

DENR MIMAROPA
RECORDS SECTION
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BY: _____ DATE NO. _____
TIME: _____



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

May 04, 2023

MEMORANDUM

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


FROM : Provincial Environment and
Natural Resources Officer

SUBJECT : **MONITORING REPORT ON THE ALLEGED QUARRYING
ACTIVITIES IN THE MUNICIPALITY OF BUSUANGA,
PALAWAN**

Forwarded is the memorandum dated 26 April 2023 of CENRO Coron transmitting the attached monitoring report dated 24 April 2023 of the MGB-MIMAROPA Embedded Personnel regarding the above subject.

For information, record and further instruction/s


“For the PENRO”


RONIE B. GANDEZA
DMO IV/OIC-CHIEF, TSD
In-Charge, Office of the PENRO

Copy furnished:

The Povincial Mining Regulatory Board (PMRB)
OISCA Road, Sta. Monica, Puerto Princesa City

RGT/EMU
Doc. No. 2023-3929

DENR-PALAWAN
PENRO-RECORDS
RELEASED
By 
Date: 05 MAY 2023 23-1237



R4B PENRO Palawan <penropalawan@denr.gov.ph>

MONITORING REPORT ON THE ALLEGED QUARRYING ACTIVITIES IN THE MUNICIPALITY OF BUSUANGA

Alessa Estorninos <alessaest.mgb4b@gmail.com>
To: MGB MIMAROPA <mines_4b@yahoo.com>
Cc: penropalawan@denr.gov.ph

DENR PENRO
PALAWAN RECORDS
RECEIVED

Tue, May 2, 2023 at 9:07 AM

BY: _____
DATE: 05/02/2023 CN 23-3929

Greetings!

Respectfully forwarding a copy of the monitoring report dated 24 April 2023 of the MGB –MIMAROPA Embedded Personnel regarding the above-cited subject.

This office has undertaken the following actions:

1. Issued a Stoppage Order to Mr. Gemmuel Fabia for his continuous extraction of sand and gravel despite consuming the volume indicated in PMRB Resolution No. 34-2022; and
2. Requested Mr. Efren Santillan for a meeting to clarify and provide information regarding the ongoing operations and present pertinent documents to CENROCORON.
3. Informed Punong Barangays of Barangays New Busuanga and Old Busuanga, through a letter, that Proclamation No. 13871 prohibits any form of disposition, exploration or exploitation inside the Busuanga Pasture Reserve, including sand and gravel extraction.

Other findings and recommendations indicated in the monitoring report are subject to your instructions and/or appropriate actions.

Thank you very much!

MONITORING REPORT ON THE ALLEGED QUARRYING ACTIVITIES IN THE MUNICIPALITY OF BUSUANGA.pdf
7813K



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

26 April 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
Coron, Palawan

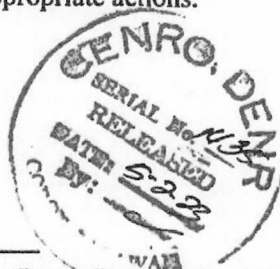
SUBJECT : MONITORING REPORT ON THE ALLEGED QUARRYING
ACTIVITIES IN THE MUNICIPALITY OF BUSUANGA

Respectfully forwarding a copy of the monitoring report dated 24 April 2023 of the MGB –MIMAROPA Embedded Personnel regarding the above-cited subject.

This office has undertaken the following actions:

1. Issued a Stoppage Order to Mr. Gemmuel Fabia for his continuous extraction of sand and gravel despite consuming the volume indicated in PMRB Resolution No. 34-2022; and
2. Requested Mr. Efren Santillan for a meeting to clarify and provide information regarding the ongoing operations and present pertinent documents to CENRO-CORON.
3. Informed Punong Barangays of Barangays New Busuanga and Old Busuanga, through a letter, that Proclamation No. 1387¹ prohibits any form of disposition, exploration or exploitation inside the Busuanga Pasture Reserve, including sand and gravel extraction.

Other findings and recommendations indicated in the monitoring report are subject to your instructions and/or appropriate actions.



RODNEY G. VERIAN
OIC-CENR Officer

¹ Reserving and Establishing as a Pasture Reserve a Certain Parcel of Land of the Public Domain situated in the Island of Busuanga, Province of Palawan



Republic of the Philippines
Department of Environment and Natural Resources
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE
MIMAROPA Region
Coron, Palawan

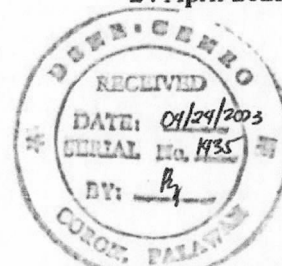
24 April 2023

MEMORANDUM

FOR : The Community Environment and
Natural Resources Officer
Coron, Palawan

FROM : The Undersigned

SUBJECT : MONITORING REPORT ON THE ALLEGED QUARRYING
ACTIVITIES IN THE MUNICIPALITY OF BUSUANGA



Background Information

Under Travel Order No. 2023-012, the undersigned - MGB Embedded Personnel Alessa Anne Estorninos, FT I Reniel Oliver Fuentar, FR Julius Sorreda, and FR Mark Angelo Factuar monitored and inspected the alleged quarrying activities in the Municipality of Busuanga last 18 April 2023.

Purpose and Scope

The undersigned investigated the quarrying activities in Brgy. Cheey, Brgy. New Busuanga, Brgy. San Rafael, and Brgy. Old Busuanga (Figure 1). The investigation includes an ocular inspection of the site, photo documentation, and verbal interviews with the locals/owners/caretakers.

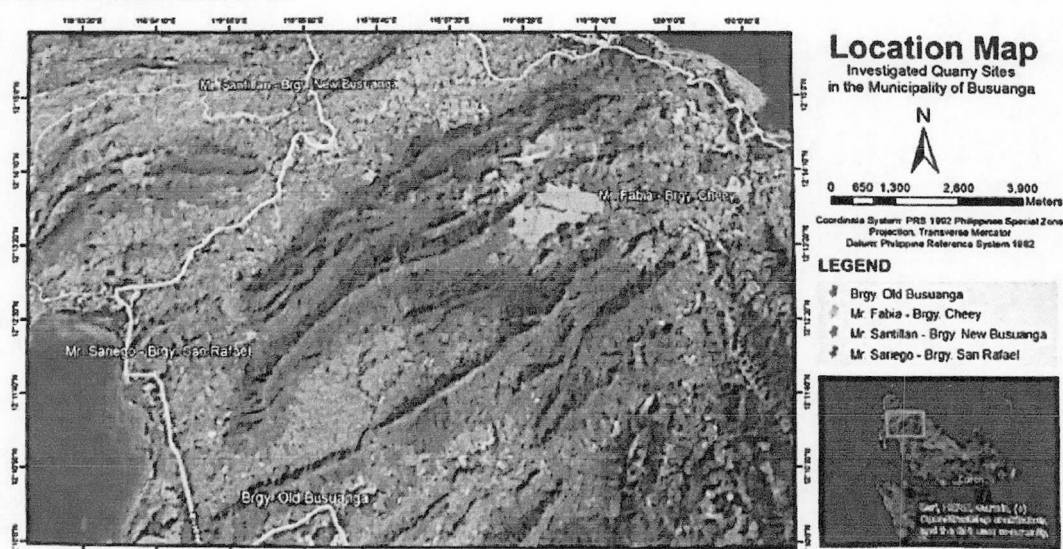


Figure 1. Location map of the investigated quarry sites in the Municipality of Busuanga.

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

Findings and Observations

Mr. Gemmuel Fabia - Brgy. Cheey

1. The subject area is in Sitio Pamaklaya, Brgy. Cheey. It is geographically situated at $12^{\circ} 13' 33'' N$, $120^{\circ} 0' 53'' E$. It is approximately 44 kilometers from CENRO, which is reachable by a 1-hour motorcycle ride.
2. Upon arrival at the site, no ongoing operation was spotted. However, there was a backhoe (Photo 1) present and a stockpile of aggregates which is approximately 10m away from the river. Some tire tracks were also observed, which denotes recent movements in the area (Photo 2).
3. Mr. Gemmuel Fabia owns the quarry site and is the current Barangay Captain of Brgy. Cheey. He was not present during the investigation.
4. Upon review, the previous MGB Embedded Personnel, Cassandra Lynda Jalac, inspected the same area last 03 August 2022. He was ordered to stop operation once the volume has been fully consumed or after 20 August 2022, as indicated in PMRB Resolution No. 34-2022 (Annex 1).

Mr. Efren Santillan - Brgy. New Busuanga

1. The subject area is within the Busuanga Pasture Reserve in Sitio Makelengen, Brgy. New Busuanga. It is geographically situated at $12^{\circ} 14' 44'' N$, $119^{\circ} 55' 44'' E$. It is approximately 58 kilometers from CENRO, which is reachable by a 1-hour and 40-minute motorcycle ride.
2. The CENRO-Coron received a complaint last 22 March 2023, from Mrs. Rebecca Edonga, regarding the alleged quarrying activities of Mr. Efren Santillan in So. Makelengen, Brgy. New Busuanga, Busuanga, Palawan.
3. Upon arrival, no ongoing operation was spotted, and no recent activity was observed (Photo 3). The CENRO-Coron personnel also interviewed Mr. Sandy Edonga, who confirmed that such quarrying activities were initiated by his relatives and were sold to Mr. Santillan who owns a hardware store in New Busuanga. He also mentioned that Mr. Santilla had a certain permit from the Provincial Mining Regulatory Board (PMRB).
4. Mr. Santillan was not present during the investigation. However, upon verification with PMRB, Mr. Santillan nor Mr. Edonga are not included in the list of permit holders for Sand and Gravel in the Municipality of Busuanga.

Mr. Frederick Sariego - Bgy. San Rafael

1. The subject area is in Sitio Malabnao, Brgy. San Rafael. It is geographically situated at $12^{\circ} 11' 38'' N$, $119^{\circ} 54' 17'' E$. It is approximately 63 kilometers from CENRO, which is reachable by a 1-hour and 20-minute motorcycle ride.
2. The MGB MIMAROPA Personnel inspected the subject area last 08 March 2023 as part of their monitoring of Cease-and-Desist Orders issued in Busuanga wherein Mr. Sariego was reiterated that he should not operate without a valid permit. To which he agreed to comply and stop operations.

3. Upon arrival, several people were sacking sand and gravel in the subject area (Photo 4). Mr. Sariago was not present in the subject area and was interviewed via phone call. According to Mr. Sariago, the sacks of sand and gravel are being used for the Rehabilitation/Major Repair of the Permanent Bridge - Malabnao Bridge along the Coron-Busuanga Road (Photo 5). He added that he is still processing his permit and was allowed by the Provincial Mining Regulatory Board (PMRB) of Coron to supply the sand and gravel for the project.

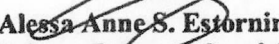
Bgy. Old Busuanga


1. The subject area is within the Busuanga Pasture Reserve in Sitio Banaba, Brgy. Old Busuanga. It is geographically situated at $12^{\circ} 10' 14''$ N, $119^{\circ} 56' 41''$ E. It is approximately 58 kilometers from CENRO, which is reachable by a 1-hour and 13-minute motorcycle ride.
2. The subject area was inspected by the MGB MIMAROPA Personnel last 08 March 2023, where a backhoe was seen.
3. Upon arrival, no ongoing operation was spotted, and no recent activity was observed (Photo 6).

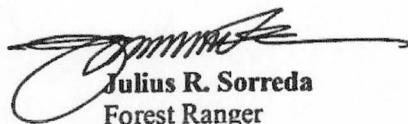
Comments and Recommendations

1. To issue a Cease-and-Desist Order to Mr. Gemmuel Fabia for his continuous extraction of sand and gravel despite consuming the volume indicated in PMRB Resolution No. 34-2022.
2. To request a meeting with Mr. Efren Santillan to clarify and provide more information regarding the ongoing operations and present pertinent documents to CENRO-Coron.
3. The MGB Regional Office has requested the PMRB-Coron Monitoring Office to clarify the nature and legal basis for the "Accommodation" issued by their office for humanitarian reasons through a letter dated 13 March 2023. However, no response has been provided by PMRB, yet they continuously allow activities without informing the MGB. The CENRO-Coron shall endorse this report to PENRO and MGB Regional Office for information and appropriate action.
4. For MGB and MES to continuously monitor any activities in the alleged quarry site.

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


Alessa Anne S. Estorninos
Science Research Specialist II
MGB MIMAROPA – Embedded Personnel


Reniel Oliver M. Fuentes
Forest Technician I
CENRO-Coron


Julius R. Sorreda
Forest Ranger
CENRO-Coron



Mark Angelo A. Vactuar
Forest Ranger
CENRO-Coron

Photo Documentation

Mr. Fabia - Brgy. Cheey

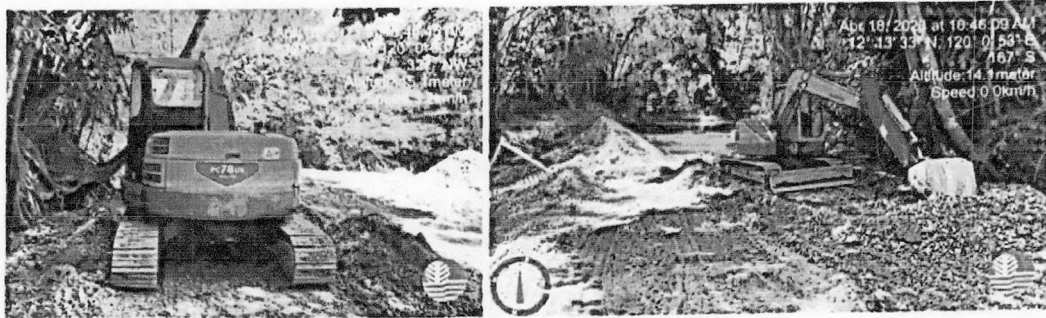


Photo 1. A backhoe was present in the subject area.

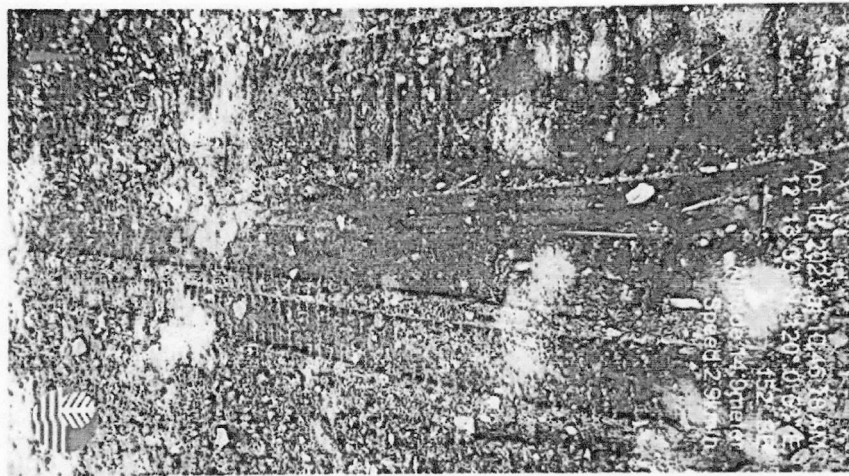


Photo 2. Recent movements in the subject area as denoted by some tire tracks.

Mr. Santillan - Brgy. New Busuanga

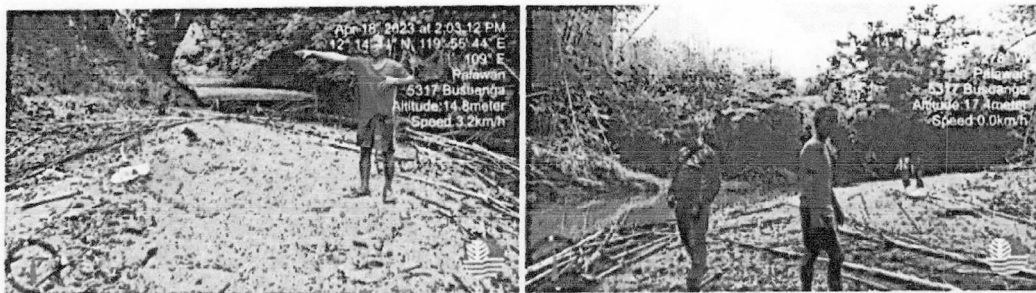


Photo 3. No ongoing operation was spotted, and no recent activity has been observed.

Mr. Frederick Sariego - Bgy. San Rafael

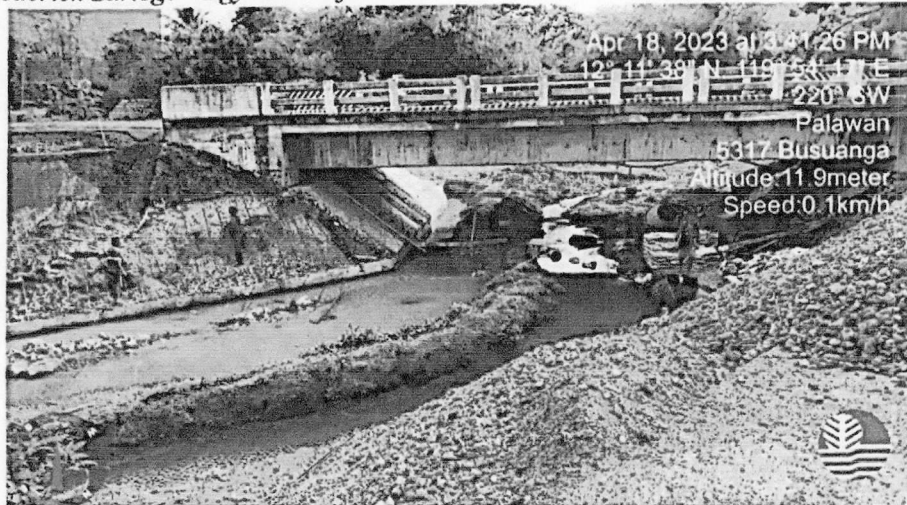


Photo 4. Several people were sacking sand and gravel in the subject area.

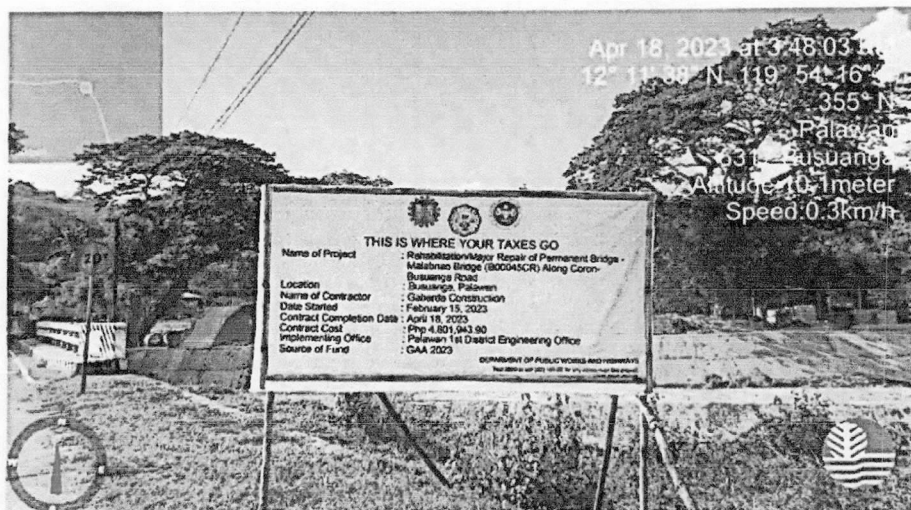


Photo 5. Rehabilitation/Major Repair of Permanent Bridge - Malabnao Bridge along the Coron-Busuanga Road.

Bgy. Old Busuanga

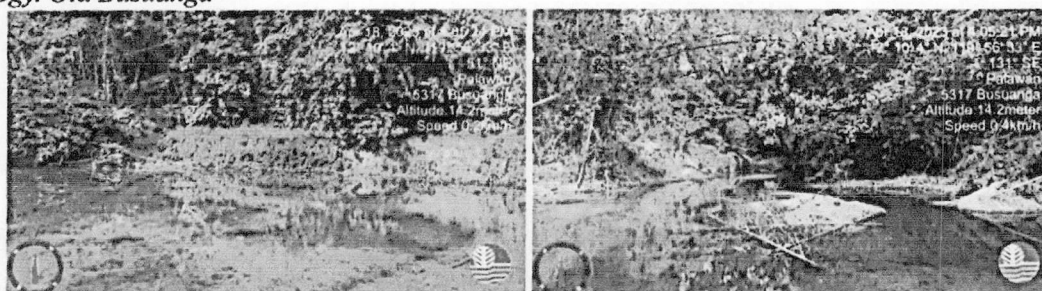


Photo 6. No ongoing operation was spotted, and no recent activity has been observed.



REPUBLIC OF THE PHILIPPINES
PROVINCE OF PALAWAN
Provincial Mining Regulatory Board

EXCERPTS FROM THE MINUTES OF THE REGULAR MEETING OF THE PROVINCIAL MINING REGULATORY BOARD HELD LAST MAY 19, 2022, AT TRAINING HALL, PENRO COMPOUND, BGY. STA MONICA, PUERTO PRINCESA CITY

PRESENT DURING THE MEETING:

- | | |
|----------------------------------|--|
| 1. FOR. FELIZARDO B. CAYATOC | - PENRO/ PMRB Chairman |
| 2. MR. RICHRISTOPHER C. MAGBANUA | - Governor's Representative |
| 3. MR. ROLAND TALABUCON | - Permanent Alternate of DENR-PENRO |
| 4. DRA. ESTELA E. DIVINAGRACIA | - Small Scale Mining Representative |
| 5. MR. JOSE G. VIADO | - OIC, PMRB Technical Secretariat |
| 6. MR. MARK ANJO B. ATIENZA | - OIC, Monitoring and Enforcement Unit |
| Via Zoom: | |
| 7. MR. INOCENCIO C. MAGALLANES | - NGO Representative |
| 8. ENGR. IVAN MACANDOG | - MGB Representative |

PMRB RESOLUTION NO. 34- 2022

A RESOLUTION APPROVING THE REQUEST OF MR. GEMMUEL N. FABIA FOR SPECIAL DELIVERY RECEIPT (SDR) TO TRANSPORT HER UNDISPOSED AGGREGATES UNDER HIS COMMERCIAL SAND AND GRAVEL PERMIT CP (PLW) NO. 332-1 ISSUED ON JANUARY 13, 2021 AND EXPIRED ON JANUARY 12, 2022

WHEREAS, MR. GEMMUEL N. FABIA was previously issued Commercial Sand and Gravel Permit CP (PLW) No. 332-1 by the Board and the same expired on January 12, 2022 located at Barangay Cheey, Busuanga, Palawan;

WHEREAS, the stockpile in the stockyard of **MR. GEMMUEL N. FABIA** has a remaining volume of Five Hundred Eighty-One and Five (581.5) cubic meters;

WHEREAS, MR. GEMMUEL N. FABIA requested from the Board Special Delivery Receipts (SDR) that will cover the undisposed aggregates for the disposal thereof;

WHEREAS, the Technical Team has represented to the Board that the application has complied with all the mandatory requirements pertaining laws and thus recommended for its approval;

WHEREAS, upon recommendation of the Technical Staff who assessed the stockpile, it was found out that the undisposed aggregates were extracted during the effectivity of his permit, hence; they were legally stockpiled, and the Board decided to give due course to the request subject to the condition that the Special Delivery Receipt shall cover only the undisposed stockpile extracted during the effectivity of his Commercial Sand and Gravel Permit CP (PLW) No. 332-1 and that disposal shall be subject to strict monitoring;

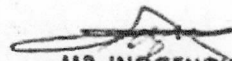
WHEREAS, the Board further requires that payment be made for the extraction taxes and other regulatory fees of the aforesaid unpaid volume as found in the stockpile of **MR. GEMMUEL N. FABIA**:

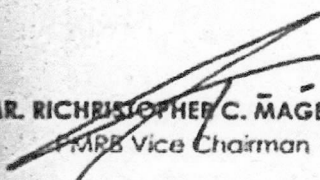
NOW THEREFORE, on motion of **DRA. ESTELA E. DIVINAGRACIA** duly seconded by **MR. INOCENCIO C. MAGALLANES**, and upon unanimous decision of the **PMRB** members present, be it:

RESOLVED, as it is hereby resolved, to approve the request of **MR. GEMMUEL N. FABIA** for Special Delivery Receipt (SDR) to transport his undisposed aggregates of Five Hundred Eighty-One and Five (581.5) cubic meters under Commercial Sand and Gravel Permit CP (PLW) No. 332-1 which expired on January 12, 2022 operating in Barangay Cheey, Busuanga, Palawan until **August 20, 2022 or Ninety (90) Days** subject to the conditions set forth herein, the rules and guidelines by the Board and the additional requirement of payment of SDR fee, and likewise the payment of extraction tax and regulatory fees.

UNANIMOUSLY ADOPTED:


DRA. ESTELA E. DIVINAGRACIA
Small Scale Mining Representative


MR. INOCENCIO MAGALLANES
NGO Representative


MR. RICH CHRISTOPHER C. MAGBANUA
PMRB Vice Chairman


FOR FELIZARDO B. CAYATOC
PMRB Chairman

I HEREBY CERTIFY to the correctness of the foregoing RESOLUTION which was adopted by the PROVINCIAL MINING REGULATORY BOARD OF THE PROVINCE OF PALAWAN during its Regular Meeting held on May 19, 2022.


GILLIAN M. ATIENZA
Board Secretary



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

26 April 2023

Hon. Gemmuel N. Fabia
Punong Barangay
Brgy. Cheey, Busuanga, Palawan

Dear Hon. Fabia:

Greetings!

This is in reference to the investigation conducted by this office on the illegal quarrying activities in Brgy. Cheey, Busuanga last 18 April 2023.

Upon review, your area was inspected by this office last 03 August 2022. You were ordered to stop operations once the aggregates have been transported and were only given until 20 August 2022 to transport the undisposed aggregates as indicated in PMRB Resolution No. 34-2022. However, the investigation team confirmed that you are continuously conducting excavation activities without a valid mining permit.

The above-cited extraction and disposition of earth materials without a mining permit is equivalent to theft of minerals pursuant to Section 103 of Republic Act (RA) No. 7942, 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 and mills or processing plans....xxx"

Hence, you are hereby ordered to immediately **STOP** from conducting excavation 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,

RODNEY G. VERIAN
OIC-CENR Officer





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

26 April 2023

Hon. Ardon A. Libarra
Punong Barangay
Brgy. New Busuanga, Busuanga, Palawan

Dear **Hon. Libarra**:

Greetings!

This is in reference to the investigation conducted by this office on the illegal quarrying activities inside the Busuanga Pasture Reserve in Brgy. New Busuanga, Busuanga last 18 April 2023.

Please be advised that Proclamation No. 1387¹ prohibits any form of disposition, exploration, or exploitation inside the Busuanga Pasture Reserve, including sand and gravel extraction, which will be subject to filing appropriate case(s) before a competent court, if necessary.

Additionally, under DILG Memorandum Circular No. 44, series of 2014:

"All Local Chief Executives are further directed to:

- (i) ensure and regularly monitor strict and proper compliance by all private entities engaged in mining or quarrying with the legal restrictions xxx;*
- (ii) order the cancellation of permits issued to such entities found to be in violation of said restrictions;*
- (iii) facilitate legal action against individuals who may be criminally liable for such violations; and*
- (iv) fully cooperate and coordinate with MGB when called for, in accomplishing all the foregoing directive."*

Please be guided accordingly. Thank you.

Very truly yours,

RODNEY G. VERIAN
OIC-CENR Officer



¹ Reserving and Establishing as a Pasture Reserve a Certain Parcel of Land of the Public Domain situated in the Island of Busuanga, Province of Palawan



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Department of Environment and Natural Resources
Community Environment and Natural Resources Office
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E-mail: cenrocoron@denr.gov.ph Website: www.denr.gov.ph

26 April 2023

Hon. Jose Abemael A. Socro
Punong Barangay
Brgy. Old Busuanga, Busuanga, Palawan

Dear **Hon. Socro**:

Greetings!

This is in reference to the investigation conducted by this office on the illegal quarrying activities inside the Busuanga Pasture Reserve in Brgy. Old Busuanga, Busuanga last 18 April 2023.

Please be advised that Proclamation No. 1387¹ prohibits any form of disposition, exploration, or exploitation inside the Busuanga Pasture Reserve, including sand and gravel extraction, which will be subject to filing appropriate case(s) before a competent court, if necessary.

Additionally, under DILG Memorandum Circular No. 44, series of 2014:

"All Local Chief Executives are further directed to:

- (i) ensure and regularly monitor strict and proper compliance by all private entities engaged in mining or quarrying with the legal restrictions xxx;*
- (ii) order the cancellation of permits issued to such entities found to be in violation of said restrictions;*
- (iii) facilitate legal action against individuals who may be criminally liable for such violations; and*
- (iv) fully cooperate and coordinate with MGB when called for, in accomplishing all the foregoing directive."*

Please be guided accordingly. Thank you.

Very truly yours,

RODNEY G. VERIAN
OIC-CENR Officer



¹ Reserving and Establishing as a Pasture Reserve a Certain Parcel of Land of the Public Domain situated in the Island of Busuanga, Province of Palawan



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

20 April 2023

Mr. Efren Santillan
Brgy. New Busuanga
Busuanga, Palawan

Dear Mr. Santillan:

Greetings!

This pertains to the complaint received by CENRO-Coron, last 22 March 2023, from Mrs. Rebecca Endonga, regarding the alleged quarrying activities in So. Makelengen, Brgy. New Busuanga, Busuanga, Palawan. Accordingly, the CENRO-Coron personnel conducted an investigation last 18 April 2023.

During the investigation, no recent activity was observed in the subject area. The CENRO-Coron personnel also interviewed Mr. Sandy Edonga, and he confirmed that such quarrying activities were under your directives. He also mentioned that you have secured a permit from the Provincial Mining Regulatory Board (PMRB).

Upon verification, please be informed that you are not included in the list of permit holders for Sand and Gravel in the Municipality of Busuanga. Therefore, 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.

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.

With this, this office is inviting you for a meeting in CENRO-Coron, on 26 April 2023 at 10:00 AM, to provide information on the matter. Kindly communicate with us through email at cenrocoron@denr.gov.ph or mobile number +639-05-767-8363 to confirm your attendance.

Your utmost cooperation will be highly appreciated.

Thank you and best regards.

Very respectfully yours,

RODNEY G. VERIAN
OIC-CENRO, Coron



[Handwritten signature]
4/24/23
[Handwritten name]