Beach, concluding that after several site inspections, they did not find anyone doing beach sand extraction activities along the beach and assured that they will continue to monitor the said site

for further investigation. After receiving the MENRO's response, the SB then apprised Mr. Cadiao, through a letter, of the actions taken by their office to address his concern.

- b. The undersigned inquired whether their office intends to formulate a municipal ordinance pertaining to the said concern, to which Ms. Mactal responded that, as of now, there are no plans to introduce such an ordinance and expressed that its passage may not be necessary since there are already existing national laws and regulations addressing illegal beach mining. They will, however, conduct research to determine if they can draft an ordinance that is a localized version/adaptation of the national laws.
 - c. Ms. Iny Lourdes Peroy, the MENRO Department Head, affirmed the above actions taken by both the SB and their office. During an interview, Ms. Peroy also mentioned that in addition to the previously conducted inspection, they have also deployed staff from their office, specifically assigned at Aroma Beach on a daily basis from Mondays through Sundays to continuously monitor any activities in the area. According to recent monitoring, no beach sand extraction activities have been observed in the concerned site.
6. Based on records, this Office received a verbal complaint about the same concern from Mr. Cadiao last year and immediately conducted an investigation into the matter. It was confirmed that the reported individual, Mr. Marianito Padilla, resident of Barangay Poblacion 3, San Jose, conducted illegal beach sand extraction. This Office informed Mr. Padilla of his violation through a letter 08 April 2022 and ordered him to cease and desist from further conducting the said illegal activity. The investigation report thereof was endorsed to the MGB Regional Office on even date. Mr. Padilla was then served with a Cease-and-Desist Order dated 24 May 2022 by the MGB RO.

Moreover, this Office conducted follow-up site inspection/monitoring along the stretch of Aroma Beach, and to the CDO issued to Mr. Padilla, in October of that same year. Illegal beach sand extraction activities were not observed during the inspection. Likewise, Barangay San Roque issued a barangay Certification dated 28 October 2022 certifying that regular roving and monitoring of barangay tanods at Aroma Beach had not reported any incidents of such activity. The monitoring report was forwarded to the MGB RO through a Memorandum dated 02 November 2022.

COMMENTS AND RECOMMENDATIONS

In view of foregoing findings, hereunder are the comments and recommendations of the undersigned:

1. To reiterate, mining/extraction/removal beach sand is strictly prohibited following legal provisions under Batas Pambansa Blg. 265, also known as "An Act Prohibiting the Extraction of Gravel and Sand from Beaches" which states that:
*Section 1. Any provision of law, presidential decree, rule or regulation to the contrary notwithstanding, **the extraction of gravel and sand and***

such other activities as would erode or diminish the natural beauty of beaches are prohibited: Provided, however, That the extraction of silica sand may be allowed under such rules as may be promulgated by the Ministry of Natural Resources consistent with the objectives of this Act.

Section 2. Any person who violates the provision of this Act shall be punished with imprisonment of not less than six months or fine of not less than one thousand pesos or both such imprisonment and fine at the discretion of the court.

2. Relatedly, Section 79(a) of DENR Administrative Order No. 2010-21, the revised implementing Rules and Regulations of the Republic Act No. 7942, the "Philippine Mining Act of 1995", provides that:

*"No extraction, removal and/or disposition of materials shall be allowed within a distance of one (1) kilometer from the boundaries of reservoirs established for public water supply, archaeological and historical sites or of any public or private works or structures, unless the prior clearance of the Government agency(ies) concerned or owner is obtained. **No extraction, removal and/or disposition of materials shall likewise be allowed in offshore areas within five hundred (500) meters distance from the coast and two hundred (200) meters from the mean low tide.**"*


Likewise, Section 15(a)(4) of the same DAO states that:

*"Offshore areas within five hundred (500) meters from the mean low tide level and **onshore areas within two hundred (200) meters from the mean low tide level along the coast**" are closed to mining applications.*

3. In the DILG Memorandum Circular No. 44, series of 2014, all Local Chief Executives are directed to ensure and regularly monitor strict and proper compliance by all private entities engaged in mining or quarrying and to strictly be guided by the legal restrictions on black sand and beach mining outlined in the MC.
4. To emphasize, beach sand is critical for coastal stability and acts as natural buffer against hazards such as storm surges and flooding. Mining/extraction/removal of such materials can hasten coastal erosion, leaving natural beaches, coastal vegetation, adjacent coastal communities, properties, and coastal defense structures vulnerable to the impacts of the said hazards. As the shoreline recedes due to accelerated erosion, storm surges and high tides can reach further inland, increasing the risk of coastal inundation.
5. Furthermore, it should be noted that beach sand extraction, even in small amounts, can contribute to cumulative effects and gradual loss of the beach over time. This can still significantly impact the coastal settlements and environment.

6. Related ordinances/resolutions may be passed at the discretion of the local government units concerned, adapting and implementing the existing national laws and regulations addressing illegal beach sand extraction.
7. Installation of notices/tarpaulins/billboards/signages along segments of Aroma Beach and the coastal barangay areas is necessary to inform the public that extraction or removal of beach sand is strictly prohibited, citing the provisions of governing Batas Pambansa, and penalties for violation thereof.
8. This Office shall likewise continue to monitor and inspect the concerned barangay coastal areas for any illegal extraction activities, as well as ensure compliance with the aforementioned laws.

For your information, reference and further instruction.

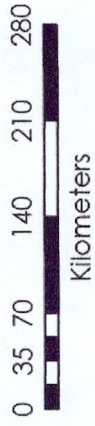
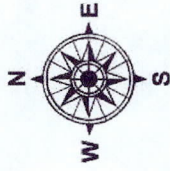

JEBIELA CARLA PETALCORIN
Science Research Specialist II


DANIELLE JOY SUMALANGCAY
Science Research Specialist I

ANNEX A – LOCATION MAP



LOCATION MAP



Coordinate System: GCS WGS 1984
Datum: WGS 1984
Unit: Degree

- LEGEND**
- FIELD OBSERVATION POINTS
 - ▲ BARANGAY HALL



ANNEX B – PHOTO DOCUMENTATION



Figure B-1. Inspection and monitoring along the coastal barangays of San Roque, Poblacion 4 and Poblacion 5.



Figure B-2. Inspection and monitoring along the coastal barangays of Pag-asa, Caminawit, and San Agustin.



Figure B-3. Photos taken during an interview with the Brgy. Secretary and Kagawad Dinglasan of San Roque

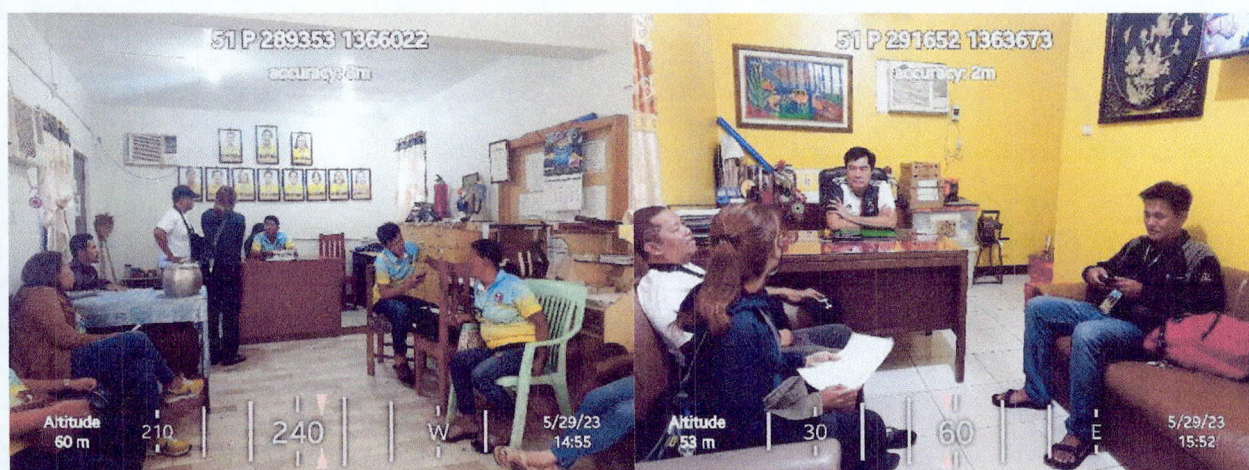


Figure B-4. Photos taken during an interview with (left) PB Fabular of Poblacion 5 and (right) PB Centeno of Caminawit



Figure B-5. Photos taken during an interview with barangay officials of (left) Pag-asa and (right) Poblacion 4



Figure B-6. Photos taken during an interview with (left) barangay Kagawad of San Agustin and (right) Ms. Iny Peroy, MENRO Department Head

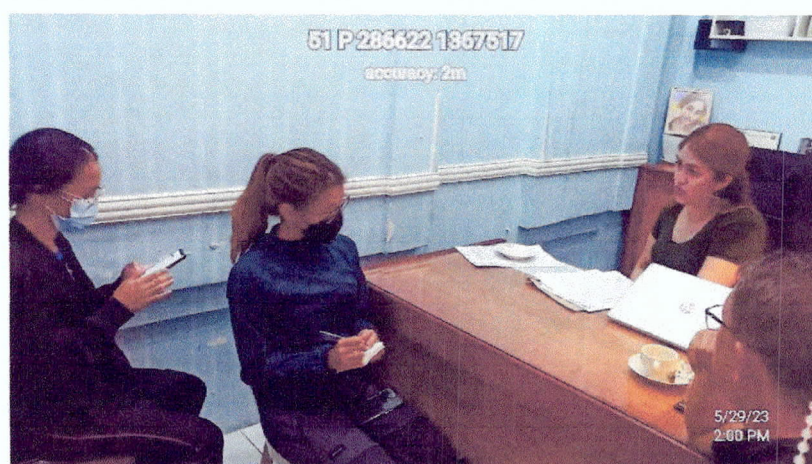


Figure B-7. Photos taken during dialogue with Ms. Mactal at the Office of the Sanggunian Bayan

ANNEX C – BARANGAY CERTIFICATIONS



Republic of the Philippines
Province of Occidental Mindoro
Municipality of San Jose
BARANGAY SAN ROQUE
--0002023000--



OFFICE OF THE PUNONG BARANGAY

CERTIFICATION

This is to certify that since November 2022 up to present, there is no report of any complain or information of Beach Sand Extraction in Aroma Beach which is part of Barangay San Roque, San Jose, Occidental Mindoro.

Further certify, that our Barangay Tanod in their regular roving and monitoring, also have not reported any incident of Sand Extraction in Aroma Beach.

This certification is being issued for information of concern agency and for any legal purpose it may serve.

Issued this **29th** day of **May, 2023** at Barangay San Roque, San Jose, Occidental Mindoro.

For the: *On Leave*
FILOMENO M. SANTOS
Punong Barangay

JOSELITO A. DINGLASAN
Barangay Kagawad

NOTE: Not VALID without the Official Seal



barangaysanroquespm.weebly.com

Barangay San Roque, San Jose, Occidental Mindoro



(043) 457-0283

barangaysanroquespm@gmail.com



Republic of the Philippines
Province of Occidental Mindoro
Municipality of San Jose
BARANGAY PAG-ASA
---00000---



OFFICE OF THE SANGGUNIANG BARANGAY

BARANGAY CERTIFICATION

HERMENEGILDO P. BLEZA
Punong Barangay & Presiding Officer

JOHN Z. LIM
Barangay Kagawad

JOEL R. ANTARAN
Barangay Kagawad
Chmn. Comm. on Finance
Chmn. Comm. on Ecological Solid Waste
Management/ Environmental Protection

PETER V. DELA PEÑA
Barangay Kagawad
Chmn. Comm. on Calamity/ Disaster & Risk
Reduction Management

ROLANDO T. UNGRIA
Barangay Kagawad
Chmn. Comm. on Rules, Ethics, & Privileges/
Barangay Governance

SHERMAN S. AURELIO
Barangay Kagawad
Chmn. Comm. on Peace & Order
Barangay Human Rights
Chmn. Comm. on Education, Arts & Culture,
Physical Fitness & Development Council

LEDYNILA C. MENDOZA
Barangay Kagawad
Chmn. Comm. on Health, (Nutrition Council)
Family & Women

EDUARDO S. ROMERO
Barangay Kagawad
Chmn. Comm. on Infrastructure & Development
Council

TRISHA KAYE DC. FABIC
SK CHAIRMAN
Chmn. Comm. on Youth & Sports Development

NERISSA T. ASUNCION
Barangay Secretary

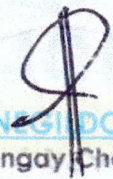
RHODINA Q. MARTINEZ
Barangay Treasurer

To Whom It May Concern:

THIS IS TO CERTIFY that Barangay Pag-asa has not monitored such activity like extraction of gravel and sand in our coastal area and strictly prohibits all activities that might erode or diminish the natural beauty of our beaches.

This certification is being issued upon request of **DENR-CENRO** for whatever legal purpose or intent it may serve.

Issued this **30TH** day of **MAY, 2023** at the Office of the Sangguniang Barangay of Barangay Pag-asa, San Jose, Occidental Mindoro.


HERMENEGILDO P. BLEZA
Barangay Chairman

This document is not valid without the official SEAL of BRGY PAG-ASA.
One month after the date of issuance.



Republic of the Philippines
Province of Occidental Mindoro
Municipality of San Jose
BARANGAY SAN AGUSTIN



OFFICE OF THE BARANGAY CAPTAIN

BARANGAY CERTIFICATION

HON. GERRY M. PERADILLA

Barangay captain
Presiding officer

HON. LEOPOLDO F. AZUELA

Barangay councilor
Chairman: Committee on Finance, Budget and Appropriation

HON. TERESITA C. EDROSO

Barangay Councilor
Chairman: Committee on Education and Culture

HON. RONALD F. CHAN

Barangay Councilor
Chairman: Committee on Agriculture and Fisheries

HON. WOODROW I. COSTOY

Barangay Councilor
Chairman: Committee On Infrastructure and Public Utilities

HON. PEDRO E. CALLEJA JR.

Barangay Councilor
Chairman: Committee on Peace and Order.

HON. JOEL D. DIONELA

Barangay Councilor
Chairman: Committee on Health, Clean & Green and Sanitation

HON. ADELFA S. SUGUITAN

Barangay Councilor
Chairman: Committee on NGO's Labor and Trade

HON. ALDRIN D. MARCELO

SK Chairman
Chairman: Committee on Sports and Youth Development

MR. MAR P. RADAM

Barangay Treasurer

MS. SHARON P. BETE

Barangay Secretary

TO WHOM IT MAY CONCERN;

This is to certify that Barangay San Agustin, San Jose, Occidental Mindoro, has No Beach Sand Extraction.

This certification is issued upon the request for all purposes and whatever legal intent it may serve.

Issued at Barangay San Agustin, San Jose, Occidental Mindoro. This 30th day of **MAY 2023.**

HON. GERRY M. PERADILLA

Barangay Captain

NOTE: Not VALID without the Official Seal



Republic of the Philippines
Province of Occidental Mindoro
Municipality of San Jose
BARANGAY SAN ROQUE

--0002022000--

OFFICE OF THE PUNONG BARANGAY

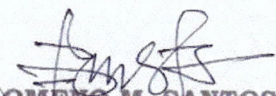
CERTIFICATION

This is to certify that since March 2022 up to present, there is no report of any complain or information of Beach Sand Extraction in Aroma Beach which is part of Barangay San Roque, San Jose, Occidental Mindoro.

Further certify, that our Barangay Tanod in their regular roving and monitoring, also have not reported any incident of Sand Extraction in Aroma Beach.

This certification is issued for information of concern agency and for any legal purpose it may serve.

Issued this 28th day of October 2022 at Barangay San Roque, San Jose, Occidental Mindoro.


FILOMENO M. SANTOS
Punong Barangay

NOTE: Not VALID without the Official Seal



barangaysanroquesjom.weebly.com



Barangay San Roque, San Jose, Occidental Mindoro



{043} 457-0283

barangaysanroquesjom@gmail.com

Barangay Certification issued by San Roque during the monitoring and inspection conducted last year.