

Brgy. Bagacay,
Romblon, Romblon
May, 2023

MR. ARNOLD A. BLAZA, JR.
OIC DENR PENRO
DENR, ODIONGAN, ROMBLON

Dear OIC Blaza

Greetings!

This refers to the Anti-Mining Sibuyanons who sought my legal assistance.

In the Joint Order of the Mines and Geosciences Bureau, Environmental Management Bureau and DENR Regional Office dated 06 February 2023, copy attached for ready reference, it mentioned that DENR PENRO of Romblon issued on February 1, 2023 a Notice of Violation (NOV) to Altai Philippine Mining Corporation (APMC) for Lack of Lease Contract and/or Provisional Permit.

The Joint Order also stated that the Miscellaneous Lease Agreement application of APMC was denied for violation of C.A. 141. The Joint Order also ordered PENRO to file legal action for APMC's cutting of trees and to investigate potential damage to sea grass and other marine resources re APMC's Causeway Project.

Sir, with all due respect the Joint Order missed a very important violation of APMC in their Causeway Project, and that is the violation of Article 51 of Republic Act 1067. Under the said provision of law, no person is allowed to undertake any construction within twenty (20) meters from the highest or mean tide inwards, said area is called the salvage zone. The Causeway of APMC violated the 20 meters salvage zone or legal easement.

Since DENR team have already inspected the APMC's Causeway Project, it should have verified that the Causeway violated Article 51 of P.D. 1067.

Sir, PENRO has the authority to issue a Notice of Violation of the Salvage Zone to APMC. After the Notice of Violation, a Notice to Vacate/Self Demolish should have been issued by PENRO.

By the way Sir, the term causeway as used by APMC in their applications is misleading. A causeway is a "raised way across wet ground or water" like "the island is linked by a causeway to the mainland". What APMC actually constructed is a wharf defined as "a structure built along or at an angle from the shore of navigable waters so that ships may lie alongside to receive cargo and passengers". Attached are drone photos of APMC's "Causeway" showing clearly its violation of the Salvage Zone in Sitio Bato, Barangay España. The salvage zone illegally occupied by APMC is 20x16 meters or 320 square meters.

Sir, attached herewith are Notices of Violation and Notices to Vacate issued by PENRO Landrito to prove that these issuances re violation of salvage zone are of the level of the PENRO.

Sir, in view of all the foregoing I have the honor to request, in behalf of the Sibuyan Anti-Mining group for your office to issue to APMC a Notice of Violation of the Salvage Zone and then a Notice to Vacate/Self

Demolish. Even the NOV you issued to APMC on February 1, 2023 could also be a basis for your issuance of a Notice to Vacate/Self Demolish.

Sir, attached is a letter of the Executive Director Maria Lourdes Ferrer to the undersigned for whatever guide it may serve in the matter of Salvage Zones/legal easement.

I reiterate our request for your office to issue to APMC a Notice of Violation of Article 51 of the Water Code P.D. 1067, and a Notice to Vacate and/or Self Demolish the illegally constructed Wharf.

Kindly acknowledge receipt hereof and favor me with a written replying the spirit of R.A. 6713.

Thank you.

Very truly yours



Atty. Francisco F. Benedicto, Jr.

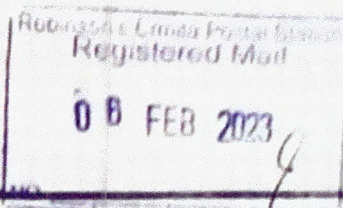
CC:

Lormelyn E. Claudio

Executive Regional Director

MIMAROPA Region, DENR by the Bay

1515 L & S Bldg., Roxas Blvd. Ermita, Manila



IN RE: **ILLEGAL CONSTRUCTION OF CAUSEWAY AND OTHER
RELATIVE ACTIVITIES OF ALTAI PHILIPPINE MINING CORPORATION
(APMC)**

JOINT ORDER



RECEIVED

DATE: FEB 06, 2023

BY: D. MACASA

PROVINCE OF ROMBLON

WHEREAS, a Mineral Production Sharing Agreement (MPSA) was granted to APMC on 23 December 2009, with MPSA No. 304-2009-IVB, pursuant to Republic Act (RA) No. 7942, otherwise known as the *Philippine Mining Act of 1995*;

WHEREAS, on 19 September 2011 the Mines and Geosciences Bureau (MGB) Central Office (CO) issued a Cease-and-Desist Order (CDO) to APMC due to environmental and social issues;

WHEREAS, on 13 December 2020, APMC filed a Motion to Recall the Appeal and lift the CDO with the DENR Central Office;

WHEREAS, on 09 September 2021, DENR lifted the CDO stating that the concerns on environment and social issues can be addressed during the Environmental Impact Assessment (EIA) process. APMC was required to secure an Environmental Compliance Certificate (ECC), Environmental Protection and Enhancement Program (EPEP) and Final Mine Rehabilitation and/or Decommissioning Plan prior to its operation;

WHEREAS, an application for Miscellaneous Lease Agreement (MLA) was filed by APMC for its Causeway at Brgy. España, San Fernando, Romblon on 12 September 2022;

WHEREAS, on 07 December 2022, APMC applied for Mineral Ore Export Permit (MOEP) to ship out its sample ore consisting of 50,000 WMT to a Direct Shipping Ore (DSO) pyro-plant and testing company in China to complete the necessary metallurgical study;

WHEREAS, on 28 December 2022, MGB MIMAROPA Region issued Ore Transport Permit (OTP) No. OTP-APMC-162-001-2022-MIMAROPA for 50,000 WMT +/- 10% of ore from the MPSA contract area to APMC's port in San Fernando, Romblon;

WHEREAS, on 29 December 2022, the MGB Central Office issued MOEP No. DENR-MGB-22-008 to APMC

WHEREAS, on 13 January 2023, Forest Technician I Ernie L. Forcadas from DENR Sibuyan Sub-Station, Provincial Environment and Natural Resources Office (PENRO) Romblon received a verbal complaint from a concerned citizen on the alleged illegal construction of causeway by APMC;

WHEREAS, on 18 January 2023, OIC PENRO Arnoldo A. Blaza, Jr. wrote a letter to APMC to immediately suspend the ongoing construction;

WHEREAS, on 28 January 2023, a report from the Investigating Team of PENRO Romblon in an investigation conducted on 17 January 2023 confirmed that there is an ongoing construction of causeway, and flattening of the proposed roadway. The Report also stated that there was a reclamation activity approximately measuring 16 meters wide and 210 meters length, which started on 13 January 2023;

WHEREAS, on 01 February 2023, OIC PENRO Blaza issued a Notice of Violation (NOV) for the construction of APMC's causeway without an approved lease agreement and/or Provisional Permit;

WHEREAS, on 01 February 2023, the Chief of Environmental Management Services, Provincial Environmental Management Unit (PEMU) Romblon, conducted a site inspection at APMC's Causeway Project and observed that APMC has no Environmental Compliance Certificate (ECC) for the project;

WHEREAS, on 02 February 2023, the EMB MIMAROPA Region issued an NOV with Suspension Order against APMC for its Causeway Project located in Sitio Bato, Brgy. España, San Fernando, Sibuyan, Romblon in violation of Section 4 of P.D. 1586, otherwise known as the *Philippine Environmental Impact Statement System*, for constructing/operating a causeway project without an approved ECC. Further, APMC was directed to suspend any further developments relative to the construction and operation of the causeway effective immediately upon receipt of the NOV to prevent grave and irreparable damage to the environment.

WHEREAS, on 03 February 2023, PENRO Romblon, also issued an NOV to APMC for violations of Presidential Decree No. 705, otherwise known as the *Revised Forestry Code of the Philippines*, as amended, for cutting and damaging trees and clearing the exploration site of the APMC at Sitio Bato, Brgy. España, San Fernando, Romblon, without the required cutting permit.

WHEREFORE, this Office hereby **ORDERS** the following:

1. For APMC to **CEASE AND DESIST** from the construction and operation of its causeway in Sitio Bato, Brgy. España, San Fernando, Romblon as a precautionary measure against potential irreparable damage to the environment;
2. Ore Transport Permit No. OTP-APMC-162-001-2022-MIMAROPA issued to APMC is **TEMPORARILY SUSPENDED** by virtue of Item No. 1 hereof;
3. APMC to **STOP** transporting ore from the contract site to the causeway;
4. APMC's application for Miscellaneous Lease Agreement is **DENIED** for its violations of Commonwealth Act 141, otherwise known as the Public Land Act, as amended, and its related issuances;
5. **PENRO Romblon to FILE** appropriate legal actions, if warranted, on the reported cutting of trees without permit; and,
6. PENRO Romblon to **CONDUCT** investigation on the potentially damaged sea grass and other marine resources.

This Order is immediately executory upon receipt.

SO ORDERED.

06 February 2023, City of Manila, Philippines.

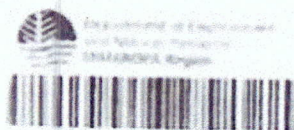
[Signature]
 ENGR. GLENN MARCELO C. NOBLE
 Regional Director, Mines and
 Geosciences Bureau – MIMAROPA

[Signature]
 JOE AMIL M. SALINO
 Regional Director, Environmental
 Management Bureau – MIMAROPA

[Signature]
 LORMELYN E. CLAUDIO, CESO IV
 Regional Executive Director
 DENR – MIMAROPA

Copy furnished

MR. HANNIEL T. NGO
 President, Altai Philippine Mining Corporation
 1901 Tycoon Center, Pearl Drive, San Antonio
 Ortigas Center, Pasig City



Doc ID: 102756







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

August 10, 2021

MS. DINA MORENO

Sitio Binagong, Brgy. Bagacay,
Romblon, Romblon

Dear Ms. Moreno,

Hope this letter finds you well!

This is in relation to the conduct of inspection in the vicinity you occupy in Sitio Binagong, Brgy. Bagacay, Romblon, Romblon. During inspection, it was found out that the entire structure is within the 20-meter legal easement. As per P.D. 1067 known as the Water Code of the Philippines, any structures within the legal easement is prohibited. Additionally, this office has been informed that no building permit was issued by the Office of the Municipal Engineer. Since the structure is well within the easement and that the structures is being constructed without considering the location and its safety, Notice to Vacate and Self-Demolish of Structures will be issued thereafter.

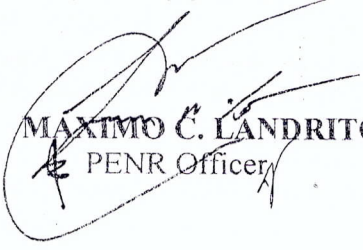
With that being said, you are required to submit several documents as listed below:

1. Latest Tax Declaration
2. Proof of Ownership (e.g. Title, Deed of Conveyances)
3. Approved Survey Plan if available

This will be your **FIRST NOTICE**; you are given fifteen (15) days to submit the necessary documents. Failure on your part to submit these documents, recommendation of the removal of the structures will be made.

Thank you and be safe always

Respectfully yours,


MAXIMO C. LANDRITO
PENR Officer

Copy furnished:

The Assistant Secretary
Field Operations – Luzon

The Undersecretary
Field Operations and Environment

Atty. Francisco Benedicto, Jr.
Brgy. Bagacay, Romblon, Romblon



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

August 10, 2021

MS. ESTER MESANA

Sitio Binagong, Brgy. Bagacay,
Romblon, Romblon

Dear Ms. Mesana,

Hope this letter finds you well!

This is in relation to the **conduct of inspection** in the vicinity you occupy in Sitio Binagong, Brgy. Bagacay, Romblon, Romblon. During inspection, it was found out that the entire structure is within the 20-meter legal easement. As per P.D. 1067 known as the Water Code of the Philippines, any structures within the legal easement is prohibited. Additionally, this office has been informed that no building permit was issued by the Office of the Municipal Engineer. Since the structure is well within the easement and that the structures is being constructed without considering the location and its safety, Notice to Vacate and Self-Demolish of Structures will be issued thereafter.

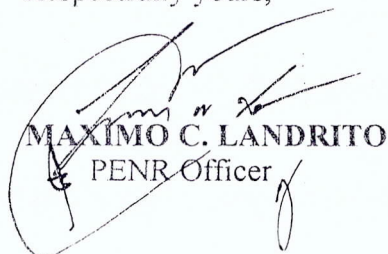
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Thank you and be safe always.

Respectfully yours,


MAXIMO C. LANDRITO
PENR Officer

Copy furnished:

The Assistant Secretary
Field Operations – Luzon

The Undersecretary
Field Operations and Environment

Atty. Francisco Benedicto, Jr.
Brgy. Bagacay, Romblon, Romblon



Republic of the Philippines
Department of Environment and Natural Resources
Provincial Environment and Natural Resources Office
Odiongan, Romblon 5700

XINEX I-BUTTERMEZ

NOTICE-TO-VACATE

January 23, 2020

FEDELINO AUTO, SR
Brgy. Lonos, Romblon, Romblon

Sir Fedelino,

It was observed during the inspection that you have constructed a structure within the twenty (20) meter salvage zone. Such structures are in violation of Art. 51 of PD 1067, Section 105 of PD 1096 and DENR Administrative Order No. 97-05 as amended by DAO 99-21 and Section 30 of R.A. 7279 which prohibits permanent structure within salvage zone (legal easement) as defined under Sec. 51 of PD 1067.

In view hereof, you are hereby instructed to vacate the said area and to conduct voluntarily self-demolition of the established structure.

So order.

Issued this 04 FEB 2020 at Municipality of Odiongan, Romblon, Island of Tablas.

REGISTRY RECEIPT

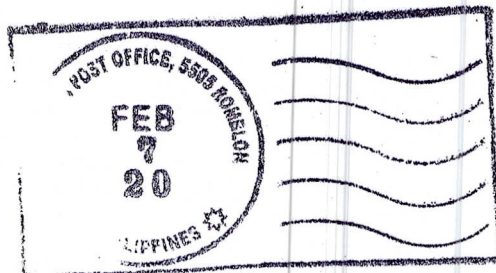
Post Office	<u>FEDELINO AUTO SR</u>
Letter/Package No.	<u>331</u>
Posted on	<u>2-7</u> 20 <u>20</u>
Preserve this receipt for reference in case of inquiry	
Postmaster/Teller	

Office of the Regional Director
DENR MIMAROPA Region
1515 L&S Bldg., Roxas Blvd., Ermita, Manila

Office of the Municipal Mayor
Municipal Govt. of Romblon
Romblon, Romblon

Respectfully yours,

[Signature]
MAXIMO C. LANDRITO
OIC, PENRO



REGISTRY RECEIPT

Post Office	<u>Office of the Municipal Mayor</u>
Letter/Package No.	<u>332</u>
Posted on	<u>2-7</u> 20 <u>20</u>
Preserve this receipt for reference in case of inquiry	



AUG 19 2021

Atty. Francisco F. Benedicto, Jr.
Retired Senior State Prosecutor
Romblon, Romblon

Sir:

This is in response to your letter dated April 21, 2020 (*sic*) addressed to Atty. Gandhi G. Flores, Chief of the Legal Division of this Office, inquiring whether waterfront properties covered by original certificates of title/transfer certificates of title and were issued Environmental Compliance Certificates (ECCs) are exempted from the rules on easement or salvage zones.

We answer in the negative.

All lands, regardless of classification, and whether covered by certificates of title or not, are subject to the express provisions of P.D. 1067, otherwise known as *The Water Code of the Philippines*, which provides under Article 51 thereof that:

Art. 51. The banks or rivers 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, flotage, fishing and salvage. No person shall be allowed to stay in this zone longer than what is necessary for recreation, navigation, flotage, fishing or salvage or to build structures of any kind. (Emphasis ours)

In the case of *Pilar Development Corporation vs. Ramon Dumadag*, G.R. No. 194336, March 11, 2013, applying Article 51 of PD 1067, the Supreme Court ruled that:

Thus, the above prove that petitioner's right of ownership and possession has been limited by law with respect to the 3-meter strip/zone along the banks of Mahabang Ilog Creek. Despite this, the Court cannot agree with the trial court's opinion, as to which the CA did not pass upon, that respondents have a better right to possess the subject portion of the land because they are occupying an area reserved for public easement purposes. Similar to petitioner, respondents have no right or title over it precisely because it is public land. xxx (Emphasis ours)

Further, we are attaching herewith a copy of DENR Administrative Order (DAO) No. 2021-07, issued on April 28, 2021, which provides for the *Guidelines on the Establishment of Legal Easement Along the Seas, Rivers, Lakes, Esteros, and Creeks*, the bases of which include the above provision of PD 1067, for your reference.


ARD-MS/LD

On the other hand, an ECC is a document issued by the DENR, through the Environmental Management Bureau (EMB), pursuant to Section 4 of P.D. 1586, otherwise known as the *Philippine Environmental Impact Statement System*. The ECC is proof that the proponent has undergone the required Environmental Impact Assessment and that the project will not have a significant environmental impact. It also enumerates the proponent's commitment in its Environmental Monitoring Plan (EMoP) and Environmental Management Plan (EMP) to mitigate or minimize further any negative environmental impacts that the project may cause. The ECC also serves as a planning tool to prevent environmental degradation.

Thus, it is clear from the foregoing that certificates of title and ECCs do not grant the titleholder and the project proponent exemption from the rules on easement or salvage zones.

We hope that we have enlightened you regarding this matter.

Sincerely,


MARIA LOURDES G. FERRER, CESO III
Regional Executive Director

Copy furnished:

PENRO Romblon



Department of Environment
and Natural Resources
MIMAROPA Region



Doc ID: 69516

ARD-MS/LD

Page 2 of 2

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Website: <https://mimaropa.denr.gov.ph>
Email: mimaroparegion@denr.gov.ph; denr4legal@gmail.com

Francisco F. Benedicto, Jr.
Baguay, Romblon, Romblon

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R DOMESTIC
REGISTERED



RE 628 727 165 ZZ



Ms. Lormelyn E. Claudio
Regional Executive Director
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1515 Lás Bldg. Roxas Blvd
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MAY 8 2008

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MAY 8 2008
PHILIPPINE POST OFFICE
MANILA