



Republic of the Philippines  
**Department of Environment and Natural Resources**  
MIMAROPA Region  
PROVINCIAL ENVIRONMENT AND NATURAL RESOURCES OFFICE  
Bgy. Sta. Monica, Puerto Princesa City, Palawan  
Telfax No. (048) 434 - 8791  
Email Add: [penropalawan@denr.gov.ph](mailto:penropalawan@denr.gov.ph)

March 7, 2023

**MEMORANDUM**

**FOR :** The Regional Executive Director  
DENR MIMAROPA Region  
1515 DENR By the bay Building, Roxas Boulevard,  
Barangay 668, Ermita, Manila

**:** The Regional Director  
Mines and Geosciences Bureau- MIMAROPA Region  
1515 L&S Bldg., Roxas Blvd.  
Ermita, Manila

**THRU :** The OIC, ARD for Technical Services

**FROM :** Provincial Environment and  
Natural Resources Officer

**SUBJECT :** INVESTIGATION REPORT ON THE ALLEGED ILLEGAL  
QUARRY OPERATORS IN SITIO TAMLANG, BARANGAY  
SAMARIÑANA, BROOKE'S POINT, PALAWAN

Forwarded is the memorandum dated 03 February 2023 of CENRO Brookes Point endorsing the attached investigation report dated 02 February 2023 regarding the above subject.

For information, record and further instruction/s.

  
FELIZARDO B. CAYATOC

CC:  
RGT/EMU  
Doc. No. 2023-1858

DENR-PALAWAN  
PENRO-RECORDS  
**RELEASED**  
By   
Date: 08 MAR 2023 23:573



Republic of the Philippines  
Department of Environment and Natural Resources  
MIMAROPA Region  
**COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE**  
Brooke's Point, Palawan

PENRO

February 3, 2023

**MEMORANDUM**

**FOR :** The Regional Executive Director  
DENR MIMAROPA Region  
Roxas Boulevard, Ermita, Manila

The Regional Director  
MGB MIMAROPA Region  
Roxas Boulevard, Ermita, Manila

**DENR PENRO  
PALAWAN RECORDS  
RECEIVED**

BY:   
DATE: 03-03-2023 CN 23-1858

**THRU :** The PENRO  
Sta. Monica, Puerto Princesa City, Palawan

**FROM :** The CENRO  
Brooke's Point, Palawan

**SUBJECT :** INVESTIGATION REPORT ON THE ALLEDGED ILLEGAL  
QUARRY OPERATION IN SITIO TAMLANG, BARANGAY  
SAMARIÑANA, BROOKE'S POINT, PALAWAN.

Respectfully endorsing the investigation report dated February 2, 2023 regarding the above-cited subject for which this Office concurs with the recommendations stipulated herein.


For information, record, and further instruction.



**RELEASED**

DATE: 27 FEB 2023

BY:

CN: 2023-0058 

  
LEONARD T. CALUYA





Republic of the Philippines  
Department of Environment and Natural Resources  
MIMAROPA Region  
**COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE**  
Brooke's Point, Palawan

February 3, 2023

**Gng. Febe S. Tamaño**  
Barangay Samariniana,  
Brooke's Point, Palawan

Mahal na Ginang Tamaño,

Isang magpagpalang araw.

Ito ay patungkol sa inyong liham na aming natanggap noong ika-9 ng Enero 2023 na nagsasaad ng hinaing patungkol sa pinsalang naidulot ng mga nakalipas na pagbaha sa inyong lupain sa Brgy. Samariniana, Brooke's Point. Nasaad din sa liham na ang JCBB Construction ay nagsasagawa ng quarry sa Tamlang Dam na nasa itaas ng inyong lupa. Kaugnay nito, nagsagawa ng imbestigasyon ang ating tanggapan at nakadetalye sa ibaba ang naging resulta ng imbestigasyon.

1. Ang nabanggit na pinsalang naidulot sa inyong lupa ay hindi nakita ng aming grupo sapagkat walang nakapagturo ng tamang lokasyon at iba pang detalye hinggil sa destruksyon. Gayon pa man, parte ng natural na pangyayari sa ilog ang pagbago nito ng daluyan at paglaglag ng lupa sa tabing-ilog at batay sa Seksyon 57 ng Presidential Decree No. 1067,

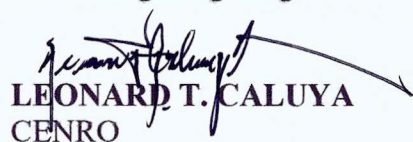
*"When a river or stream suddenly changes its course to traverse private lands, the owners of the affected lands may not compel the government to restore the river to its former bed xxx. However, the former owners of the new bed shall be the owners of the abandoned bed in proportion to the area lost by each."*

2. Isang Cease and Desist Order o CDO ang naihain na ng Mines and Geosciences Bureau MIMAROPA Region noong ika-27 ng Octubre 2022 sa JCBB Construction. Ang nasabing dokumento ay nag-uutos na ihinto ang illegal na gawain hanggang wala pang nakukuhang permit o clearance mula sa mga kinauukulang ahensya/kagawaran ng gobyerno. Ang paglabag sa kautusang ito ay maaring magresulta sa pagsasampa ng kaso

3. Ang ulat ng imbestigasyong aming isinagwa ay inendorso sa Provincial Mining Regulatory Board – Palawan (PMRB – Palawan) at MGB – MIMAROPA para sa kanilang karagdagang legal na aksyon

Nawa ay aming nabigyan ng karampatang pansin ang inyong hinaing. Kung kayo ay may karagdagang katanungan, kayo po ay aming hinihikayat na sumangguni sa aming opisina.

Lubos na gumagalang,

  
**LEONARD T. CALUYA**  
CENRO

cc: Barangay Samariniana







Republic of the Philippines  
Department of Environment and Natural Resources  
MIMAROPA Region  
**COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE**  
Brooke's Point, Palawan

February 2, 2023

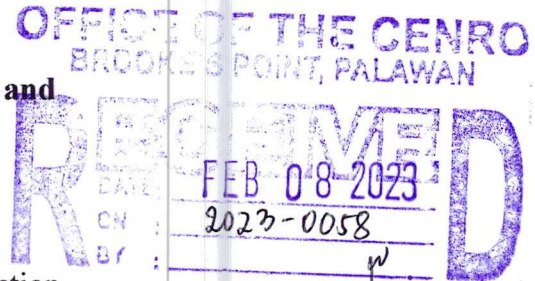
**MEMORANDUM**

**FOR :** The Community Environment and Natural Resources Officer  
Brooke's Point, Palawan

**THRU :** The Chief  
Enforcement and Monitoring Section

**FROM :** The Undersigned

**SUBJECT :** INVESTIGATION REPORT ON THE ALLEGED ILLEGAL QUARRY OPERATION IN SITIO TAMLANG, BARANGAY SAMARIÑANA, BROOKE'S POINT, PALAWAN.



*MES,  
for regular monitoring &  
surveillance.  
2/21/23*

Last January 24, 2023 the undersigned, personnel of the MGB MIMAROPA and the CENRO Brooke's Point conducted a field investigation to address the abovementioned subject pursuant to TO No. 2023-1-24-106.

**Background Information**

A complaint letter by a certain Mrs. Febe Tamaño, was received by this office – last January 9, 2023 – detailing their concern regarding the effect on an alleged quarry activity of the JCBB Construction in the Tamlang Dam. This was claimed to have resulted to the shifting of the river channel and damaging their land under lot no. 3129 (*Annex A*).

**Facts and observations:**

1. The subject area is an irrigation dam in Sitio Tamlang, Brgy Samarinihana, Brooke's Point, Palawan geographically located at 8°45'1.81"N, 117°43'44.87"E (*Figure I*). It is ~18.5 kilometers away from CENRO Brooke's Point, and is accessible enough to be reached within ~30 minutes of vehicle travel.
2. The company conducting the quarry activities in the complaint letter – JCBB Contruction – has already been issued with a **Cease and Desist Order** by the MGB MIMAROPA for the extraction of sand and gravel materials without permits in Brgy. Samarinihana last October 27, 2022 (*Annex B*).



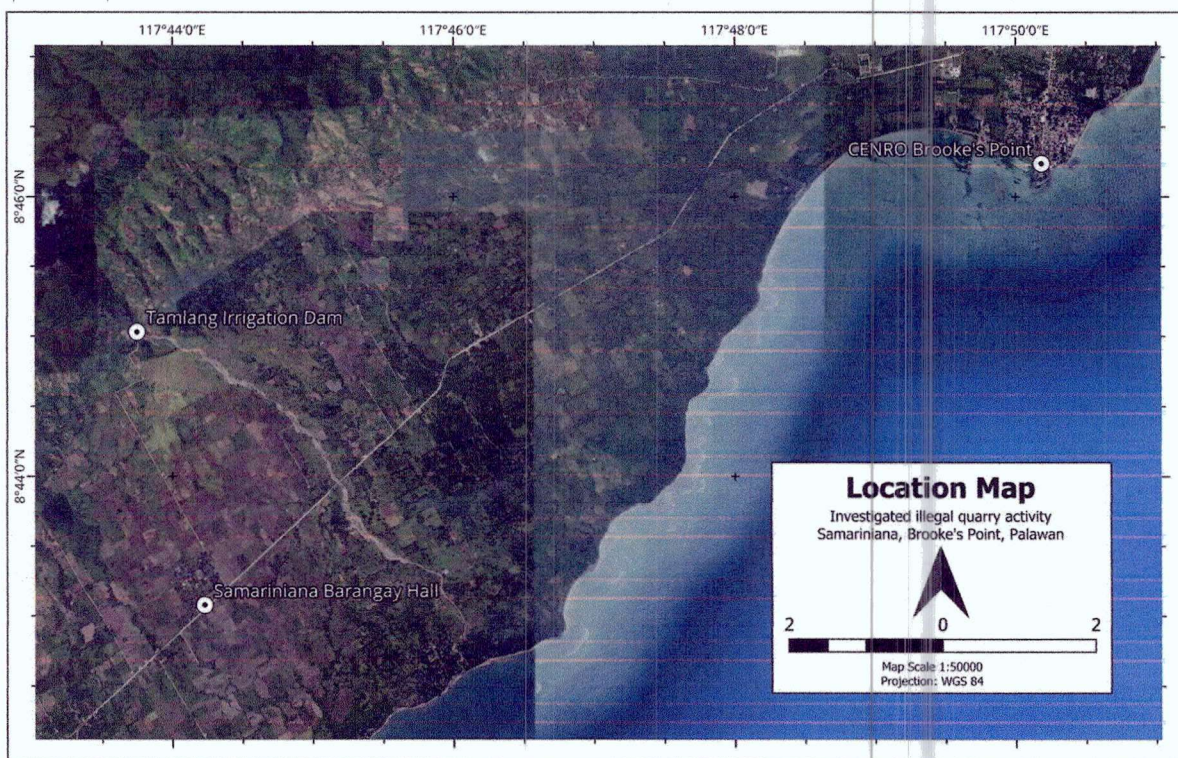


Figure 1. Location map of the investigated report of illegal quarry activity in Sitio Tamlang, Barangay Samariniana, Brooke's Point, Palawan

3. A courtesy call was conducted in the Brgy. Samariniana to inform them regarding the purpose of the investigation as well as to request a barangay personnel who can accompany the team. Mr. Pavico, a Barangay Tanod, and Mr. Montimer, a PMRB personnel accompanied the team during the investigation. A barangay kagawad interviewed during the visit also mentioned that there has been no recent quarry activity within the dam.
4. The team then proceeded to the residence of Mr. and Mrs. Tamaño to hear their statements and to request someone who can point out the location of the reported damages. The complainants repeated their concerns in the letter. They also mentioned that the JCBB Construction is still conducting limited quarry activities during the weekends and holidays.
5. Upon requesting Mr. Tamaño to guide the team to point out and detail upon the reported location and damages to his land as a result of the quarry activity, he firmly refused and stated that his son should be in the area who can instead help the team. The team then proceeded to the irrigation dam, but no sand and gravel quarrying activities and equipment was observed in the dam and in the river below it. The accompanying Tanod and PMRB personnel also mentioned that the level of aggregates have been reduced since their respective recent visits in the dam sometime in December 2022.
6. The team was not able to verify the reported damages to their land as claimed by the complainant as the aforementioned son of Mr. Tamaño was not met by the investigating team.



Findings and Recommendations:

1. Although there was no observed activity in the dam, the lowering of the levels of the aggregate deposit in the dam suggest that limited activity still persists in the area.
2. The barangay is advised to continuously monitor the sand and gravel activities in the area in accordance to the powers, duties, and functions of the chief executive of the barangay as stipulated in Item B.9, Section 389 of the Republic Act 7160 or the Local Government Code of 1991:


*"Enforce laws and regulations relating to pollution control and protection of the environment;"*

3. To the JCBB Construction, the company should strictly adhere to the issued Cease and Desist Order and should not conduct any quarrying activities without the pertinent quarry permits.
4. To the complainant, the connection between the reported quarry activity and the lateral erosion/movement of river channel that damaged the land was not established during the investigation due to the lack of detail description and information. However, should their claim be true, their possible actions should be in accordance to Article 58 of the Presidential Decree No. 1067 or The Water Code of the Philippines:

*"When a river or stream suddenly changes its course to traverse private lands, the owners of the affected lands may not compel the government to restore the river to its former bed; nor can they restrain the government from taking steps to revert the river or stream to its former course. The owners of the land thus affected are not entitled to compensation for any damage sustained thereby. However, the former owners of the new bed shall be the owners of the abandoned bed in proportion to the area lost by each.*

*The owners of the affected lands may undertake to return the river or stream to its old bed at their own expense; Provided, that a permit therefor is secured from the Secretary of Public Works, Transportation and Communication and work pertaining thereto are commenced within two years from the change in the course of the river or stream."*

For your information, reference, and further instruction.

  
Vann Ian O. Cadalso  
Science Research Specialist II

  
Ratib M. Melosin  
Forest Technician-I



## Photo Documentation



Photo 1. Barangay Hall of Samariniana taken during the courtesy call.



Photo 2. Interview with the complainant Mr. Tamaño





Photo 3. Photos of the Tamlang Irrigation Dam. View of the downstream and upstream flow in the lower left and right images, respectively.

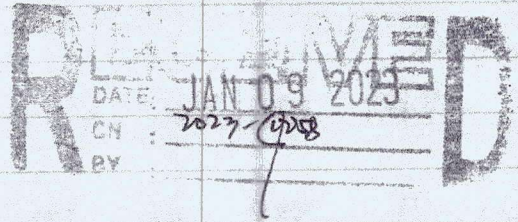


OFFICE OF THE CENRO  
BROOKES POINT

To :

The Office of DENR  
Poblacion District I  
Brooks Point, Palawan

Jan. 9, 2023



To whom it may concern:

Magandang araw po sa inyo at  
manigong Bagong Taon.

Ako po si Gng. Febe S. Tamaño na  
taga Jamariniana, Brooks Point, Pal.  
na sumulat sa inyo dahil sa lupang  
kina-komonan ng kina quarry ng  
ICBB na may sang taon ng ginagawa.  
Taas po ng DAM nung nakaraang buwan  
hanggang sa dumating ang pasok bago  
dumating ang baha at bagyo. Dumaki  
po ang tubig at nabahan ang parte  
ng erming lupa sa lot no. 3129. Ang tubig  
sa bahay ng bigas ng tubig ay dumagan  
sa malawakang lupa. Malaki ang parte  
ng lupa na gumuhod dahil sa taas ng  
buhok na may kaining at sa kala-  
wakan ng ilog. Maraming punong kahoy  
ang nabuwal at nawad ng tubig. Maba-  
king punong ang nawad sa tabi ng  
ilog. Bayang naman kung mauit pa  
ito.

Kaya nga po, ayaw namin ng quarry



at kasingin dahil mapakikitaan ang lupa  
namin sa ibaba ng bundok at sa tabi  
ng ilog.

Narito po ang sulat ni Atty David  
Jaramilla na nagbibigay babala sa  
kompanyang ito at pinirmahan ni Atty.  
Jean Feliciano mong nakandang buwan  
pa bago magpasko.

Amin pong idimulog po sa ingo  
ang katarungan namin dito sa ngayon.  
Dito po rin galing sa ingo ang request  
ni Mr. Manuel B. Quenero na Pres.  
ng MTA Federation; at pira quarry ni  
Abundio Manongay sa Ivy Marshall  
mong 2021. May anim na buwan din  
silang naghabot.

Aho po ang aming gagawin sa  
ngayon dahil malawak na ang nakain  
ng tybig sa aming lupa.

Kanggang dito na lamang po, at  
maraming sakamat sa ingong malasakit  
sa kalikasan. Sa loob ng 20 years  
ngayon lang nangyari ito.

Nagpapasa lamet,

Mrs. Feli S. Tamaris



## Annex B



Republic of the Philippines  
**Department of Environment and Natural Resources**  
**MINES AND GEOSCIENCES BUREAU**  
**MIMAROPA Region**

7/F DENR Building, 1515 Roxas Boulevard, Ermita, Manila  
Telefax No. (+632) 8536-0215 / (+632) 5310-1369  
Email: region4b@mgb.gov.ph



27 October 2022

**Mrs. Divine Bautista**  
JCBB Construction  
Barangay Samariniiana  
Brooke's Point, Palawan

**Dear Mrs. D. Bautista:**

Please be informed that CENRO – Brooke's Point confirmed that you have been conducting sand and gravel operation Barangay Samariniiana, Brooke's Point, Palawan without a valid mining permit.

The above-cited extraction and disposition of sand and gravel materials without a mining permit is equivalent to theft of minerals pursuant to Section 103 of Republic Act (RA) No. 7942<sup>1</sup>, **which provides that:**

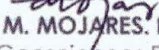
*"Theft of Minerals – Any person extracting minerals and disposing the same without a mining agreement lease, permit, license, or steals mineral or ores or the products thereof from mines or mills or processing plants...xxx"*

Hence, you are hereby ordered to immediately **CEASE AND DESIST** from conducting sand and gravel activities without a valid mining permit. This is without prejudice to the filing of appropriate charges against you with the proper court for violation of the applicable provisions of RA No. 7942.

Please be guided accordingly. Thank you.

Very truly yours,

By authority of the Regional Director:

  
**EDWIN M. MOJARES, Ph.D.**  
Chief, Geosciences Division  
OIC, Office of the Regional Director

cc: **The Regional Executive Director**  
Department of Environment and Natural Resources  
MIMAROPA Region

**The PENRO and Concurrent Acting PMRB Chairperson**  
Provincial Environment and Natural Resource Office  
Department of Environment and Natural Resources  
Sta. Morica, Puerto Princesa City, Palawan

**The Mayor – Brooke's Point**  
Office of the Mayor  
Brooke's Point, Palawan

**The CENRO – Brooke's Point**  
Department of Environment and Natural Resources  
Brooke's Point, Palawan

**The PG-ENRO, Palawan**  
Provincial Government of Palawan  
Puerto Princesa City, Palawan

**The Punong Barangay – Samariniiana**  
Barangay Samariniiana  
Brooke's Point, Palawan



<sup>1</sup> The Philippine Mining Act of 1995

**"MINING SHALL BE PRO-PEOPLE AND PRO-ENVIRONMENT  
IN SUSTAINING WEALTH CREATION AND IMPROVED QUALITY OF LIFE."**