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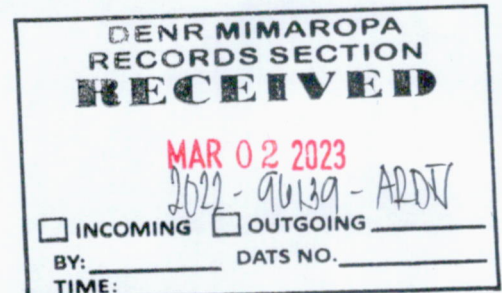
MEMORANDUM

TO : The Regional Executive Director
DENR MIMAROPA Region
DENR by the Bay 1515 L&S Bldg.
Roxas Blvd., Ermita, Manila

FROM : The Assistant Secretary
Finance, Information Systems and Mining Concerns

SUBJECT : Letter dtd 10/06/2022 Request for Intervention and Conduct of Investigation for the Possible Violation of Rio Tuba Nickel Mining Corporation (RTNMC) Its Mining Concession and ECC by Encroaching beyond its Permit Area and Occupying the Properties of Ms. Nieves Cruz

DATE : 20 February 2023



Referred is the letter dated October 6, 2022 addressed to Ma. Antonia Yulo-Loyzaga, DENR Secretary thru: Lormelyn E. Claudio, Regional Executive Director, DENR MIMAROPA Region of Florecita Palanca, Attorney-in-fact of Marissa Cruz Morales which was forwarded to this Office on February 20, 2023 for information and appropriate action.

To quote a portion of the 1st paragraph ".....I am writing to seek the intervention of your good office, and of possible, to conduct a formal investigation for the possible violation of Rio Tuba Nickel Mining Corporation (RTNMC) its mining concession and ECC by encroaching beyond its permit area....." Kindly inform this Office of the action/s taken.

For appropriate action.


ENGR. NONITA S. CAGUIOA

cc:

The Office-In-Charge
Office of the Director
Mines & Geosciences Bureau
North Ave., Diliman
Quezon City

The Regional Director
Mines & Geosciences Bureau
MIMAROPA Region
7TH Floor DENR Building
Roxas Blvd., Ermita, Manila

October 6, 2022

MA. ANTONIA YULO-LOYZAGA**DENR SECRETARY**VISAYAS AVENUE, DILIMAN, QUEZON CITY,
METRO MANILA**THRU: LORMELYN E. CLUDIO****REGIONAL EXECUTIVE DIRECTOR****DENR MIMAROPA REGION**1515 L&S Building, Roxas Boulevard,
Ermita, Manila, Metro ManilaDEPT. OF ENVIRONMENT AND NATURAL RESOURCES
RECORDS MANAGEMENT DIVISION

Madame:

I am the attorney-in-fact of Marissa Cruz- Morales, sole heir of Nieves Cruz who is the claimant/owner of the adjoining parcels of land adjacent to Rio Tuba Nickel Mining Corporation in Rio Tuba, Bataraza, Palawan and I am writing to seek the intervention of your good office, and of possible, to conduct a formal investigation for the possible violation of Rio Tuba Nickel Mining Corporation (RTNMC) its mining concession and ECC by encroaching beyond its permit area and occupying the following properties of Nieves Cruz:

1. Lot No, 4734, CAD-795-D identical to Lot No. 1624, PLS-13, with an area of 99, 733 square meters, covered by Tax Declaration No. 18-05-013-3620, Property Identification No. 066-05-013-07-003;
2. Lot No, 4735, CAD-795-D identical to Lot No. 1625, PLS-13, with an area of 99, 733 square meters, covered by Tax Declaration No. 18-05-013-3621, Property Identification No. 066-05-013-07-008;
3. Lot No, 4736, CAD-795-D identical to Lot No. 1626, PLS-13, with an area of 99, 733 square meters, covered by Tax Declaration No. 18-05-013-3622, Property Identification No. 066-05-013-07-007;
4. Lot No, 4737, CAD-795-D identical to Lot No. 1627, PLS-13, with an area of 99, 736 square meters, covered by Tax Declaration No. 18-05-013-3623, Property Identification No. 066-05-013-07-009;
5. Lot No, 4739, CAD-795-D identical to Lot No. 1629, PLS-13, with an area of 99, 736 square meters, covered by Tax Declaration No. 18-05-013-3618, Property Identification No. 066-05-013-11-004;
6. Lot No, 4740, CAD-795-D identical to Lot No. 1630, PLS-13, with an area of 99, 736 square meters, covered by Tax Declaration No. 18-05-013-3619, Property Identification No. 066-05-013-11-005;
7. Lot No, 4748, CAD-795-D identical to Lot No. 1628, PLS-13, with an area of 99, 736 square meters, covered by Tax Declaration No. 18-05-013-3617, Property Identification No. 066-05-013-11-001;

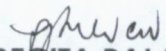
We discover the RTNMC's intrusion and occupation of the abovementioned properties sometime in 2019 and when we inquired further, we discovered that in Tax Declaration Nos. 18-05-013-3617 and Tax Declaration No. 18-05-013-3618, RTNMC was declared as administrator/beneficial user of the land without the prior knowledge and consent of the late Nieves Cruz or her daughter. The Palawan Provincial Assessor's Office confirmed and certified also that no documents were submitted by RTNMC executed by Nieves Cruz or Marissas- Cruz Morales designating it to be the administrator or beneficial user of the land. Despite of lack of proper authority, it came to our knowledge that RTNMC has converted a portion of Ms. Nieves Cruz's property as a mine tailing pond, covering an area of more or less 20 hectares while another portion covering an area of more or less 49 hectares was developed as a golf-course and ice-plant. In building the golf course and ice plant, we understand that the project proponent must

also undergo the Environmental Impact Assessment and secure the necessary ECC.

We believe that the mining concession granted to RTNMC clearly delineate the metes and bounds of its concession area and going beyond that area is a clear violation of the conditions of their concession as well as its ECC and SEP clearance. For this reason, we are also seeking the assistance of your office to cancel any tenorial permit or ECC issued to RTNMC on any project that falls into the land of Ms. Nieves Cruz and to help us recover the land. We have raised this concern in our letter dated March 18, 2021 to then DENR Secretary Roy A. Cimatu, however, the local office of the DENR failed to act on this matter. These acts by RTNMC should be deterred especially that the nature of its project greatly impact the whole community of Bataraza, hence, we are again elevating this concern to your good Office.

Thank you very much and we are looking for a positive response from you.

Very respectfully yours,


FLORECITA PALANCA
Attorney-in-fact of
Marissa Cruz Morales