



REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
ENVIRONMENTAL MANAGEMENT BUREAU

Regional Office No. 1
DENR Bldg., Government Center, Sevilla, City of San Fernando,
La Union

MEMORANDUM:

FOR : **CARLITO M. TUBALLA**
Regional Executive Director, DENR R1

FROM : **MARIA DORICA NAZ-HIPE**
Regional Director, EMB R1

SUBJECT : Investigation report on the illegal quarrying along Aringay
River downstream of Aringay Bridge in Aringay, La Union

DATE : May 29, 2019

This has reference to the memorandum from PENRO La Union dated May 10, 2019 regarding the above-mentioned subject and received by our Office on May 17, 2019. The memorandum outlined the foregoing of their investigation on the matter.

A parallel investigation (*please see attached report*) was conducted by EMB staff on May 24, 2019 to verify the complaint which resulted in the issuance of notices and cease and/or desist order to concerned parties.

Our office issued a letter to Kryptonite 6S Builders for operating without valid permit and ECC. Likewise, DPWH was notified to apply for ECC/ CNC for their on-going flood control project. Earlier, a CNC was issued to the on-going flood control project at the south bank on March 7, 2019 and applied for CNC/ ECC for the north bank on May 17, 2019 after the complaint was lodged at PENRO La Union.

For information and further instruction.


ENGR. MARIA DORICA NAZ-HIPE, CESE

 Department of Environment and Natural Resources
ENVIRONMENTAL MANAGEMENT BUREAU R01
Office of the Regional Director

MEMORANDUM



RECORDS-2019-5-223

June 25, 2019 09:39:30 AM

cc: PENRO- La Union

Protect the environment... Protect Life...

Tel. Nos. (072)-607-3057 / 700-2448; Fax No. (072)-700-2449; e-mail: embdenr1@yahoo.com



REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
ENVIRONMENTAL MANAGEMENT BUREAU

Regional Office No. 1
DENR Bldg., Government Center, Sevilla, City of San Fernando,
La Union
INVESTIGATION REPORT ON COMPLAINT

Nature of Complaint : Alleged illegal quarry downstream of Aringay Bridge along the Aringay River
Location : Sta. Lucia, Aringay, La Union
Contact Number : Not acquired
Investigating Officer : Ryanne Narvaez
Date and Time of Inspection : May 24, 2019 @ 9:40 AM
Date of Report Prepared : May 27, 2019

Person(s) Interviewed
Mr. Romeo B. Cariño
Engr. Jose D. Perez
Hon. Benjamin O. Sibuma

Title/Position
OIC- MENRO, LGU Aringay
Chief, Construction Section, DPWH LUED 2
Councilor, LGU Aringay

A. Complaint Background:

On May 21, 2019, EMB Region 1 received a memorandum dated May 10, 2019 from Provincial Environment and Natural resources Office- La Union (PENRO-LU) endorsing an alleged illegal quarry activity in Barangay Sta. Lucia, Aringay, La Union (*as per report of PENRO-LU*).

On May 29, 2019 an on-site investigation was conducted by the undersigned to validate the veracity of the complaint. Coordination with the OIC-MENRO of LGU Aringay was made prior entry to the complained quarry site. Afterwards, Engr. Jose D. Perez, Chief-Construction Section of DPWH LUED 2 was interviewed for the details of the projects.

B. General Information:

Type of Industry : Mineral Extraction/ Quarry Activity
Land use of adjoining areas:

Land Use/ Structures	Radial Distance	
	50 m.	>100 m.
Residential	x	
Agricultural	x	
Bridge		x
River	x	
Flood control	x	

I. FINDINGS & OBSERVATIONS:

1. The project complained for is an aggregate quarrying activity located in Brgy. Poblacion, Aringay downstream of the Aringay Bridge along the said river.
2. At the quarry area, a backhoe was noted extracting and screening aggregates.
3. The backhoe and screening equipment are owned by Kryptonite 6S Builders from Aringay, La Union.
4. Several stockpiles of screened aggregates were noted at the quarry area.

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5. Flood control projects located at both riverbanks; north (Poblacion) and south (Sto. Rosario area) of the river is adjacent to the quarry area are on-going. These are on-going projects implemented by the DPWH LUED 2 and the contractor is APB Construction from Baguio City.

II. REMARKS:

1. According to Mr. Romeo Cariño, OIC-MENRO the quarry was put up to supply the aggregates requirement of the flood control projects.
2. He also added that the quarry project is operated by Kryptonite 6S Builders of Aringay, La Union.
3. Office records revealed that the flood control project along Sto. Rosario area (south) was issued with CNC CNC-RO1 2019-03-0092 on March 7, 2019. The project along Poblacion area (north) has been applied for CNC/ECC by DPWH-LUED2 on May 17, 2019 after the complaint was lodged at PENRO La Union.
4. The quarry is also operating without valid quarry permit/ clearance nor ECC.

III. RECOMMENDATIONS:

1. DPWH to suspend on-going works of APB Construction pending the issuance of ECC/ CNC for the flood control project.
2. To issue ceased and desist order (CDO) to Kryptonite 6S Builders for operating without valid permit and ECC.

Prepared by:


RYANNE N. NARVAEZ
QRT Member/ Engineer IV

Noted By:

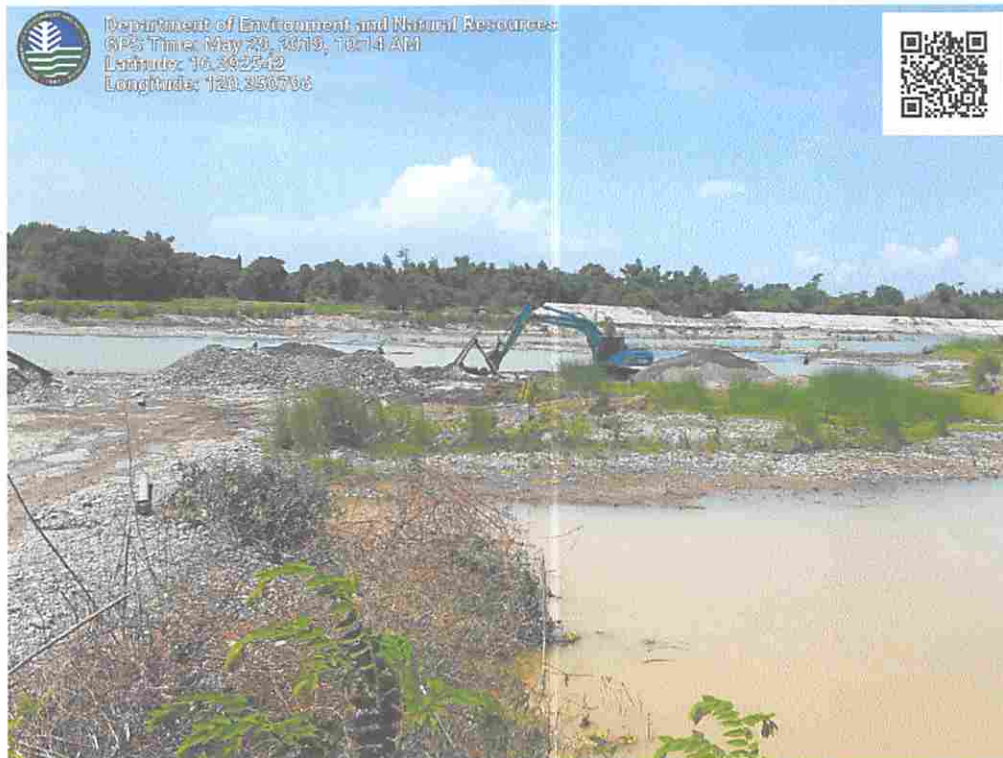

ENGR. ANTONIO L. ESTRADA
Chief, EMED

Approved By:


ENGR. MARIA DORICA NAZ-HIPE, CESE
Regional Director



Photo Documentation



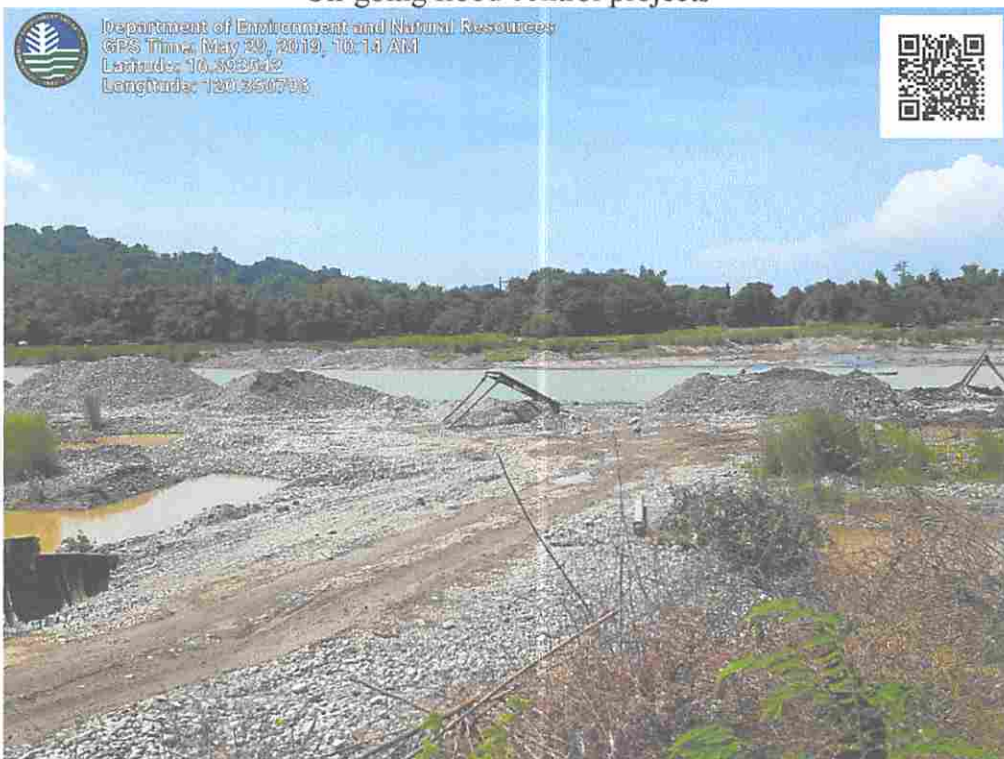
Back hoe extracting aggregates. Far behind is the flood control project on the southern riverbank.



Stockpiles of screened aggregates. The water channel is temporarily obstructed for haul access road



On-going flood control projects



Haul access road and screening equipment.



Republic of the Philippines
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
Provincial Environment and Natural Resources Office
San Fernando City, La Union
Tel. No. (072)888-7567/Telefax: 242-3780

MEMORANDUM

May 10, 2019

RECORDS UNIT

RECEIVED

DATE: 5/17/19

TIME:

BY: MN

FOR : The Regional Executive Director
DENR, Region I, San Fernando City, La Union

FROM : The PENR Officer
DENR-PENRO La Union

SUBJECT : INVESTIGATION REPORT ON THE REPORTED ALLEGED
ILLEGAL QUARRYING IN THE DOWNSTREAM OF ARINGAY
RIVER AND WEST OF ARINGAY BRIDGE IN ARINGAY, LA
UNION

Forwarded herewith for information and further consideration is the investigation report of the MGB-Embedded Staff and PENRO Personnel regarding the reported alleged/suspected illegal quarrying in the downstream of Aringay River and West of Aringay Bridge in Aringay, La Union. The reported quarrying activity was verified located within the jurisdiction of Brgy. Sta. Lucia, Aringay.

Site investigations were conducted by our personnel on April 5 and 11, 2019, and a follow up verification was also conducted by the undersigned on May 9, 2019. It was indeed verified that quarrying activity is ongoing in the area, and the raw materials being extracted are being used in the ongoing construction of flood control dikes along the river banks of Aringay River. The Flood Control Project is being implemented by DPWH 2nd Engineering District, La Union and contracted to APB Construction with business address at #36 North Sto. Tomas Road, Baguio City. Apparently, APB Construction also sub-contracted some of the works to Kryptonite GS Builders from Aringay, La Union.

On further verification and coordination with various offices, it was found out that NO permits have been issued by the LGU, NO ECC and/or Certificate of Non-Coverage was issued by EMB RO1, and NO quarrying permit and/or gratuitous permit was issued by the Provincial Governor of La Union.

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In view hereof, it is recommended that this issue be referred for further action by MGB RO1 and EMB RO1, and for immediate issuance of a Notice of Violation and/or Cease and Desist Order against the DPWH District Engineering Office II and its contractors/sub-contractors. Be informed further that undersigned had already written the District Engineer, DPWH 2nd District Engineering Office regarding the results of our investigation and advised the said office to stop quarrying activities until proper permits have been secured from concerned offices. (attached copy of letter to DPWH dated May 10, 2019)

Enclosed for review/evaluation are geo-tagged photos and Drone Video (in CD) of the subject area.



MAXIMO F. SORIANO JR.

Copy Furnished:

1. Secretary Roy A. Cimatu
DENR-Secretary – Diliman, Quezon City

2. The Regional Director

MGB RO1 – San Fernando City La Union

 ***3. The Regional Director***
EMG RO1 – San Fernando City, La Union

4. Atty. Charrie C. Juloya
Paulina Heights, Poblacion, Aringay, La Union



Republic of the Philippines
Department of Environment & Natural Resources
PROVINCIAL ENVIRONMENT & NATURAL RESOURCES OFFICE
City of San Fernando, La Union
Tel. No.: (072)888-7567; Telefax: (072)242-3780

(copy)

May 10, 2019

ENGR. AQUILINO M. NICER
District Engineer
La Union 2nd Engineering District
Department of Public Works and Highways
Natividad, Naguilian, La Union

Dear Engr. Nicer:

This pertains to the reported alleged illegal quarrying activity along the Aringay River located at Brgy. Sta. Lucia, Aringay, La Union.

Be informed that per investigation conducted by our field personnel on April 5 and 11, 2019, it was found out that illegal quarrying is being undertaken in the area. It was also discovered that aggregates extracted from the river is being used on the flood control project of DPWH along Aringay River banks, and no permit was issued in that area based on the list of all the permittees here in La Union. Further, per verification with EMB RO1, your agency's flood control project in the said area has not been issued an ECC and/or a Certificate of Non-coverage.

The quarrying activity being undertaken without an appropriate permit is in violation of the Philippine Mining act of 1995 or the Republic Act 7942 Section 103 (Theft of Minerals) prohibits and punishes anyone who shall extract and dispose minerals without a mining agreement, lease, permit, license, or steals minerals or ores or the products thereof from mines or mills or processing plants. On the other hand, on Section 49 (Government Gratuitous Permit) of the same law it is stated that any government entity or instrumentality may be granted a gratuitous permit by the Provincial Governor to extract sand and gravel, quarry or loose unconsolidated materials needed in the construction of building and/or infrastructure for public use or other purposes over an area of not more than two hectares (2 has) for a period coterminous with said construction.

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Republic of the Philippines
Department of Environment & Natural Resources
PROVINCIAL ENVIRONMENT & NATURAL RESOURCES OFFICE
City of San Fernando, La Union
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In view hereof, please be advised and to inform your contractor, APB Construction to stop the said quarrying activity until proper permits or clearances have been secured from concerned offices. Further, you are hereby enjoined to secure an ECC and/or Certificate of Non-Coverage for your project pursuant to PD 1586 otherwise known as The Phil. EIS System.

We trust you will seriously take into consideration our findings and recommendations regarding this concern.

Very truly yours,


MAXIMO F. SORIANO, JR.
PENR Officer

Copy Furnished:

- **The Regional Executive Director**
DENR Region I, San Fernando City, La Union
- **The Regional Director**
MGB Region I
-  **The Regional Director**
EMB Region I
- **The Hon. Mayor**
Municipality of Aringay, La Union
- **Mr. Armando de Peralta Baldonado, Sr.**
Owner/Manager of APB Construction
#36 North Sto. Tomas Road, Baguio City