

Brgy. Bagacay,
Romblon, Romblon
May, 2023

MS. LORMELYN E. CLAUDIO
REGIONAL EXECUTIVE DIRECTOR
DENR, MIMAROPA

Dear Director Claudio

Greetings!

I am Atty. Francisco F. Benedicto, Jr., a retired Senior State Prosecutor, Department of Justice. My legal assistance was requested by the Anti-Mining Sibuyan crusaders, photo copy of their request is herein attached.

Madam, this refers to the Joint Order on illegal construction of causeway and other relative activities of ALTAI Philippine Mining Corporation (APMC), copy attached for ready reference.

First of all, the application of APMC for the construction of a causeway is misleading. According to Webster, a causeway is "a raised way across wet ground or water" like "the island is linked by a causeway to the main land". What APMC 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”.

Madam, the Joint Order dated 06 February 2023 already instructed APMC to Cease and Desist from the construction of the “causeway”. APMC violated this order and finished construction of the causeway(wharf) as shown in the attached drone shot of the construction. Under DENR rules and procedure, a Notice of Vacate or Self Demolish the illegal structure should have already been issued to APMC by your office. Since DENR has no authority to issue a demolition order, the procedure is for DENR Regional Office to request the San Fernando LGU, through its Mayor to issue a demolition order to APMC. Should the LGU refuse the request, DENR should seek assistance of the DILG which has control and supervision over local governments.

Moreover, Madam, APMC also violated Article 51 of the Water Code on Salvage Zone of 20 meters from the highest or mean tide in agricultural lands; and the PENRO has the authority to issue a Notice of Violation; then a Notice to Vacate/Self Demolish which again maybe enforced through the LGU’s power to issue a demolition order.

Madam, in the case of the cutting of trees without a permit, a Notice of Violation is not enough. The police of forest guards should be able to confiscate the cut trees/lumber as evidence and file a criminal case of illegal logging against the responsible officers of APMC.

Madam, I also inquired from the Philippine Reclamation Authority if a Reclamation Permit was issued by PRA to APMC and also to issue a Notice of Violation and Self Demolition, if no such PRA permit was issued.

Madam, kindly consider the foregoing course of actions against APMC so that the matter of APMC’s loading mineral ores in the illegally constructed wharf be put to rest.

Kindly acknowledge receipt hereof and favor me with a written reply within 15 days in the spirit of R.A. 6713.

Thank you.

Very truly yours



Atty. Francisco F. Benedicto, Jr.

CC:

Mr. Arnold A. Blaza, Jr.

OIC PENRO

DENR, Odiongan, Romblon

April 02, 2023

Atty. Francisco F. Benedicto, Jr. Dear Atty. Benedicto, Jr. May we request your Legal assistance in opposing the mining of our Sibuyan Island by Altai Phils. Mining Corporation (APMC). DENR- PENRO issued a Notice of Violations to APMC, however, the illegally constructed pier is still there and also the dumptrucks and equipments of the mining company. We are looking forward for your help to the mining crusaders and the residents of Sibuyan Island. Respectfully Yours, Carmelo Martinez Calsado S4S (Sibuyan for Sibuyanons)



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

JOINT ORDER

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;

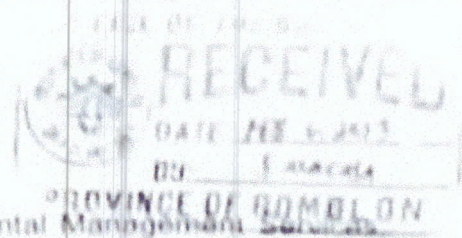
WHEREAS, on 29 December 2022, the MGB Central Office issued MOEP No. DENR-MGB-22-008 to APMC

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.

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

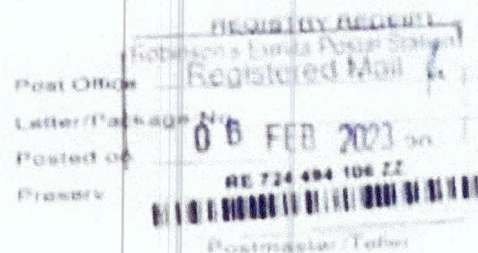
JOE AMIL M. SALINO
Regional Director, Environmental
Management Bureau – MIMAROPA

LORMELYN E. CLAUDIO, CESO IV
Regional Executive Director
DENR - MIMAROPA

Copy furnished

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