



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 15, 2023

**MEMORANDUM**

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

**THRU** : The Regional Director  
MGB –MIMAROPA Region

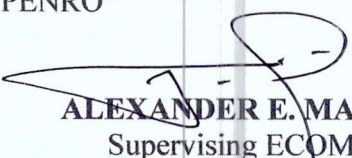
**FROM** : Provincial Environment and  
Natural Resources Officer

**SUBJECT** : **INITIAL REPORT ON THE APPREHENDED TRUCKS OF  
NEWINGTON BUIDERS INC. IN BRGY. APRURAWAN,  
ABORLAN, PALAWAN**

Forwarded is the memorandum dated 06 March 2023 of CENRO Puerto Princesa endorsing the appended report dated 15 February 2023 re: the above subject.

For reference, record and further instruction/s

“FOR THE PENRO”

  
**ALEXANDER E. MANCIO**  
Supervising ECOMS/  
Executive Assistant of PENRO Palawan  
In-Charge, Office of the PENRO

RGT/EMU  
Doc. No. 2023-2187

DENR-PALAWAN  
PENRO-RECORDS  
**RELEASED**  
By Chen  
Date: 15 MAR 2023 CN 2023-699



Republic of the Philippines  
**Department of Environment and Natural Resources**  
Community Environment and Natural Resources Office  
Brgy. Sta. Monica, Puerto Princesa City, Palawan  
Tel Fax No.: (048) 433-0660

Email Address: [cenropuertoprincesa@denr.gov.ph](mailto:cenropuertoprincesa@denr.gov.ph)

06 March 2023

**MEMORANDUM**

**FOR :** The Regional Director  
Mines and Geosciences Bureau  
MIMAROPA Region

**THRU :** The PENR Officer  
Provincial Environment and Natural Resources Office  
Province of Palawan

**FROM :** OIC, CENRO  
Community Environment and Natural Resources Office  
Puerto Princesa City, Palawan

**SUBJECT :** INITIAL REPORT ON THE APPREHENDED TRUCKS OF  
NEWINGTON BUILDERS INC. IN BRGY. APURAWAN,  
ABORLAN, PALAWAN

**DENR PENRO  
PALAWAN RECORDS  
RECEIVED**

BY:   
DATE: 03-10-2023 CN 23-2187

Respectfully endorsing the report dated 15 February 2023 regarding the abovementioned subject.

This report is based on received information from the regional office of the Mines and Geosciences Bureau (MGB) MIMAROPA regarding the halted trucks of Newington Builders Inc. by Aborlan Municipal Environment and Natural Resources Office (MENRO) personnel in Brgy. Apurawan. These trucks were held in the monitoring station of MENRO within the premises of the barangay. The basis of the MENRO personnel for stopping the delivery of the proponent was the issued cease-and-desist order (CDO) issued by MGB MIMAROPA dated 03 February 2023. Given the violation of Newington Builders Inc. not adhering to the released CDO and sharing permit area with Mr. Bacaltos without a valid agreement, the two loaded trucks were apprehended and seized.

For your reference, record, and further instruction(s).

  
**PEDRO A. VELASCO**  
DMO IV/OIC-CENRO





Republic of the Philippines  
Department of Environment and Natural Resources  
**COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE**  
MIMAROPA Region  
Puerto Princesa City, Palawan

24 February 2023

**MEMORANDUM**

**FOR :** The Community Environment and  
Natural Resources Officer  
Brgy. Sta. Monica, Puerto Princesa City, Palawan

**FROM :** The Undersigned

**SUBJECT :** INITIAL REPORT ON THE APPREHENDED TRUCKS OF  
NEWINGTON BUILDERS INC. IN BRGY. APURAWAN,  
ABORLAN, PALAWAN



**Background Information**

On 23 February 2023 the undersigned received information from the regional office of the Mines and Geosciences Bureau (MGB) MIMAROPA regarding the halted trucks of Newington Builders Inc. by Aborlan Municipal Environment and Natural Resources Office (MENRO) personnel in Brgy. Apurawan. These trucks were held in the monitoring station of MENRO within the premises of the barangay. The basis of the MENRO personnel for stopping the delivery of the proponent was the issued cease-and-desist order (CDO) issued by MGB MIMAROPA dated 03 February 2023 (Annex-1).

This investigation was conducted by personnel of the Mines and Geosciences Bureau MIMAROPA Region and the Community Environment and Natural Resources Office – Puerto Princesa City.

**Purpose and Scope**

The investigation was carried out to quickly respond to the information received. This fieldwork includes an inspection, photo documentation, and verbal communication with the Aborlan MENRO personnel, PMRB personnel and Newington Builders Inc.

**Findings and Observations**

1. The holding area, MENRO Monitoring Station, is located in Brgy. Apurawan, Aborlan, Palawan. It is geographically situated at 09° 36' 16" N, 118° 20' 47" E (Figure 1). The area is ~75 kilometers away from CENRO PPC and can be reached within 90 minutes of car travel.



2. Upon arrival in the subject area, three dump trucks were noted, two of each were loaded with fine sand and one empty backup emergency truck (*see Photo Documentation*). Identification of the two loaded trucks was SP DT-25 which was driven by Mr. John Rey Reynante and SP DT-51 driven by Mr. Junjun Janiva.
3. Based on the MENRO Monitoring Team; Mr. Gamaliel Ople, Mr. Joel Sarol, Mr. Jimmy Rementizo, and Mr. Jaime Bustamante, have observed the trucks of the proponent going to their source area ~2 kilometers northwest (GPS: 09° 34' 28.09" N, 118° 23' 38.08" E) of the monitoring area. The MENRO team had already reminded the truck drivers that the company has an existing CDO and thus should not operate. The trucks however did not follow and still proceeded to the source area. It was also mentioned that the PMRB did not have enough knowledge of the CDO. A few hours later, two trucks loaded with ~18 cu m. volume each were found transporting fine sand to Puerto Princesa City. Given that Newington violated the released CDO, the monitoring team decided to hold the trucks and decided to bring the following equipment to the barangay for custody. The barangay captain, Kap. Danilo Cortez does not want to be the custodian of the equipment. Left with no other choice, the team asked MGB MIMAROPA to apprehend the following.

The team also mentioned to the undersigned that there was a recently extracted area which is again outside the permit area. This however was not physically verified by the undersigned since it was already late and there was no available vehicle to traverse the difficult terrain.

4. A separate dialogue with the PMRB Monitoring Team as represented by their team leader, Mr. Prifanio Sarol was initiated. As per Mr. Sarol, the proponent had just re-operated following the company's stoppage last January 2023 in relation to the eleven trucks halted by DENR-CENRO\*. The PMRB was the one who seized these eleven trucks but only a seizure receipt was produced and the trucks were released after. Below is the verbatim statement of Mr. Sarol regarding what happened to that apprehension.

*"Noong January 25 nagpa-advice ako doon sa monitoring namin sa opisina, PMRB, kasi napansin ko halos sabay-sabay 'yong onse ka-truck. [Kasi] nacheck ko 'yong karga nila is na 22-24 cu m. pero 'yong laman ng DR is 16 cu m. Hinold ko na sila, gini-seizure-an receipt ko na. Ang seizure receipt namin ay nai-submit na namin sa office. Seizure receipt ito dahil may section silang nalabag, 'yong sa overloading at saka violation doon sa labas ng permittee kumuha [dahil] tinesting daw nila doon sa classifier nila. Ngayon ang nangyari doon, nag-operate sila doon sa may labas ng permittee [dahil] hindi nila kasi alam 'yong mga muhon kasi noong nag-operate sila wala yata 'yong may-ari, si Bacaltos... Ang advice po sa akin ng head namin sa monitoring, seizure-an mo lang pagkatapos ipasa mo sa akin sa messenger 'yong seizure mo at saka 'yong mga DT number noong mga truck sunod papalabasin mo lang...sabi nya [head ng monitoring] patuluyin mo lang ipasa mo sa akin 'yong report mo sa seizure para tatawagan na lang natin 'yong may-ari ng Newington para magmumulta na lang sila"*

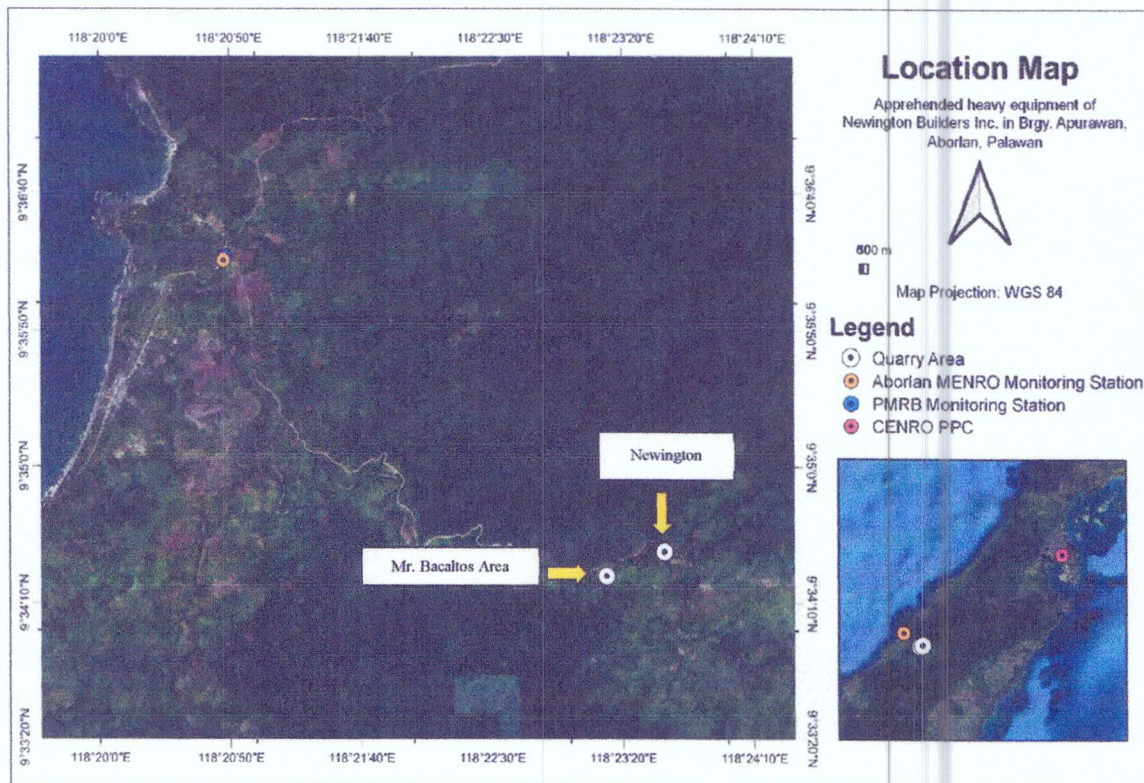
---

\*Spot Report: Alleged Illegal Quarrying and Illegal Forestry Activities. See Annex-1 of Report On The Conducted Follow-Up Monitoring of the Alleged Illegal Quarry Activity in Brgy. Apurawan, Aborlan, Palawan



5. The undersigned asked if the same situation will be implemented in the now halted two trucks. Mr. Sarol mentioned that as per their new head of monitoring if there is a DR let the trucks pass. It was explained by the undersigned to the PMRB that Newington has an existing CDO and that the commercial sand and gravel permit is for the exclusive use of Mr. Bacaltos. The two drivers of the trucks were also interviewed regarding the transport of the sand. As mentioned the earth materials were from the quarry area of Mr. Bacaltos. Each truck contains 16 cu m. each and was bound to the asphalt plant of Newington in Brgy. Tagburos, Puerto Princesa City (*see Photo Documentation*). The undersigned asked if the company was aware of the released CDO and Mr. Gil Anyayahan, foreman of the proponent, affirmed that they received the letter last 22 February 2023 however the company instructed them to continue its haul.
6. Given the violation of Newington Builders Inc. not adhering to the released CDO and sharing permit area with Mr. Bacaltos without a valid agreement, the two loaded trucks were apprehended and seized (Annex-2). Upon arrival in CENRO PPC, the keys for the trucks were not immediately surrendered to the undersigned as Newington's supervisor requested for an inspection prior to leaving the truck. While waiting for the personnel to arrive, two pick-up trucks and one off-road motorbike arrived at the office. However, the persons in the following vehicle did not communicate with the undersigned nor get out of the car but rather waited only outside the office for hours. Upon the arrival of the Monitoring and Enforcement Section Chief, only these personnel did go to the office the following were: Ms. Lilet Garcillano (representative of Newington Builders Inc.), Kap. Danilo Cortez (Brgy. Apurawan Captain), Mr. Prifancio Sarol (PMRB Monitoring Team Leader in Apurawan), and Mr. Elito Ninge (NCIP Representative). Their presence, however, was not anticipated as no notice nor was an invite mentioned to them.
7. During a quick meeting with these personnel, Ms. Garcillano mentioned that their office was aware of the released CDO from the MGB. They transported earth materials on this day as their contract with the DPWH on the road asphaltting project is yet to be expired as such they cannot afford to stop operating. She added that their contract agreement with Mr. Bacaltos is already in process but is still waiting for the signature of Mr. Bacaltos before notarization. With regard to the recently excavated area which is outside the permit of Mr. Bacaltos, Kap. Cortez and Mr. Ninge refuted this statement and mentioned that there was no excavation. All the aggregates transported were sourced within the premises of the area of Mr. Bacaltos.
8. Given the state of events and discrepancies in the situation, the undersigned decided to put the custody of the trucks together with its loads to PMRB under the name of Mr. Prifancio Sarol.





**Figure 1.** Map showing the locations of the areas related to the apprehension namely the MENRO and PRMB Monitoring Stations, the area of Mr. Bacaltos and the stockyard of Newington Builders Inc., and CENRO PPC.

### Comments and Recommendations

1. Based on the results of the investigation, Newington Builders Inc. did not abide by the subsequently released CDO. Hence, the caught trucks delivering aggregates were apprehended. Section 118 of DAO 2010-21 describes the basis of confiscation.

#### *Basis of Arrests and Confiscations/Seizures*

*The absence of any of the foregoing documents shall be considered prima facie evidence of illegal mining and shall cause the confiscation/seizure of the minerals/mineral products and the tools and equipment including conveyance used in the commission of the offense in favor of the Government pursuant to P.D. No. 1281, subject to further investigation. If it is found that the minerals/mineral products seized have been mined, extracted or removed without any permit or authority under existing mining laws, rules and regulations, final confiscation can be effected to be followed by the filing of the complaint for theft of minerals. The Bureau officers which include the Regional Director and other Bureau personnel, duly authorized by the Director, DENR personnel duly authorized by the Secretary, Permittee, Contractor, Permit Holder and other duly deputized personnel shall have authority to arrest offenders, and confiscate/seize illegally-sourced minerals/mineral products and the tools, equipment and conveyance used in the commission of offense.*



2. To Newington Builders Inc., the issued order should be strictly followed. The deadline for the DPWH project may be important but that does not mean that the government requirements or orders should be bypassed. Indeed development is imperative but this should not compromise the law and most especially the environment.
3. To PMRB, to present the release paper or documents related to the seizure of the eleven trucks in January 2023. Explain why DR was still given to the company given that there was a released CDO and knowing that pertinent papers are not yet acquired by them. To further review this case to determine the violation(s) of Newington Builders Inc. The imposition of a maximum penalty is recommended.
4. With regard to the permit of Mr. Bacaltos, it clearly violated clause 2 of the permit which states that,

*2. The Permit shall be for the exclusive use and benefit of the Permit Holder and not, directly or indirectly, for the benefit of any other person whether natural or judicial, and that the area covered by this Permit shall be used for the purpose only of extracting and disposing the materials herein authorized;*

It is therefore recommended to impose a penalty or other appropriate punishment on the permit holder.

5. To DPWH, to investigate the position of the Newington Builders Inc. for joining the bidding for different government projects. This is not the first violation of law by Newington but rather adds to the number of recent violations<sup>1,2</sup>. This brings into question the ability of Newington Builders Inc. as a responsible contractor for government projects.
6. To file a case against Newington Builders Inc. given the violation hereof mentioned and applicable provisions of Republic Act No. 7942 of "The Philippine Mining Act of 1995" and its Implementing Rules and Regulations, DENR Administrative Order No. 2010-21
7. 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". Enforce laws and regulations relating to pollution control and protection of the environment.*

---

<sup>1</sup>Report on the Illegal Extraction and Hauling of Loose and Unconsolidated Materials of the Company Newington Builders Inc. in Brgy. Minara, Roxas, Palawan

<sup>2</sup>Investigation Report on the DENR 8888 Complaint Regarding the Alleged Illegal Quarry Activities in Barangays Pulot Shore and Punang Within the Municipality of Safronia, Española, Province of Palawan.

For your reference, record, and further instruction(s).




**Casandra Lynda Jalac**  
Science Research Specialist II  
MGB MIMAROPA – Embedded Personnel

  
**Rommel Adato**  
Forest Technician I  
CENRO PPC

**Dimple Barilea**  
Forest Protection Officer  
CENRO PPC

Noted By:

  
**DENNIS ALDRIN O. VELASCO**  
Forester III/ Chief MES



## Annex-1



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



03 February 2023

**The President**

Newington Builders Inc.  
Aborlan, Palawan

**Dear Madam/Sir:**

Please be informed that on 01 February 2023, the technical personnel of CENRO – Puerto Princesa City confirmed that Newington Builders Inc. (Newington) conducted sand and gravel activities at Sitio Pila, Barangay Apurawan, Aborlan, Palawan and outside the permit area of Mr. Apolinario C. Bacalos without a valid mining permit.

The above-cited extraction and disposition of sand and gravel materials 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, Newington is hereby ordered to immediately **CEASE AND DESIST** from conducting sand and gravel activities in the said area. 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. 4942.

Please be guided accordingly. Thank you.

Very truly yours,

  
**GLENN MARCELO C. NOBLE**  
Regional Director

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

The FENRC and Concurrent Acting PMRB Chairperson  
Provincial Government and Natural Resource Office  
Department of Environment and Natural Resources  
Sta. Monica, Puerto Princesa City, Palawan

The CENRO – Puerto Princesa City  
Community Environment and Natural Resource Office  
Department of Environment and Natural Resources  
Sta. Monica, Puerto Princesa City, Palawan

The Mayor – Aborlan  
Office of the Mayor  
Aborlan, Palawan

The Punong Barangay – Apurawan  
Aborlan, 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."**

South National Highway, Brgy. Sta. Monica,  
Puerto Princesa City  
Email Address: [cenropuertoprincesa@denr.gov.ph](mailto:cenropuertoprincesa@denr.gov.ph)  
Tel Fax No.: (048) 433-0660

# Annex-2

18/10/23  
 let T. Garcellano  
 2-23-23

2/23/23  
 RECEIVED BY: *[Signature]*  
 PRINCESSA L. JALAC

## ANNEX III



Republic of the Philippines  
 Department of Environment and Natural Resources  
**MINES AND GEOSCIENCES BUREAU**  
 Regional Office No. 1V- MIMAROPA  
 7/F DENR By The Bay Bldg., 1515 Roxas Blvd., Ermita, M. M.  
 Tel. No. (02) 536-0214 • Telefax No. (02) 302-1352



## SEIZURE RECEIPT

### RECEIPT FOR CONFISCATED/SEIZED MINERALS/MINERAL PRODUCTS, TOOLS, EQUIPMENT AND CONVEYANCES PURSUANT TO DAO 96-40

Important: Confiscated or seized articles found in the possession of Apprehending Officers not listed in this form shall be deemed illegally-possessed and shall subject the possessor to criminal and administrative action.

QUANTITY	UNIT	DESCRIPTION	ESTIMATED VALUE
2		Dump truck	2,000,000
32 m <sup>3</sup>		fine sand	44,800

We certify that the above-cited articles were seized and/or confiscated in  
 Sitio Kamanggahan, Brgy. Aborlan, at 6:48 PM  
 (Place of Apprehension) Brgy. Aborlan (Time)  
 on 23 Feb 2023  
 (Date)

Owner's Name: Newington Builders Inc.  
 Signature : \_\_\_\_\_  
 Address : Brgy. San Pedro, PRC

*[Signature]*  
 CASALDEPA MADA L. JALAC  
 Investigating/Apprehending Officer

*[Signature]*  
 ROWD DT51  
 DENR REY  
 PI  
 DENR MITE - SP - DT - 25



WITNESSES:

1. Jimmy Bustamante 2. Jimmy Repentizo  
Brgy. Apurawan, Aborlan Brgy. Apurawan, Aborlan  
(Name & Address) (Name & Address)

Received the articles listed above in CENRO PPC  
(Storage Place)  
on 23 Feb 2023 at 9:30 PM  
(Date) (Time)

The same, having been seized/confiscated and left in my custody, pending further investigation by the DENR, Mines and Geosciences Bureau Regional Office No. IV, I hereby pledge to faithfully keep and protect the said articles from loss or destruction in any manner to the best of my ability.

[Signature]  
Custodian/Receiving Officer  
PRIFANIO D. CAROL

CS Scanned with CamScanner

## Photo Documentation



The two apprehended dump trucks of Newington Builders Inc. loaded with S1 (fine sand) material in Brgy. Apuranwan, Aborlan, Palawan. These trucks were bound to Puerto Princesa City in Brgy. Tagburos in the company's asphalt plant.



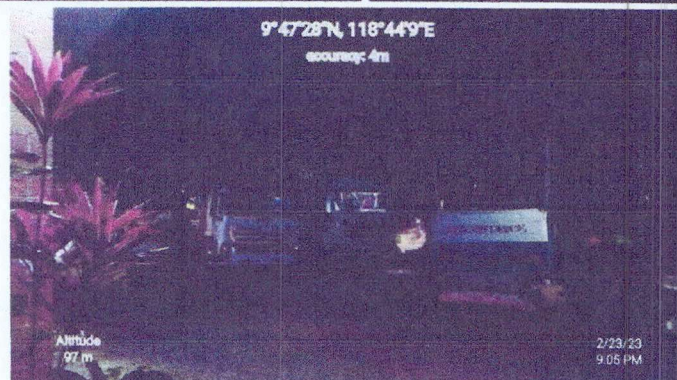
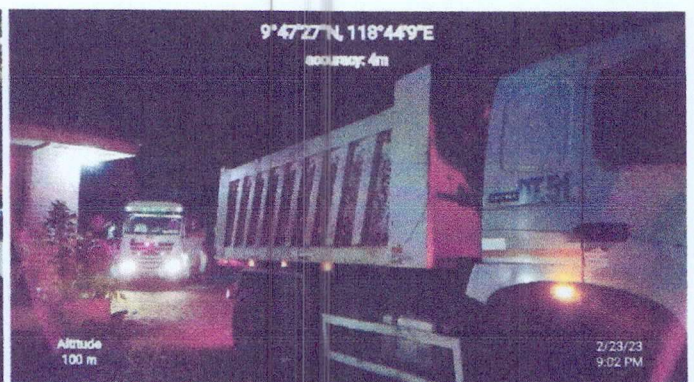
LAND AND GRAVEL DELIVERY RECEIPT	
Date	Feb. 23, 2023
Sub to	NEWINGTON BUILDERS INC.
Destination	P.P.C.
Truck Plate No.	NAF 7204
Kind of Material	S1
Volume (Cubic Meter)	16
Origin	Aborlan, Palawan
Name of Transporter	APURANWAN C. BACALUTAN
Contractual Purchase Order No.	CP(PAW) NO. 339
Order Number	1st-1, 2022
Receivers Official Receipt No.	2056962
Date	Jan. 17, 2023
Total Volume Received Under Permit (Cu M.)	2000
Total Volume Delivered to Date (Cu M.)	1,264
Remaining Volume Allowed To Be Expended To Date (Cu M.)	736
No.	598529

SP ST-51 dump truck driven by Mr. Janiva containing 16 cu m. volume of S1





SP ST-25 dump truck driven by Mr. Reynante containing 16 cu m. volume of S1



In preparation for the custody of the apprehended trucks. Given that the CENRO does not have a guard during the evening and for safety purposes of the apprehending officer, the custody of the following equipment were transferred to PMRB.

South National Highway, Brgy. Sta. Monica,  
Puerto Princesa City  
Email Address: [cenropuertoprincesa@denr.gov.ph](mailto:cenropuertoprincesa@denr.gov.ph)  
Tel Fax No.: (048) 433-0660