



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

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 : REPORT ON THE QUICK RESPONSE INVESTIGATION
BASED ON A LIVE REPORT OF ILLEGAL EXTRACTION
AND TRANSPORT OF SAND AND GRAVEL MATERIALS IN
BARANGAY SAMARIÑANA, BROOKE'S POINT, PALAWAN

Forwarded is the memorandum dated 13 February 2023 of CENRO Brookes Point endorsing the investigation report dated 10 February 2023 regarding the above subject.

For information, record and further instruction/s.


FELIZARDO B. CAYATOC

CC:
RGT/EMU
Doc. No. 2023-1859

DENR-PALAWAN
PENRO-RECORDS
RELEASED
By: 
Date: 08 MAR 2023
CN 23-574



February 13, 2023

MEMORANDUM

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

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

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

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

SUBJECT : **REPORT ON THE QUICK RESPONSE INVESTIGATION
BASED ON A LIVE REPORT OF ILLEGAL EXTRACTION
AND TRANSPORT OF SAND AND GRAVEL MATERIALS IN
BARANGAY SAMARINIANA, BROOKE'S POINT,
PALAWAN**

**DENR PENRO
PALAWAN RECORDS
RECEIVED**

BY: _____
DATE: 13 FEB 2023 23.1859

Respectfully endorsing the investigation report dated February 10, 2023 regarding the above-cited subject for which this Office concurs with the recommendations stipulated herein.

For information, record, and further instruction.


**DENR-CENRO
BROOKE'S POINT**
RELEASED
DATE: 28 FEB 2023
BY: _____
CN: 2009-1105


LEONARD T. CALUYA



10 February 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 : **REPORT ON THE QUICK RESPONSE INVESTIGATION
BASED ON A LIVE REPORT OF ILLEGAL EXTRACTION
AND TRANSPORT OF SAND AND GRAVEL MATERIALS IN
BARANGAY SAMARINIANA, BROOKE'S POINT,
PALAWAN**

Last 02 February 2023, the undersigned, personnel of MGB MIMAROPA and CENRO Brooke's Point conducted an investigation in response to a call from a CENRO personnel regarding the illegal extraction of sand and gravel in late afternoon to evening hours in Brgy. Samariniana, Brooke's Point.

Background Information

Last 01 February 2023, a CENRO personnel informed the undersigned regarding an ongoing extraction of sand and gravel materials in Tamlang Dam, located in Sitio Tamlang, Brgy. Samariniana, Brooke's Point. The information reached the MGB personnel around 5:15 PM. It was then decided that the report will be investigated the following day. Due to prior commitments, the investigating team was only available in the afternoon of the following day 02 February 2023, at around 4:30 PM a tip regarding the start of the extraction was received by this office. The investigating team assembled past 5:00 PM and proceeded to the site after another information came that the extraction was still ongoing.

An investigation regarding an allegedly quarry operation was also conducted in the area last 24 January 2023, however, no equipment or personnel were observed¹.

¹ Investigation report on the alleged illegal quarry operation in Sitio Tamlang, barangay Samariñana, brooke's point, palawan.

Findings and Observations

1. The subject area is an irrigation dam in Sitio Tamlang, Brgy. Samariniana, Brooke's Point, Palawan geographically located at $8^{\circ}45'1.81''\text{N}$, $117^{\circ}43'44.87''\text{E}$ (Figure 1). It is ~18.5 kilometers away from CENRO Brooke's Point, and can be reached within ~30 minutes of vehicle travel.

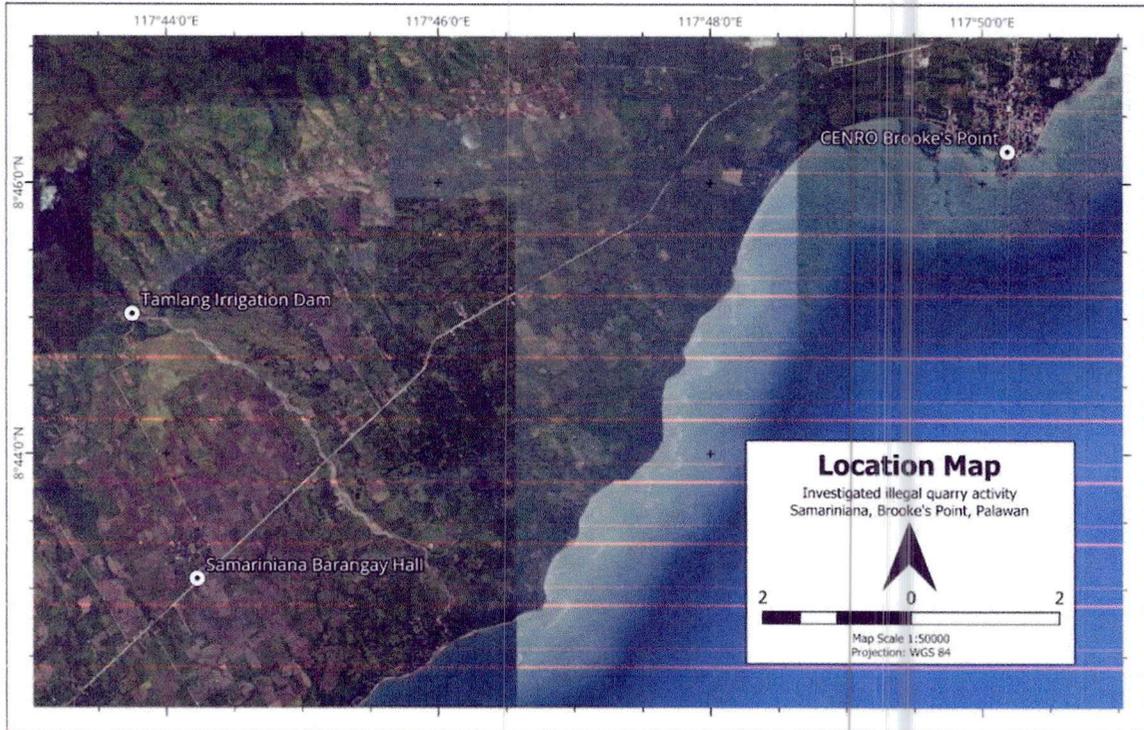


Figure 1. Location map of the investigated report of illegal quarry activity in Sitio Tamlang, Barangay Samariniana, Brooke's Point, Palawan

2. Prior to the arrival at the subject area, approximately 600 meters away from the Tamlang Dam, the team encountered one truck carrying sand and gravel materials (see photo documentation). The driver was asked to stop for inspection. The monitoring team identified themselves and mentioned the reason for the inspection. The truck driver, Mr. Pegie Tonel, was interviewed and the company, JCBB Construction In, he said that the materials were to be delivered to a high school in Samariniana to be used as fill material. The necessary documents for the transport of such material were asked from the driver, however, no documents were presented. It was explained by the team that transporting earth materials without pertinent documents is a violation of the law hence, truck and aggregates will be taken into custody.
3. The undersigned also had a dialogue with the PMRB representative in the area, Mr. Edgar Montimer. Mr. Montimer mentioned that the operation of JCBB Construction was being conducted with consent from their office. He affirmed that the earth materials were for the local high school in the area. He further added that portions of the excavated aggregates were also asked by a few unnamed barangay kagawads of Brgy. Samariniana. It was elaborated that their office allowed a limited volume to the company and was supposedly end the operation that very day. When asked if any of these transactions have any compensation and written documentation, he answered

that there was never any amount of compensation and that the agreement was done verbally.

4. Given the circumstances of the activity involving the barangay, the team decided to bring the truck to the CENR Office for custody. At past 8:00 PM, when the team reached the CENRO and while seizure receipts were being prepared, the CENR Officer called the team and mentioned that number of politicians had called him regarding the apprehension. He asked why the truck was apprehended and gave strict instructions for the custody of the truck, it must be taken back to the barangay where it was apprehended.

At the same time, a representative of JCBB Construction, Mrs. Airene Ramboyong also came to the CENRO asking about the reasons for apprehension. It was explained by the team that the truck was caught in the act of transporting aggregates without any documents to show the legality of the action and had an existing cease-and-desist order from MGB MIMAROPA. Mrs. Irene explained that the aggregates were mainly for the NTF-ELCAC Road Concreting Project. The mentioned delivery to the local high school was requested to the JCBB to be used as filling material in the wet patches on the school ground. Similarly, certain barangay officials have also requested a volume of aggregates delivered to them for personal use.

The team also asked why the company conducted the activity during such late hours. The only response by JCBB was that they are busy doing other work in the mornings and are only available in the late afternoons.

5. Following the instruction of CENRO, it was decided that the truck will be driven back to the Barangay Samariniana for custody. However, there was an issue with the front right wheel of the truck and it was losing air pressure. The travel to Samariniana will be very perilous as the truck will be lopsided and the other front wheel can rupture from the excess load that it needs to carry. For the safety of the personnel and the equipment, it was decided that the wheel will be replaced in the nearby JCBB compound prior to travel.

At ~10:40 PM the replacement of the wheel was still not finished due to a failing jack. The team decided to leave the truck there overnight before transporting it to Samariniana in the morning. Strict instructions were communicated with the caretaker and owner, Mrs. Divine Bautista, that the aggregates and truck must be left as it is.

6. The following morning, February 3 the undersigned went to follow up on the status of the truck, upon arrival on the site, the aggregates were already dumped on the waterlogged area of the JCBB compound (see photo documentation).

The team then tried to coordinate with the barangay captain however, he refused to be the custodian of the apprehended truck. The team then talked with Mrs. Bautista where she presented a letter from the Samariniana Irrigators Association requesting for the dredging of the Tamlang Dam, a certification from the PMRB showing no objection from the clearing of waterways as support to NTF-ELCAC Project, and the Barangay Resolution No. 24-2021 of Barangay Samarinia requesting for issuance of Government Gratuitous Permit for the NTF-ELCAC project (Annex A, B, and C respectively). The team explained that these documents are not a substitute for a

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gratuitous permit but rather, a part of its requirements. The proponent said that there was strictly no commercial disposition of the material and was mainly used for the NTF-ELCAC project.

7. Given that there were still no legal documents to support the activity extraction in the subject area, the team ordered the proponent to pull out all their equipment from the Tamlang Dam and stop its operation until such government gratuitous permit is granted by the PMRB.

Comments and Recommendations

1. To the JCBB Construction, the company should strictly adhere to the issued Cease and Desist Order, last 27 October 2022, and should not conduct any quarrying activities without the pertinent quarry permits (Annex D). The presented Barangay Resolution and PMRB clearance is not a substitute, but a requirement in the compliance of Government Gratuitous Permit. Hence, the activity is a violation of section 103 of Republic Act 7942, theft of minerals.

“Any person extracting minerals and disposing the same without a mining agreement, lease, permit, license, or steals minerals or ores or the products thereof from mines or mills or processing plants shall, upon conviction, be imprisoned from six (6) months to six (6) years or pay a fine from Ten thousand pesos (P10,000.00) to Twenty thousand pesos (P20,000.00) or both, at the discretion of the appropriate court. In addition, he shall be liable to pay damages and compensation for the minerals removed, extracted, and disposed of. In the case of associations, partnerships, or corporations, the president and each of the directors thereof shall be responsible for the acts committed by such association, corporation, or partnership.”

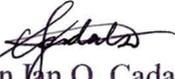
In addition, the extracted materials are considered to be illegally sourced mineral/mineral products. Section 116 Chapter XII of DAO 2010-21 defines this as,

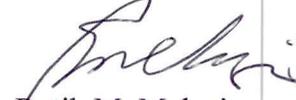
“Illegally sourced minerals/mineral products are those which are mined, extracted, removed, and/or disposed of without the authority or permit under existing mining laws, rules and regulations.”

2. The PMRB is asked to further explain the case with JCBB Construction Inc. Should they implement a clearance for a proponent, there should be a written agreement and that concerned offices such as DENR-CENRO, MGB, etc. be copy furnished. Furthermore, the same office is advised to impose the law and should promote the legal way of quarrying/extraction activity rather than tolerating illegal activities.
3. 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”.

For your information, reference, and further instruction.


Vann Ian O. Cadalso
Science Research Specialist II


Ratib M. Melosin
Forest Technician-I


Reynaldo V. Palisoc
Forest Technician-I


Leandro F. Lapangan
Forest Ranger


Jefferson B. Tajon
Forest Ranger

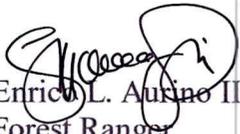

Enrich L. Ausino III
Forest Ranger

Photo Documentation

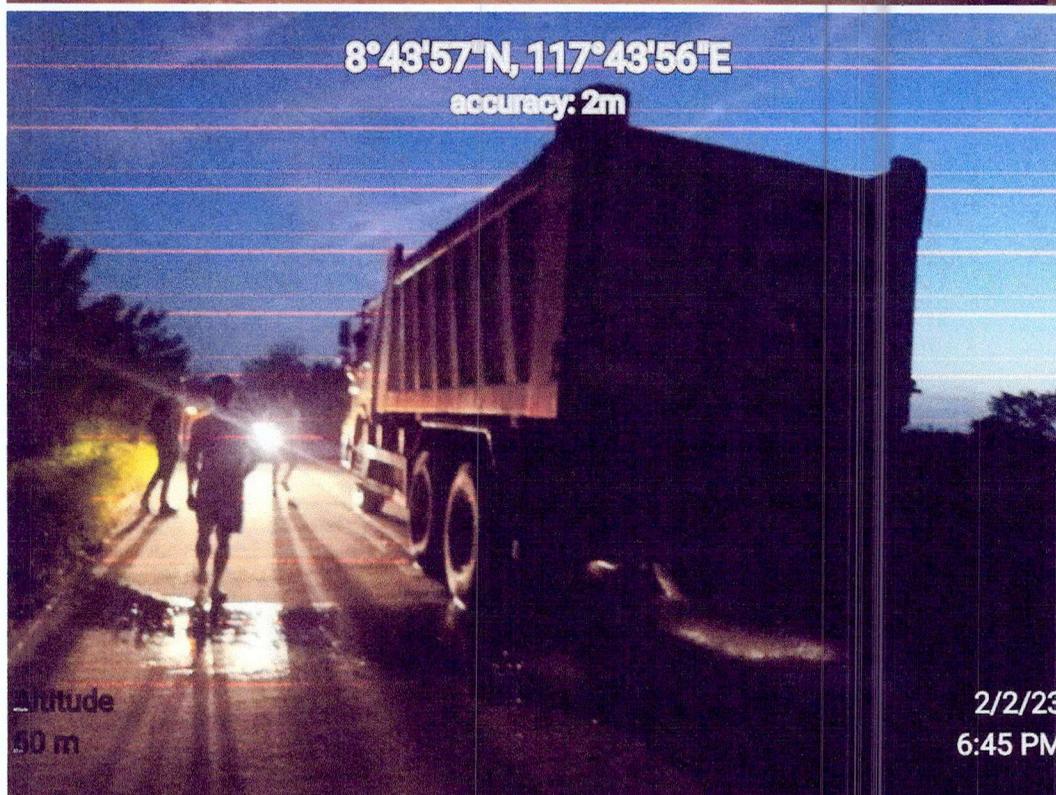
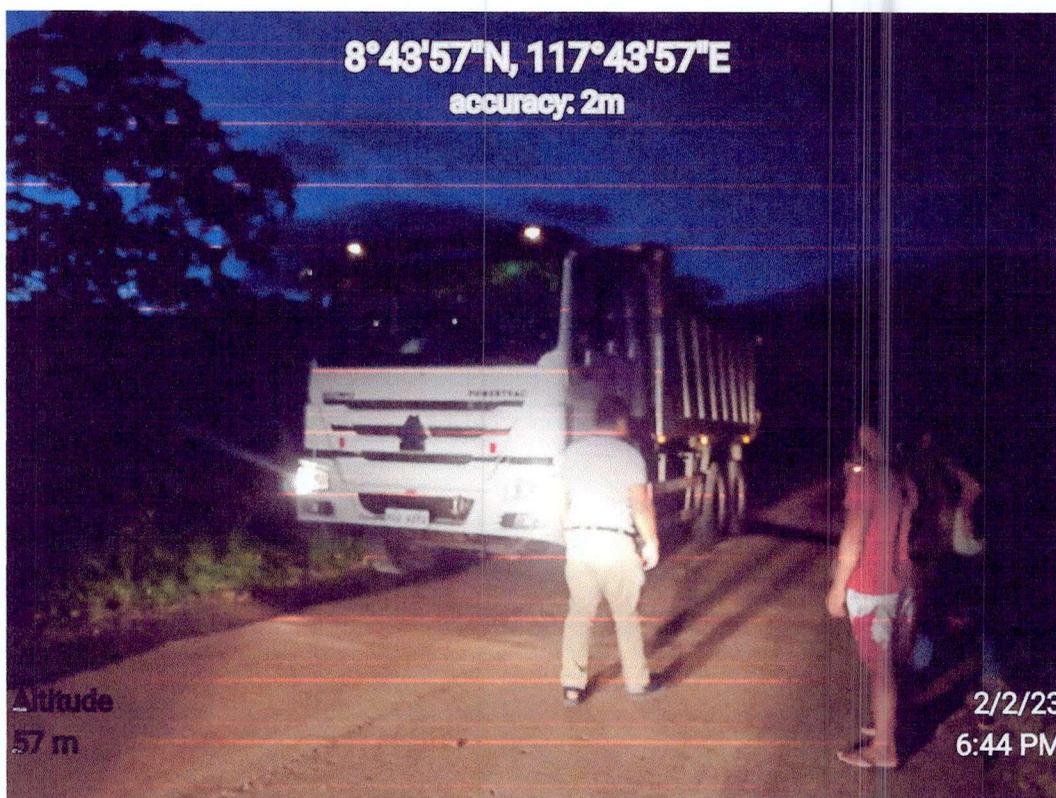


Photo 1. Photograph of the truck which was stopped by the responding team for the transport of sand and gravel materials without pertinent documents.



Photo 2. Plate number of the truck used for the transport of aggregates by JCBB Construction.



Photo 3. The sand and gravel materials dumped in the waterlogged area of the JCBB Compound.

Annex A



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

March 3, 2022

MEMORANDUM

FOR : The PENRO and Concurrent PMRB Chairperson
Sta. Monica, Puerto Princesa, Palawan

FROM : The CENRO
Brooke's Point, Palawan

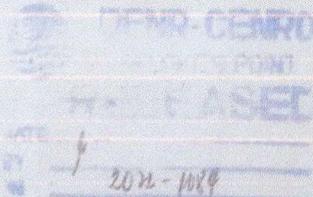
SUBJECT : **REQUEST FOR DREDGING OF SAND AND GRAVEL FROM THE UPSTREAM OF TAMLANG IRRIGATION DAM AND UTILIZATION OF SAID MATERIALS FOR BACKFILLING PURPOSES**

This refers to the letter (undated) of Mr. Manuel B. Juanerio, President of Samariniana Irrigators Service Association, which was received by this Office on March 2, 2022 regarding the request for dredging of sand and gravel from the upstream of Tamlang Irrigation Dam located at Sitio Tamlang, Brgy. Samariniana, Brooke's Point, Palawan to sustain its reservoir storage capacity. It was further stated that said materials will be utilized for backfilling purposes at the barangay and others.

Direct response of the actions taken to the herein requesting party is highly appreciated.

Letter of Mr. Juanerio and Resolution No. 24, S. 2021¹ from Brgy. Samariniana, Brooke's Point, Palawan are attached for your reference.

For his information and further evaluation/instruction.



CONRAD M. CORPUZ

cc: Ms. Gillian M. Allenza
PMRB Secretary
Palawan

Hon. Federico V. Dagwat, Jr.
Chairman
Brgy. Samariniana, Brooke's Point, Palawan

Mr. Manuel B. Juanerio
Samariniana Irrigators Service Association
Brgy. Samariniana, Brooke's Point, Palawan

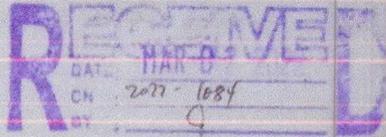
¹ Resolution No. 24, S. 2021 - A Resolution Requesting Hon. Jose Chavez, Governor of Palawan, thru Christopher Magbanua, Head, Provincial Mining Regulation Board (PMRB) for the Issuance of Gratuitous Permit for Gravel and Sand of Barangay Samariniana, Brooke's Point, Palawan

M. Rodriguez St. Poblacion District I, Brooke's Point Palawan 5305
Mobile Phone: Globe: 0945-257-1402; Smart: 0912-429-0856
Email: cenro_brookespoint@denr.gov.ph; conradmcp@gmail.com

Republic of the Philippines
Province of Palawan
Municipality of Brooke's Point
SAMARINANA IRRIGATORS SERVICE ASSOCIATION

OFFICE OF THE CENRO
BROOKE'S POINT, PALAWAN

Mr. CONRADO CORPUZ
CENDRO
Brooke's Point
Palawan



Dear Sir:

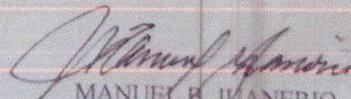
In lieu of the current influx of gravel erosion which clog-in at the Tamlang Catchment and cause the slow flow of water that supply our rice paddies ended To shortage of water supply from the basin.

We have initially made immediate action to meet the problem temporarily by utilizing the back hoe lends by the municipal engineer..

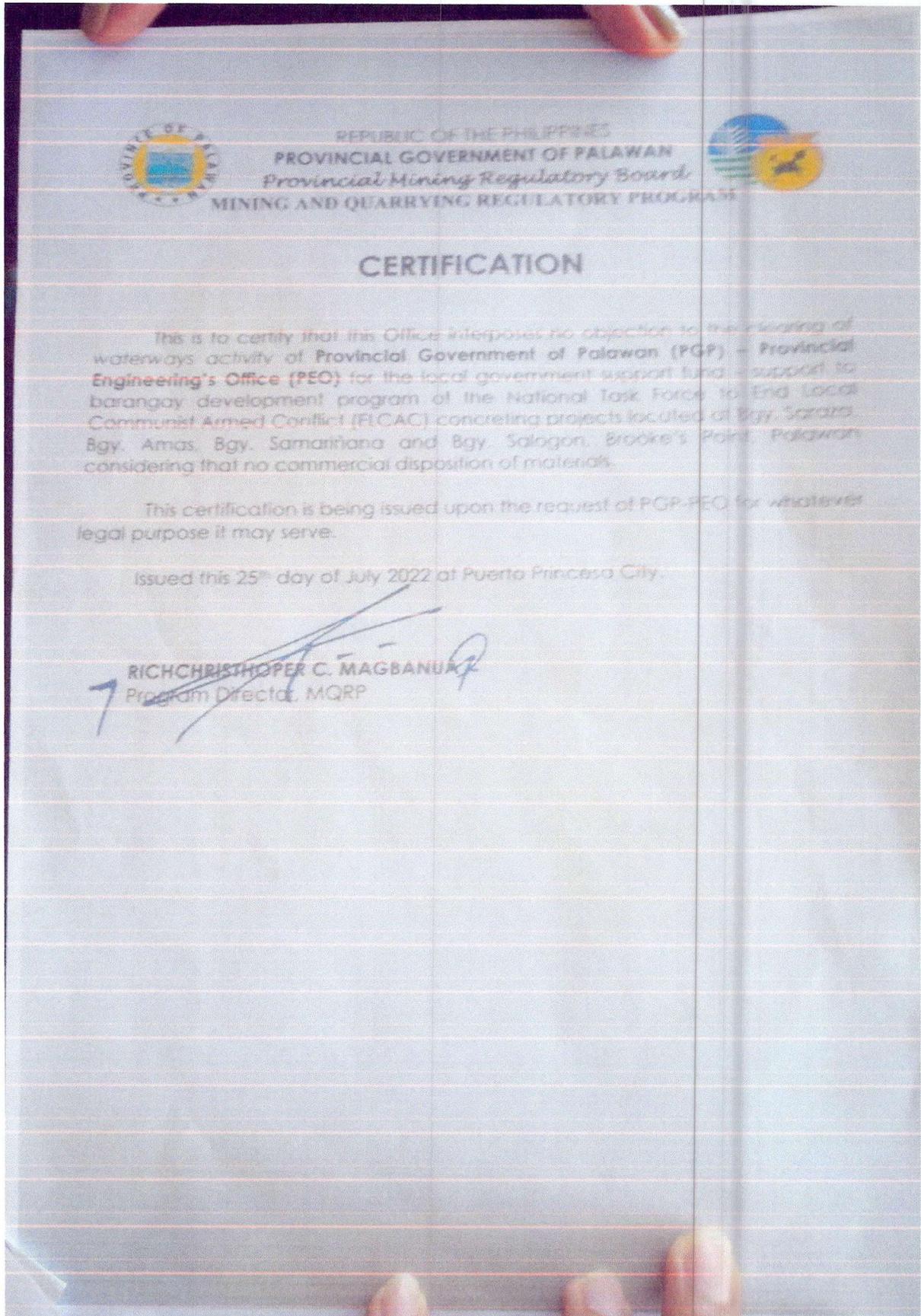
We intend to have the catchment totally silted of gravel and to have the basin clear and deeper to stock enough water for the farm.

In aver of the above, may I, request from your good office the approved for the total dredging of the catchment and further ejected gravel be used to backfill at the barangay and others

Thank you and more power.


MANUEL B. JUANERIO
STCI, President

Annex B



Annex C

Republic of the Philippines
Province of Palawan
Municipality of Brooke's Point
BARANGAY SAMARIÑANA

OFFICE OF THE SANGGUNIANG BARANGAY

EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE BARANGAY COUNCIL OF BARANGAY SAMARIÑANA, BROOKE'S POINT, PALAWAN, HELD ON SEPTEMBER 15, 2021 AT 2: 00 PM AT SESSION HALL:

Presents:	
Hon. FEDERICO V. DAGWAT JR.	Punong Barangay /Presiding Officer
Hon. LUISA G. GUILLERMO	Barangay kagawad
Hon. JUANITO R. FLORES JR.	Barangay Kagawad
Hon. RODOLFO N. CABINGAS	-d0-
Hon. EDNA R. RIVERA	-d0-
Hon. NICOLITO A. MONTIMOR	-d0-
Hon. ORLANDO A. ANCHETA	-d0-
Hon. MARLOU H. SACAN	-d0-
Hon. EDGAR T. PAYANGCAO	IPMR
Hon. MARVIN M. JUANERIO	SK

OFFICE OF THE MINDAYO
RECEIVED
By: Emmanuela Sum
DATE: 9/20/21
BROOKE'S PT. PALAWAN

MUNICIPAL ENGINEERING
RECEIVED
By: Amor
Date: 9/29/2021
BROOKE'S POINT, PALAWAN

RESOLUTION NO. 24, S.2021

A RESOLUTION REQUESTING HON. JOSE CHAVEZ ALVAREZ GOVERNOR OF PALAWAN THRU CHRISTOPHER MAGBANUA, HEAD PROVINCIAL MINING REGULATION BOARD (PMRB) FOR THE ISSUANCE OF GRATUITOUS PERMIT FOR GRAVEL AND SAND OF BARANGAY SAMARINIANA, BROOKE'S POINT, PALAWAN.

WHEREAS, the 1987 Constitution provide that all lands of the public domain, minerals, coal, Petroleum and other natural resources are owned by the state and that their exploration

WHEREAS, Section A of RA7942, otherwise known as Philippine Mining Act of 1995 provide that mineral resources are owned by the state that the exploration, utilization and processing thereof shall be state under the state's full control and supervision and that the state may directly undertake such activities.

WHEREAS, Section 49 of RA7942, also provide for the issuance of Government Gratuitous Permit to any government entity/instrumentality for extraction of certain mineral for the government projects, over an area not more than two(2) hectares for a period co-terminus with the project.

WHEREAS, Barangay Samariñana is one of the beneficiaries of the National Task Force to End Local Communist Armed Conflict(NTF-ELCAC) of the National Government and the said permit is needed in response to the impress structure project brought by the NTF- ELCAC program and activities.

NOW THEREFORE, upon motion of Kgwad Luisa G. Guillermo and duly seconded by Kgwad Edna R. Rivera he it:

RESOLVED AS IT IS HEREBY RESOLVED, to pass a resolution requesting hon. Jose Chavez Alvarez, Governor Province of Palawan thru Christopher Magbanua, Head Philippine Mining Regulatory Board (PMRB) for the issuance of Government Gratuitous Permit for Gravel and Sand of Barangay Samariñana, Brooke's Point, Palawan.

RESOLVED FURTHER, that copy of the resolution be forwarded to the offices/ agencies concerned for references.

I HEREBY CERTIFY, to the correctness of the foregoing resolution which was duly adopted by the Sangguniang Barangay during its regular session held on September 15, 2021

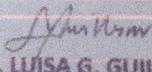
LEONELIE MONROY
Barangay Secretary

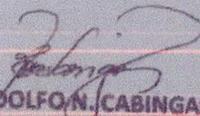
ATTESTED AND CERTIFIED TO BE DULY ADOPTED:

FEDERICO V. DAGWAT JR.
Punong Barangay/Presiding Officer

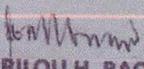
BROOKE'S POINT, PALAWAN
RECEIVED
DATE: 09/29/21
TIME: 2:27PM
RECORDS UNIT

CONFIRMED:

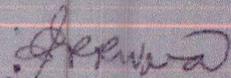

KGWD. LUISA G. GUILLERMO

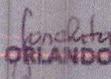

KGWD. ROBOLFO N. CABINGAS

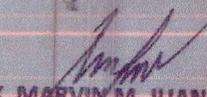

KGWD. NIOLITO A. MONTIMOR


KGWD. MARILOU H. BACAN


KGWD. JUANITO R. FLORES JR.

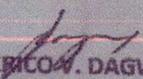

KGWD. EDNA R. RIVERA


KGWD. ORLANDO A. ANCHETA


SK. MARVIN M. JUANERIO


IPMR. EDGAR T. PAYANGCAO

Approved by:


FEDERICO A. DAGWAT JR
Punong Barangay

Annex D



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 Samariniñana
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 Samariniñana, 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. 7942¹, **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 – Samariniñana
Barangay Samariniñana
Brooke's Point, Palawan



¹ The Philippine Mining Act of 1995

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