

# 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

DENR MIMAROPA RECORDS SECTION RECEIVED BY: DATE MAR 2 2

March 15, 2023

RD-MLB

#### **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:

INVESTIGATION REPORT ON THE ALLEGED QUARRYING ACTIVITIES OF BCT TRADING AND CONSTRUCTION INC. IN A

PRIVATE PROPERTY OF MR. FRANCISCO ALABAG JR. IN

BRGY. SAGRADA, BUSUANGA, PALAWAN

Forwarded is the memorandum dated 10 March 2023 of CENRO Coron transmitting the copy of report dated 02 March 2023 of the MGB MIMAROPA Embedded Personnel regarding the above subject.

For information, record and reference.

"FOR THE PENRO"

ALEXANDER E. MANCIO

Supervising ECOMS/

Executive Assistant of PENRO Palawan

In-Charge, Office of the PENRO

RGT/EMII Doc. No. 2023-2197

DENR-PALAWAN PENRO-RECORDS By.



# INVESTIGATION REPORT ON THE ALLEGED QUARRYING ACTIVITIES OF BCT TRADING AND CONSTRUCTION INC. IN A PRIVATE PROPERTY OF MR. FRANCISCO ALBAG JR. IN BARANGAY SAGRADA, BUSUANGA, PALAWAN DENR PENR PENR PENR PENR PENR PENR PENR

Alessa Estorninos <alessaest.mgb4b@gmail.com> To: mines\_4b@yahoo.com Cc: penropalawan@denr.gov.ph PALAWAN RECORDS

Fri, Mar 10, 2023 at 4:47 PM

Greetings!

Respectfully forwarding a copy of the report dated 02 March 2023 of the MGB – MIMAROPA Embedded Personnel regarding the above-cited subject.

This is in connection with the spotted backhoe operating in a private property in Brgy. Sagrada, Busuanga without any permit. The backhoe was confirmed to be owned by BCT Trading and Construction Inc. Accordingly, this office has sent a Cease-and-Desist Order to Mrs. Bella C. Tiotangco of BCT Trading and Construction, Inc., dated 03 March 2023, and was requested for a meeting with CENRO-Coron to provide information on the matter.

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

Thank you very much!

Alessa "Les" Estorninos

Science Research Specialist II

Community Environment and Natural Resources Office - Coron

Mines and Geosciences Bureau - MIMAROPA

**Department of Environment and Natural Resources** 

INVESTIGATION REPORT ON THE ALLEGED QUARRYING ACTIVITIES OF BCT TRADING AND CONSTRUCTION INC. IN A PRIVATE PROPERTY OF MR. FRANCISCO ALBAG JR. IN BARANGAY SAGRADA, BUSUANGA, PALAWAN.pdf 9043K



# Republic of the Philippines Department of Environment and Natural Resources

Community Environment and Natural Resources Office
Barangay 5, Calamianes Island, Coron, Palawan
Telephone No. +63 917 504 2633

E-mail:cenrocoron@denr.gov.ph Website: www.denr.gov.ph

10 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

INVESTIGATION REPORT ON THE ALLEGED QUARRYING

ACTIVITIES OF BCT TRADING AND CONSTRUCTION INC. IN A PRIVATE PROPERTY OF MR. FRANCISCO ALBAG JR.

IN BARANGAY SAGRADA, BUSUANGA, PALAWAN

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

RODNEY G. VERIAN COLO. CENRO, Coron

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# Republic of the Philippines Department of Environment and Natural Resources

Community Environment and Natural Resources Office Barangay 5, Calamianes Island, Coron, Palawan Telephone No. +63 917 504 2633

E-mail:cenrocoron@denr.gov.ph Website: www.denr.gov.ph

03 March 2023

Mrs. Bella C. Tiotangco BCT Propnent BCT Trading and Construction Coron, Palawan

Dear Mrs. Tiotangco:

Greetings!

This pertains to the site investigation conducted by CENRO-Coron personnel, last 28 February 2023, regarding the alleged quarrying activities of BCT Trading and Construction in the private property of Mr. Francisco Albag Jr. in Brgy. Sagrada, Busuanga, Palawan.

During the investigation, a backhoe (220LC-95) was seen parked at the quarry site. The backhoe operator, Mr. Boyet Cariño, was also present and interviewed. Mr. Cariño confirmed that the quarry operation is under the directive of BCT Trading and Construction for their road widening project in Brgy. Sagrada, specifically in the construction of ripraps.

Furthermore, upon an interview with Mr. Francisco Albag Jr., there was no barangay resolution or any document stating that BCT is allowed to extract aggregates from their property. Only a verbal agreement was made between Mr. Albag and BCT. No copy of the quarry permit was also provided.

Pursuant to DENR Administrative Order No. 2010-21, otherwise known as the Revised Implementing Rules and Regulations of Republic Act No. 7942, otherwise known as the Philippine Mining Act of 1995, the extracted materials within the subject area are considered illegally-sourced mineral/mineral products with reference to the legal definition of such provided under Section 116, Chapter XII of the above-cited administrative order, stating:

Section 116. Illegally-sourced minerals/mineral products are those which are mined, extracted, removed and/or disposed of without authority or permit under existing mining laws, rules and regulations.

In view of the foregoing, you are hereby ordered to immediately **CEASE AND DESIST** from further extraction of mineral resources in the private property of Mr. Albag until such a time that the required permit/s are presented or secured from the proper authority. Any violations of the preceding actions will warrant the following penalties and liabilities under Section 103 of the Republic Act 7942, otherwise known as the Philippine Mining Act of 1995.

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.

Furthermore, we are respectfully inviting you or your representative for a meeting in CENRO-Coron to provide information on the matter.

Kindly communicate with us through email at <u>cenrocoron@denr.gov.ph</u> or mobile number +639-17-504-2633, for us to arrange a date and time for the meeting.

Your utmost cooperation will be highly appreciated.

Thank you and best regard.

Sincerely yours,

OIC. Assistant CENR Officer

**DMO IV** 



02 March 2023

#### MEMORANDUM

FOR

The Community Environment and

**Natural Resources Officer** 

Coron, Palawan

FROM

The Undersigned

SUBJECT

INVESTIGATION REPORT ON THE ALLEGED QUARRYING

ACTIVITIES OF BCT TRADING AND CONSTRUCTION INC. IN A PRIVATE PROPERTY OF MR. FRANCISCO ALBAG JR.

IN BARANGAY SAGRADA, BUSUANGA, PALAWAN

# **Background Information**

Last 15 February 2023, the undersigned and FT Patrick Israel T. Panlilio of CENRO-Coron were investigating in Busuanga, Palawan. A backhoe was operating on a private property in Brgy. Sagrada, Busuanga (Photo 1). During the courtesy call with Hon. Erdolfo Borejon of Brgy Bogtong, he mentioned that the Albag family owns the property and that the extracted aggregates are used by BCT Trading and Construction, Inc. for their road widening projects in So. Kiwit, Brgy. Sagrada, Busuanga.

Under Travel Order No. 2023-005, the undersigned conducted a field validation of the quarry sites of BCT that were issued a Cease-and-Desist Order (CDO). The undersigned was assisted by Engr. Myco Montebon of BCT and was requested to visit the subject area in Brgy. Sagrada to confirm the involvement of BCT in the mountain quarrying activity.

### Purpose and Scope

The undersigned conducted the fieldwork to confirm the involvement of BCT in the mountain quarrying activity and to check any pertinent documents between the Albag family and BCT. The investigation includes an inspection of the site, photo documentation, and a verbal interview with the private property owner of the quarry site.

# Findings and Observations

1. The field investigation was conducted last 28 February 2023. It has an aerial distance of ~177 meters from the national highway. The subject area is in Brgy. Sagrada, Busuanga, Palawan. It is geographically situated at 12°4′59″N, 119°57′25″E. It is approximately 45 kilometers away from CENRO, which is reachable by a 1-hour motorcycle ride (Figure 1).

DENR, Calle Nueva, Coron Town Proper, Coron, Palawan Contact Nos.: 0917-504-2633

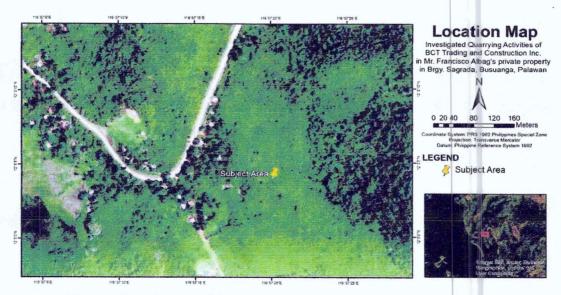


Figure 1. Location map of the investigated quarry site in Brgy. Sagrada, Busuanga, Palawan.

- 2. A backhoe (220LC-95) was seen parked at the quarry site. The backhoe operator, Mr. Boyet Cariño, was also present and interviewed by the undersigned (**Photo 2**). Engr. Montebon confirmed that the backhoe is indeed owned by BCT but is unaware of the ongoing project in Brgy. Sagrada.
- 3. Mr. Cariño confirmed that the quarry operation is under the directive of BCT for their road widening project in Brgy. Sagrada, specifically in the construction of ripraps (Photos 3 and 4 and Figure 2).
- 4. The undersigned then interviewed Mr. Franciso Albag Jr., one of the private property owners (**Photo 5**). He mentioned that the property is divided among him and his siblings (see Annexes).
- 5. Mr. Albag mentioned that two (2) backhoes and two (2) trucks have been operating on the quarry site since December 2022. However, he can't estimate the volume of aggregates gathered by BCT. No information was provided as to when the operations will end.
- 6. Mr. Albag disclosed that the total land area owned by his family is approximately 5 hectares.
- 7. As presented in Figure 2, no imagery of the quarry site is visible on Google Earth since the operation just started last December 2022. Therefore, no aerial area of the quarry site was measured and mapped.



Figure 2. Location of the two (2) ripraps being constructed using the aggregates excavated from Mr. Albag's private property. The image is from Google Earth.

- 8. The undersigned requested Mr. Albag Jr. for a copy of the barangay resolution or any other document stating that they allow BCT to extract aggregates from their property. However, no documents were presented to the undersigned. He mentioned that it was only a verbal agreement between him and BCT since he requested them to clear and flatten the subject area for farming purposes and the personal use of the siblings. No payment or monetary transaction was made between Mr. Albag's family and BCT.
- 9. Furthermore, Mr. Albag is not informed if the site has an existing quarry permit. According to him, all documentary requirements were processed by BCT.
- Mr. Albag provided the undersigned contact details of the BCT Project Engineer, Engr. Elesid Griño.

#### **Comments and Recommendations**

- To request a meeting with BCT Trading and Constrution Inc., to clarify and provide more information regarding the ongoing operations on Mr. Albag's property and present pertinent documents to CENRO-Coron.
- 2. Since the said materials were extracted from a source without any mining permit, this violates Section 103 of the Republic Act 7942, otherwise known as the Philippine Mining Act of 1995.

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.

Additionally, the excavated materials are considered illegally sourced mineral/mineral products which violates Section 116 Chapter XII of DAO 2010-21,

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

3. To issue a Cease-and-Desist Order to BCT Trading and Contrustion Inc., from further extraction of sand and gravel in the private property of Mr. Albag until such a time that the required permit/s are presented or secured from concerned agency(ies).

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

Alessa Anne S. Estorninos Science Research Specialist II

MGB MIMAROPA - Embedded Personnel

# **Photo Documentation**



Photo 1. On-going quarrying activity in Brgy. Sagrada, Busuanga last 15 February 2023.



**Photo 2.** A backhoe (220LC-95) was parked at the quarry site during the field validation last 28 February 2023. The undersigned interviewed the backhoe operator – Mr. Elesid Griño.



Photo 3. Location and ongoing construction of Riprap 1.

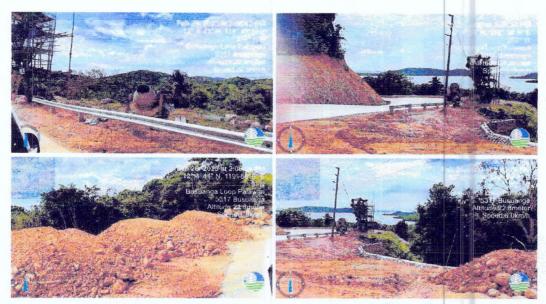
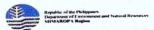


Photo 4. Location and ongoing construction of Riprap 2.

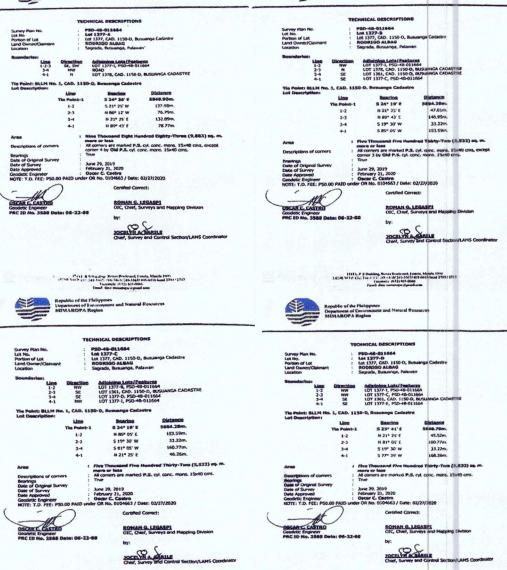


Photo 5. Interview with Mr. Francisco Albag Jr.

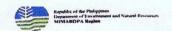
## Annexes



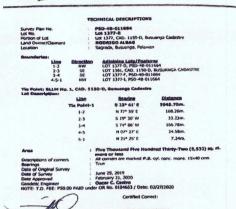




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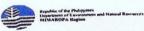


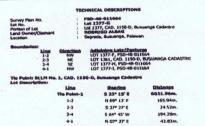
Republic of the Philippines
Department of Environment and Natural Resources
MIMAROPA Region





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