



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

APR 28 2023

☐ INCOMING ☐ OUTGOING
BY: _____ DATE NO. 107625
TIME: _____ MGB

April 20, 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

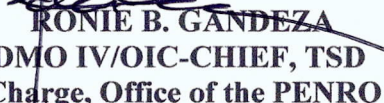
FROM : Provincial Environment and
Natural Resources Officer

SUBJECT : **INVESTIGATION REPORT ON THE VERBAL COMPLAINT OF
MR. ARIEL BUCAYAN ON THE ILLEGAL QUARRY ACTIVITY
IN BRGY. PUNANG, SOFRONIO ESPAÑOLA, PALAWAN**

Forwarded is the memorandum dated 17 April 2023 of CENRO Brooke's Point endorsing the attached investigation report dated 13 April 2023 re: the above subject.

For information, record and further instruction.

"For the PENRO"


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

RGT/EMU
Doc. No. 2023-3480

DENR-PALAWAN
PENRO-RECORDS
RELEASED
By: Hea
Date: 20 APR 2023 2023-1095



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

Investigation Report on the verbal complaint of Mr. Ariel Bucayan on the illegal quarry activity in Barangay Punang, Sofronio Española, Palawan

R4B CENRO BrookesPoint <cenrobrookespoint@denr.gov.ph>

Mon, Apr 17, 2023 at 11:44 AM

To: R4B PENRO Palawan <penropalawan@denr.gov.ph>, DENR Mimaropa Region <mimaroparegion@denr.gov.ph>, MGB-MIMAROPA <mines_4b@yahoo.com>

Kindly acknowledge

9 attachments

DENR PENRO
PALAWAN RECORDS
RECEIVED

BY: [Signature]
DATE: 04-18-2023 ON 23-3480

img145.jpg
727K

img141.jpg
1019K

img142.jpg
1219K

img143.jpg
1398K



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

17 April 2023

MEMORANDUM

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

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

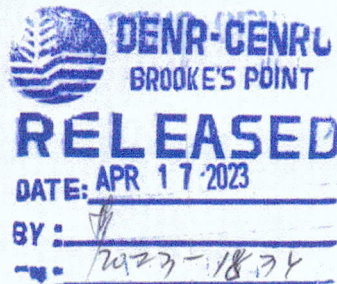
THRU : **The PENRO**
Sta. Monica, Puerto Princesa, Palawan

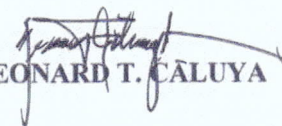
FROM : **The CENRO**
Brooke's Point, Palawan

SUBJECT : **INVESTIGATION REPORT ON THE VERBAL COMPLAINT
OF MR. ARIEL BUCAYAN ON THE ILLEGAL QUARRY
ACTIVITY IN BRGY. PUNANG, SOFRONIO ESPAÑOLA,
PALAWAN**

Respectfully endorsing the investigation report dated 13 April 2023 regarding the above-cited subject for which this Office concurs with the recommendations stipulated herein.

For information, record, and further instruction.




LEONARD T. CALUYA

M. Rodriguez St. Poblacion District I, Brooke's Point Palawan 5305
Mobile Phone: Globe: 0917-502-8961
Email: cenrobrookespoint@denr.gov.ph



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

13 April 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 : INVESTIGATION REPORT ON THE VERBAL COMPLAINT
OF MR. ARIEL BUCAYAN ON THE ILLEGAL QUARRY
ACTIVITY IN BRGY. PUNANG, SOFRONIO ESPAÑOLA,
PALAWAN

Last 04 April 2023, the undersigned, personnel of MGB MIMAROPA, CENRO Brooke's Point conducted a joint investigation on the above subject.

Background Information

On 31 March 2023, a phone call was received by a CENRO personnel from a Mr. Ariel Bucayan regarding an ongoing extraction of earth materials without pertinent permit by the Punong Barangay of Punang, Kap. Hamrin Alit, for the bridge construction project in the barangay.

Facts and observations:

1. On 04 April 2023, the investigating team went to the Barangay Hall of Punang to conduct a courtesy call and meet with Kap. Alit. Unfortunately, the Barangay Captain was not present at the hall hence only the Kagawad(s) present/on-duty were interviewed. After the brief dialogue, the team together with the barangay officials went to the quarry site upon learning that Kap. Alit present near the area being quarried (*see photo documentation*).
2. The subject area is situated on the side of a small hill in Purok Maligaya, Brgy. Punang, Sofronio Española, Palawan. This area is geographically located at 9°0'59.73"N, 118°3'48.28"E (*see Figure 1*). It is ~ 1.5 km from the barangay hall of Punang and ~40 kilometers away from CENRO Brooke's Point, and can be reached within ~55 minutes of car travel.
3. During the monitoring of the site, Mr. Alit was interviewed regarding the allegation of the complainant. He said that the site of extraction is a part of his land of his mother and that it will be donated to the Punang Elementary School as their relocation site

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given that the original location of the school is flood prone. He also mentioned that the quarry operation was allowed as it has a PMRB Resolution and the deliveries is accompanied by a Special Delivery Receipt (see Annex A). The operation was under the Yurich Builder and Construction Supply where the total amount of PhP280,210.00 (see Annex B) were paid to the PMRB. However, he said that no copy of the PMRB resolution was provided to them. He also presented the Brgy. Resolution dated 18 October 2022 (see Annex C) for the clearing of the 2 hectare donated land for the relocation site of the school and that the waste materials will be used for the construction of the bridge project.

Further, Mr. Alit said that the complainant, Mr. Bucayan, was the original transaction partner of Yurich Builders at the start of the project where the initial extraction was done to build a road leading school relocation site. However, this operation was stopped by the MENRO of Sofronio Española due to the lack of Delivery Receipt and other alleged political and financial reasons. Hence, Yurich Builder and Construction Supply themselves applied to PMRB and was given an SDR, and has since used their own heavy equipment.

4. Upon further inquiry regarding the details of the school relocation project, Mr. Alit said that DepEd representatives have already visited the site but has yet to confirm the final plan/budget.
5. The team explained that the SDR given to the contractor is not a permit to allow the extraction of materials, instead a government gratuitous permit that is coterminous to the duration of the project is needed to be secured from the PMRB. Hence, he was told by the team to stop the extraction of material until such documents are acquired.
6. The team then proceeded to the site of the bridge construction to speak with the representative of Yurich Builder and Construction Supply, however, it was found that there are two contractors for the bridge construction and most of the workers present in the site at the time of visit were from the other company. When the team inquired about the representative from Yurich, the workers said that the foreman of Yurich Construction has just left for the day.
7. During the conduct of the investigation, there were no heavy equipment nor stockpile of materials were found in the site of extraction. At the same time, no trucks were seen in the act of transporting the materials.

Findings and Recommendations:

1. To issue a Cease and Desist Order to Yurich Builder and Construction Supply for the extraction of quarry materials without the pertinent permit.

The presented Barangay Resolution and Special Delivery Receipt does not a substitute for a quarry permit and the Yurich Builder and Construction Supply must still secure a Government Gratuitous Permit prior to the extraction of materials. Hence, their activity may then be considered as 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

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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. xxx."

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. To the PMRB, to provide an explanation on why are Special Delivery Receipt being issued to non-permit holder given that SDR's are not a replacement for a quarry permit and should only be given as a temporary delivery receipt for expired permit holders that are still on the process of renewal as stipulated in Section 13 of PMRB Resolution No. P-12-2016 of PMRB Palawan.

"xxxSpecial delivery receipts shall be issued only to allow permittees or contractors whose permits has expired but under process for renewalxxx"

3. The barangay is advised to monitor the quarry operations in the area as per Section 389, Item 9 of the Republic Act No. 7160, also known as the Local Government Code.

"Enforce laws and regulations relating to pollution control and protection of the environment"

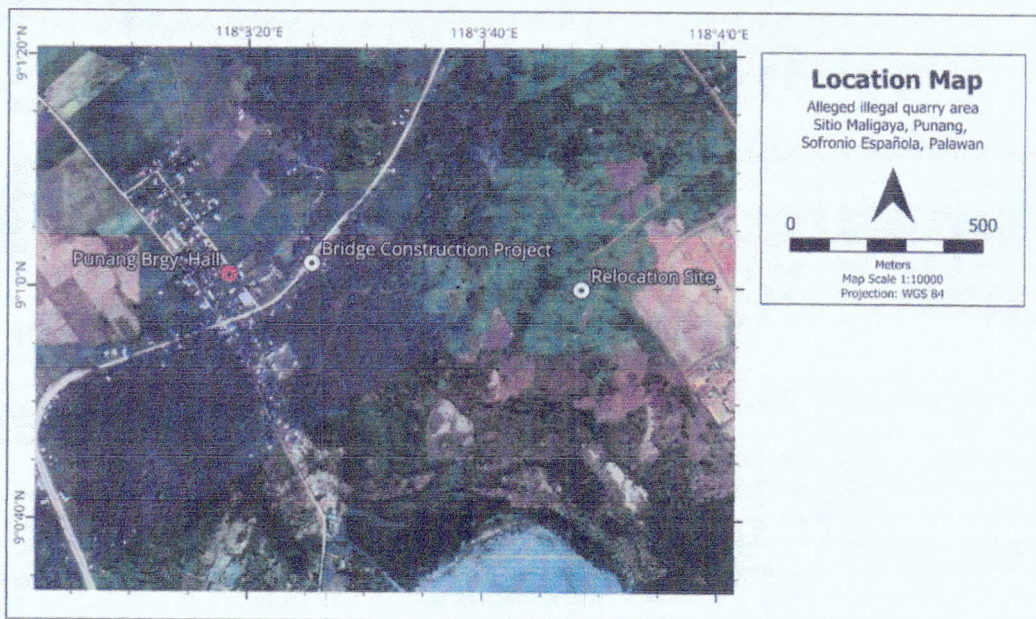
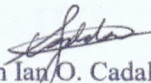


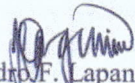
Figure 1. Location map of the school relocation site that is being were materials are being extracted and the bridge construction project relative to Punang Barangay Hall.

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For your information, reference, and further instruction.


Vann Ian O. Cadalso
Science Research Specialist II


Ratib M. Melosin
Forest Technician I


Leandro F. Lapangan
Forest Ranger

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Photo Documentation



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Republic of the Philippines
 Provincial Government of Palawan
OFFICE OF THE GOVERNOR
 Puerto Princesa City

SAND AND GRAVEL DELIVERY RECEIPT
SPECIAL DELIVERY RECEIPT

Sold to: _____ Date _____
 Destination: _____
 Truck Plate No.: _____
 Kind of Materials Sold: _____
 Volume (Cubic Meter): _____
 Value (In Pesos): _____
 Origin: _____
 Name of Permittee: _____
 Commercial Foreshore/Industrial _____
 Permit No.: _____
 Date Granted: _____
 Treasurer's Official Receipt No.: _____ Date _____
 Total Volume Allowed Under Permit (Cu.M.): _____
 Total Volume Extracted to Date: _____
 (Cu.M.): _____
 Remaining Volume Allowed To Be Extracted _____
 To Date (Cu.M.): _____

No. **606082** By: _____ Permittee/Representatives
 Not valid unless countersigned at the back by the Provincial Governor or his duly authorized representative.

Republic of the Philippines
 Provincial Government of Palawan
OFFICE OF THE GOVERNOR
 Puerto Princesa City



SAND AND GRAVEL DELIVERY RECEIPT
SPECIAL DELIVERY RECEIPT

Sold to: MICHA Date 6-13-23
 Destination: LA RAGA
 Truck Plate No.: PL 60460
 Kind of Materials Sold: _____
 Volume (Cubic Meter): 18.000
 Value (In Pesos): _____
 Origin: _____
 Name of Permittee: _____
 Commercial Foreshore/Industrial _____
 Permit No.: _____
 Date Granted: 1907966
 Treasurer's Official Receipt No.: _____ Date 5-12-23
 Total Volume Allowed Under Permit (Cu.M.): 3055.000
 Total Volume Extracted to Date: 1958.000
 (Cu.M.): _____
 Remaining Volume Allowed To Be Extracted 2800.000
 To Date (Cu.M.): _____

No. **606081** By: _____ Permittee/Representatives
 Not valid unless countersigned at the back by the Provincial Governor or his duly authorized representative.

Annex A

Annex B


 Republic of the Philippines
 Provincial Government of Palawan
PROVINCIAL MINING REGULATORY BOARD
 Puerto Princesa City
 

CN: IM - 020 - 2023 Date 03-28-23

ORDER OF PAYMENT
GOOD FOR TODAY ONLY

The attached payment of Yurich Builders & Construction Supply in the amount of P 280,210 in cash/money order/check no. _____ may be accepted and Official Receipt thereof is issued.


Administrative Fee Monitoring Trust Fund Delivery Receipt Application Form Application Fee Permit Fee Filing Fee Processing Fee Projection Fee P.D. 1856 Registration Fee Verification Fee Regulatory Fee/Extraction Tax Certification Fee TOTAL	<u>P 280,000</u> <u>210 (9 books)</u> <u>P 280,210</u> XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX	Payment for Administrative Fee as per PMRB Resolution No. P-02-2017 A RESOLUTION PROMULGATING GUIDELINES FOR RESOLUTION PRESCRIBING ADMINISTRATIVE FEE FOR SAND AND GRAVEL MATERIALS AND OTHER MINERAL RESOURCES EXTRACTED OUTSIDE THE PROVINCE OF PALAWAN AND TRANSPORTED WITHIN JURISDICTION. P 30.00 X _____ CUM = P _____ Permittee : _____ Source : _____ Destination : _____
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For and By Authority of the Board:

CHRISTOPHER C. MAGBANUA
 Security Officer / Program Director
 Mining and Quarrying Regulatory Program

Accountable Form No. 51-C
Revised January, 1992

(ORIGINAL)

 Official Receipt of the Republic of the Philippines		No. 1407965 N
Date March 28, 2023		Fund
Pay to TURICH BUILDERS & CONSTRUCTION SUPPLY		
Nature of Collection	Account Code	Amount
Miscellaneous Income	428-44-41	P 280,000.00
TOTAL		P 280,210.00
Remarks: AMOUNT P 30.00		
Payable to Palawan		
<input type="checkbox"/> Cash <input type="checkbox"/> Check <input type="checkbox"/> Money Order	Drawee Bank	Number Date
Approved: ALDO P. MONDRAGON Provincial Treasurer		
ANN / 03/28/23 16:37:14-751 Collecting Officer		
NOTE: Write the number and date of this receipt on the back of check or money order received.		

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Annex C

Now, therefore on motion by Hon. Rener Christopher A. Malacud and seconded by the body be it
UNANIMOUSLY APPROVED:
I HEREBY CERTIFY to the correctness of the foregoing resolution

ATTESTED BY PRESIDING OFFICER:

APPROVED BY:

LADY LAILA MALVAS
 Barangay Secretary

HANRIN I. ALP
 Punong Barangay

**CC DENR
 PANG
 MINDO**

REPUBLIC OF THE PHILIPPINES
Province of Palawan
Municipality of Sanguinang
Barangay Punang

CERTIFICATE OF THE SANGGUNIANG BARANGAY

EXCERPT FROM THE MINUTES OF THE 73RD REGULAR SESSION OF THE SANGGUNIANG BARANGAY OF PUNANG, SOFRONIO ESPANOLA, PALAWAN HELD AT PUNANG BARANGAY HALL NEW BUILDING ON OCTOBER 18, 2022.

Present:

Hon. Hanrin I. Alp	Punong Barangay (Presiding)
Hon. Melba Q. Talon	Barangay Kagawad
Hon. Rener Christopher A. Malacud	Barangay Kagawad
Hon. Maselli D. Sala	Barangay Kagawad
Hon. Sarah D. Amigase	Barangay Kagawad
Hon. Jul B. Beliao	Barangay Kagawad
Hon. Marco T. Silan	Barangay Kagawad
Hon. Rachel S. Ramon	Barangay Kagawad
Hon. Khalid A. Flores	Barangay Kagawad
Mr. Ricardo A. Palapa	Appointed SK Chairman
IP's Representative	

Absent: None

Resolution No. 19-2022

RESOLUTION REQUESTING PROVINCIAL MINES AND REGULATORY BOARD FOR REUTILIZATION OF WASTE MATERIALS FOR BACKFILLING OF THE ONGOING BRIDGE CONSTRUCTION FROM THE CLEARING OF SCHOOL SITE RELOCATION AT PUROK MALICAYA BARANGAY PUNANG, SOFRONIO ESPANOLA, PALAWAN

Authored by:
 Hon. Rener Christopher A. Malacud

Whereas, the Punang Elementary School requests for the relocation of school site because the existing school site was unsafe for students and teachers due to flood prone area.

Whereas, someone who has a good heart donated a land area of 2 hectares, which is uphill part of the land for Punang Elementary School relocation, in order for the convenient and safety of all the Students, Teachers, and community going to the School.

Whereas, the Sangguniang Barangay certified that the clearing of school site has no fund and there's a good construction company that is willing to help in clearing the school site. The waste materials will be used for backfilling of their construction.

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