



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

03 April 2023

MEMORANDUM

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

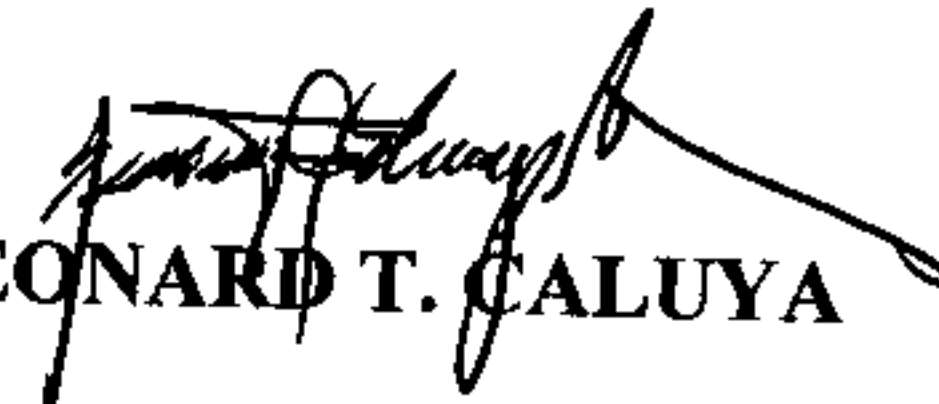
THRU : The PENRO
Sta. Monica, Puerto Princesa, Palawan

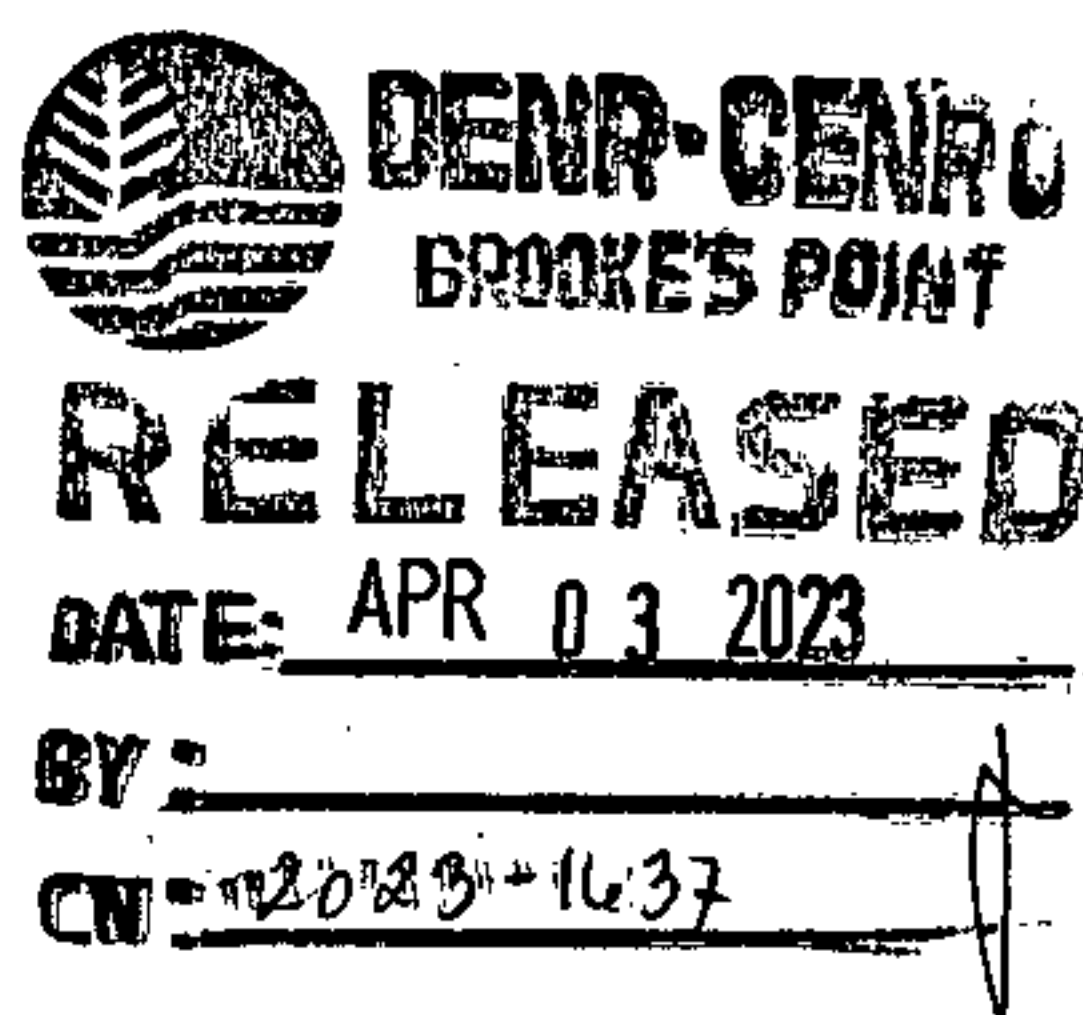
FROM : The CENRO
Brooke's Point, Palawan

SUBJECT : INVESTIGATION REPORT ON THE COMPLAINT LODGED
AT THE DENR 8888 RE: ANTI MINING PROTEST IN
BROOKE'S POINT, PALAWAN [E-2023-105192]

This office is respectfully endorsing the investigation report dated 03 April 2023 in compliance with the instruction given regarding the above-cited subject.

For information, record, and further instruction.


LEONARD T. CALUYA





03 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 COMPLAINT LODGED
AT THE DENR 8888 RE: ANTI MINING PROTEST IN
BROOKE'S POINT, PALAWAN [E-2023-105192]

Last 31 March 2023, this office has received a memorandum about the above mentioned subject wherein a certain Mr. Jose Danico has sent a compliant letter via DENR 8888 hotline dated 13 March 2023. Relative thereto, an instruction to conduct an investigation on the alleged spreading of laterite ores in the area having adverse effects on agricultural and fish products, and to coordinate with the company to apply for Foreshore Lease Agreement (FLA) or Miscellaneous Lease Agreement (MLA) for the constructed pier was given to this office.

In response therewith, the following are the findings from the conducted investigation.

1. Last March 31, 2023, CENRO Brooke's Point personnel proceeded to the pier area of INC to conduct a visual inspection on the possible signs of laterite spreading that may affect the agricultural and fish products in the area as mentioned in the complaint.


Upon reaching the pier site, the team observed that the beach sands and other sediments near the pier lack any apparent reddish/brownish coloration typically observed upon the spread of nickel-iron laterite material. Further inspection of the creek that drains the haul road and stockpile area of INC also revealed that visually there are no discernible laterite materials along the channel and its surroundings. The same is also true on the Mambalot River which drains the INC minesite. No visually discernible laterite deposits were observed on the bank and along the river channel (see photo documentation).

2. Water sampling results taken last January 2023 for the 4th Quarter MMT of INC also showed that the levels of arsenic, cadmium, manganese, and lead are significantly below the standard level of safety accepted by DENR (see Annex A).

3. According to the monthly rainfall data from PAGASA date 1-29 March 2023(*see Annex B*), Southern Palawan has experienced 0-25mm of rainfall which was categorized as having way below normal average rainfall (<40% less rain compared to normal). Furthermore, the transport of laterite ore towards the stockpile area near the pier has been stopped since the start of the ongoing public protest against the operation of INC last 18 February 2023(*see Annex C*). Hence, the spread laterite materials during this particular period is highly unlikely.
4. Last 24 March 2022, INC has applied for Miscellaneous Lease Agreement (MLA) for the use of the foreshore land where their causeway/port will be constructed. A provisional permit (*see Annex D*) has been granted by the Regional Executive Director (RED) valid for the period of 01 June 2022 to 01 June 2023. Additionally, their application for permit to construct has been approved by the Philippine Ports Authority – Port Management Office, Palawan last 05 April 2022 (*see Annex E*).

Similarly, a special land use permit has been granted by the RED on 17 March 2022, which will expire on 18 March 2025, for the public forestland situated in Brgy. Maasin, Brooke's Point, Palawan. This privilege was granted to Ipilan Nickel Corporation for their use as Access Road (*see Annex F*).

For your information, evaluation, and further instruction.



Jose A. Eyala
FIII Deputy-CENRO/Chief EMS



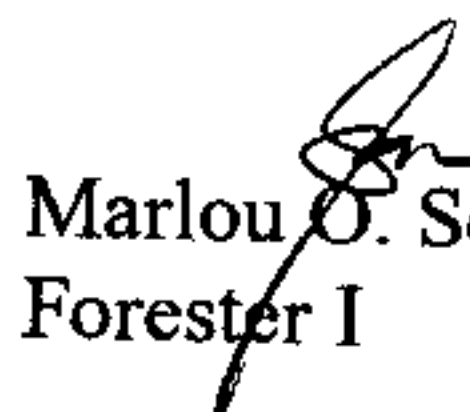
Vann Ian O. Cadalso
Science Research Specialist II



Reynaldo V. Palisoc
Forest Technician-I



Ratib M. Melosin
Forest Technician-I



Marlou O. Soretos
Forester I

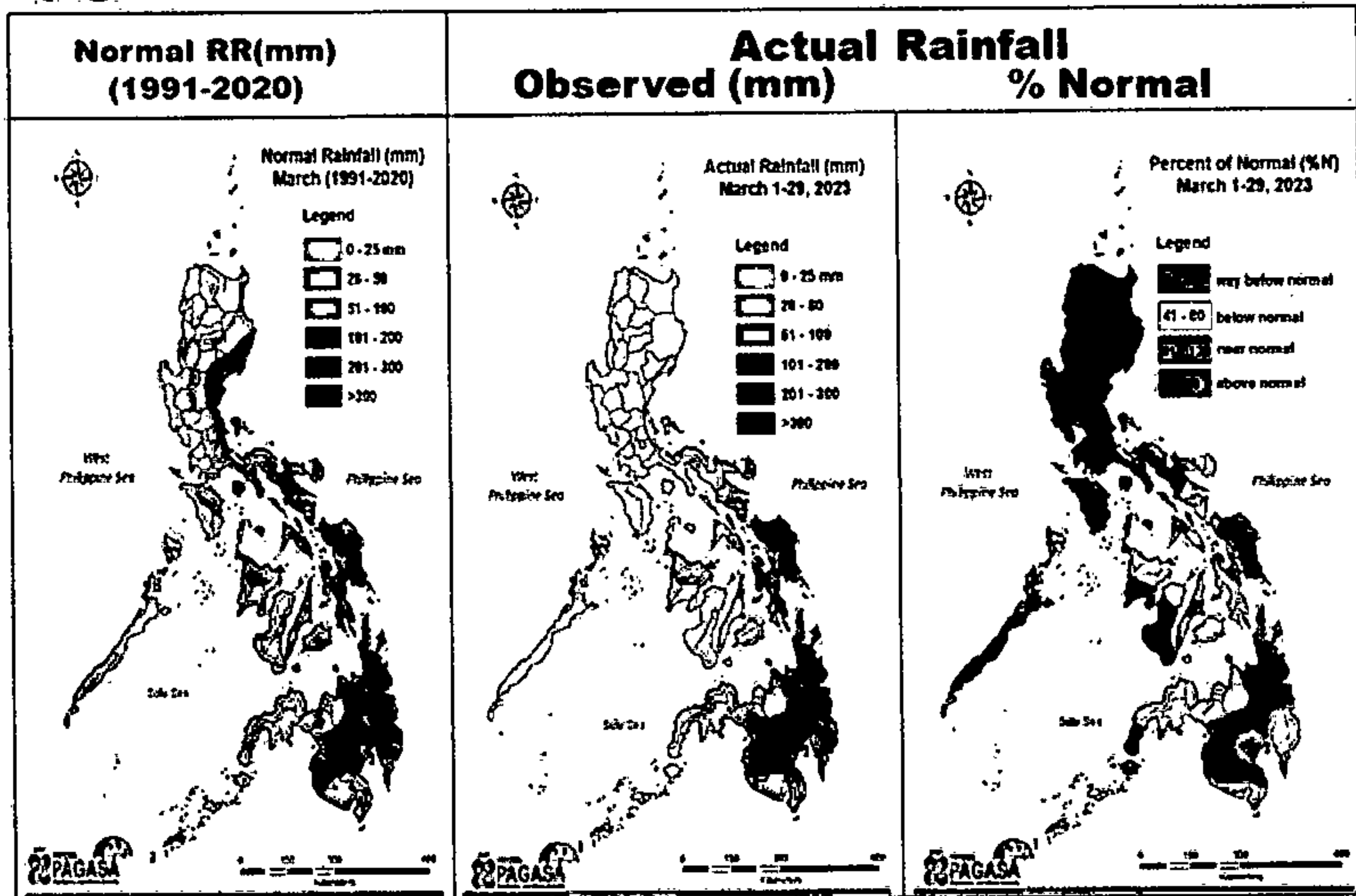
Photo Documentation



Annex A



Actual Rainfall for March 1-29, 2023



Annex B

Water Sampling Result based on SMR:

| Parameter | DENR Standards | January 2022 | | | | |
|-----------|----------------|--------------|--------------|--------------|--------------|--------------|
| | | FSW1 | FSW3 | FSW4 | FSW6 | FSW13 |
| Arsenic | 0.04 mg/L | <0.001mg/L | <0.001mg/L | <0.001mg/L | <0.001mg/L | 0.002mg/L |
| Cadmium | 0.01 mg/L | <0.0004mg/L | <0.0004mg/L | <0.0004mg/L | <0.0004mg/L | <0.0004mg/L |
| Manganese | 4 mg/L | 0.02 mg/L | 0.02 mg/L | <0.01 mg/L | 0.06 mg/L | 0.10 mg/L |
| Lead | 0.1 mg/L | <0.005 mg/L | <0.005 mg/L | <0.005 mg/L | <0.005 mg/L | <0.005 mg/L |
| pH Value | 6.0 – 9.0 | 8.18 at 18 C | 8.18 at 18 C | 7.10 at 18 C | 7.40 at 18 C | 7.68 at 18 C |
| TSS | 100 mg/L | 15 mg/L | 14 mg/L | 2 mg/L | 1 mg/L | 6 mg/L |

Water Sampling Result based on SMR:

| Parameter | DENR Standards | January 2022 | | | | | |
|-----------|----------------|--------------|--------------|--------------|--------------|--------------|--------------|
| | | MW1 | MW2 | MW3 | MW4 | MW5 | MW6 |
| Arsenic | 0.04 mg/L | 0.002mg/L | <0.001mg/L | <0.001mg/L | <0.001mg/L | <0.001mg/L | <0.001mg/L |
| Cadmium | 0.01 mg/L | <0.0004mg/L | <0.0004mg/L | <0.0004mg/L | <0.0004mg/L | <0.0004mg/L | <0.0004mg/L |
| Manganese | 4 mg/L | 0.04 mg/L | 0.03 mg/L | 0.03 mg/L | 0.11 mg/L | 0.06 mg/L | 0.02 mg/L |
| Lead | 0.1 mg/L | <0.005 mg/L | <0.005 mg/L | <0.005 mg/L | <0.005 mg/L | <0.005 mg/L | <0.005 mg/L |
| pH Value | 6.0 – 9.0 | 8.13 at 17 C | 8.09 at 17 C | 8.17 at 17 C | 7.80 at 17 C | 8.03 at 17 C | 7.94 at 18 C |
| TSS | 100 mg/L | 65 mg/L | 51 mg/L | 44 mg/L | 27 mg/L | 96 mg/L | 62 mg/L |

Annex C



Republic of the Philippines
Province of Palawan
MUNICIPALITY OF BROOKE'S POINT
Office of the Municipal Mayor
Email Address: brookespointmayoroffice@gmail.com

MEMORANDUM ORDER No. 7023-054

TO : PASTOR JOB Z. LAGRADA
Brooke's Point, Palawan

SUBJECT : PERMIT TO CONDUCT PUBLIC ASSEMBLY/RALLY

DATE : FEBRUARY 16, 2023

Pursuant to Batas Pambansa, Bg. 880 or the Public Assembly Act of 1995 ensures the free exercises of the people's right to hold a public assembly and to petition the government. It further provides that "It shall be the duty of the mayor or any official acting in his behalf to issue or grant a permit unless there is a clear and convincing evidence that the public assembly will create and present danger to public order, public safety, public convenience, public morals or public health".

In view thereof, your request to conduct public assembly/rally from Maasin Crossing (provincial road going to New Panay) down to the approach of Tagdidili Bridge, Purok 3, Bgy. Maasin, this municipality from 6:00 A.M. of February 18, 2023 (Saturday) until 10:00 A.M. of February 21, 2023, is hereby permitted. However, it shall be your duty and responsibility to take all reasonable measures and steps to the end that the intended public assembly shall be conducted peacefully.

Please be guided accordingly.


CESAREO R. BENEDITO, JR.
Municipal Mayor



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

Annex D



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

IPILAN NICKEL CORPORATION
Rep. By: Carlo A. Matilac

Permit Application No. 045306-001
(Provisional Permit)

Sir,

This refers to your application for a permit pursuant to the provisions of Act No. 3077 and Lands Administrative Order No. 8-3, as amended, you are hereby **GRANTED** this permit for provisional use for **CAUSEWAY/INDUSTRIAL** purpose of a foreshore land located in Barangay Maasin, Brooke's Point, Palawan, particularly described as follows:

| | | |
|---------------------------------|---|--|
| APPLICATION NO. | : | PPA NO. 045306-001 |
| APPLICANT NAME | : | Iplan Nickel Corporation |
| | : | Rep. by Carlo Matilac |
| DATE APPLIED | : | March 24, 2022 |
| LOCATION | : | Brgy. Maasin, Brooke's Point |
| | : | Province of Palawan |
| DESCRIPTION OF THE LAND | : | Foreshore land is bounded on the North-west by Lot No. 1166, Pls 96; In the East by Sulu Sea; In the South by Sulu Sea and in the West by Sulu Sea |
| AREA | : | 118,580 sq.m. |
| APPRAISED VALUE OF THE LAND | : | ₱ 7,470,540.00 |
| APPRAISED VALUE OF IMPROVEMENTS | : | ₱ 1,825,684.14 |
| PROPOSED ANNUAL RENTAL | : | ₱ 9,298,224.14 |
| PURPOSE | : | Causeway/Industrial |

It should be understood that this permit is imperative over areas which are included in claims pending determination by the Regional Executive Director. Although this permit is allowed under LAO 8-3, as amended, the same is still subject to the provisions of Section 12, paragraph (m) thereof, under which it is conditioned upon favorable findings of the permit over the CENRO concerned, but subject to any prior and subsisting forestry permit over the land if any.

This permit is granted under the conditions specified in Lands Administrative Order No. 8-3, as amended, and under the term and conditions stated in your application and on the back hereof, all of which are made a part of this permit. It shall be good and valid for a period of from JUN 01 2022 to JUN 01 2023 renewable at the discretion of the Regional Executive Director.

It is understood that the land for which this permit is issued is to be devoted only for beach resort/commercial use.

Recommending Approval:

MAXIMINO C. LANDRITO
OIG, Assistant Regional Director
for Technical Services

APPROVED:

LORMELYN E. CLAUDIO, CESO IV
Regional Executive Director

NOTE:

1. Total value of the (a) land ₱249,018,000.00 (b) Improvements: ₱ 182,568,414.00
2. The Occupation Fee to be paid by the permittee is 3% or ₱ 7,470,540.00 of the total value of the land applied for plus 1% or ₱1,825,684.14 of improvements thereon:
Total Annual Rental - ₱ 9,298,224.14

FR: UPDO/PDS/AST/A-25-2022

1515 L & S BUILDING, RIZAL BOULEVARD, CSMC, Manila 1000
DENR VOP (632) 2463367/2463468/2493367; 7700/1 (Regional Executive Director) 2714 (Licensing, Permits and Deeds Division)
Direct Line: (632) 4250157; Facsimile: (632) 4250045

PHILIPPINE
PORTS
AUTHORITY



PORT MANAGEMENT OFFICE - PALAWAN
Port Area, Puerto Princesa City

APPLICATION FOR PERMIT TO CONSTRUCT
(Per Presidential Decree No. 857)

Application Number: 2022-001

Name of Applicant/Company: IPILAN NICKEL CORPORATION

Address of Applicant: Penthouse, Platinum Towers, Aseana Ave. cor. Fuentes St.,
Tambo, Paranaque City

Boundary of Bgy. Mambalot and Bgy. Maasin
Location of Proposed Facility: Brooke's Point, Palawan

Description of Improvement/Facilities/Structures to be Constructed:

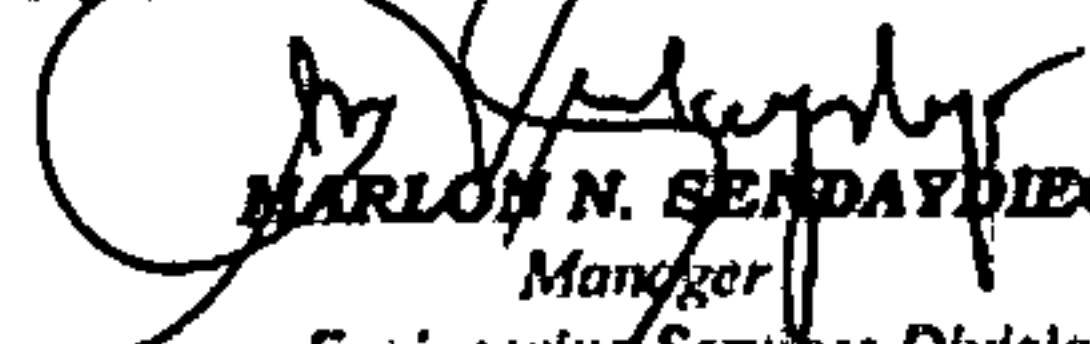
Causeway/Port Facilities

Total Estimated Cost of the Improvement/Facilities:

P 173,709,243.10

Subject to the conditions set forth at the back of this sheet.

RECOMMENDING APPROVAL:


MARLON N. SENDAYDIEGO
Manager
Engineering Services Division

PTC Fee O.R. No. OR-BP20-000000282562
Amount P110,000.00 (VAT incl. and with WTC)
Date 04 March 2022

APPROVED:

Date: 05 APR 2022


ELIZALDE M. ULSON
Port Manager

Annex F



Republic of the Philippines
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
MIMAROPA REGION
1515 LBS Building, Roxas Boulevard, Ermita, Manila

SPECIAL LAND USE PERMIT
(Access Road)
NO. DENR-MIMAROPA-2022-001

IPILAN NICKEL CORPORATION
(Proponent)

Barangay Maasin, Brooke's Point, Palawan
(Location of the Project Area)

Access Road
(Type of Special Use)

In accordance with Section 57 (Other Special Uses of Forest Lands) of Presidential Decree No. 705, as amended, otherwise known as the Revised Forestry Code of the Philippines, DENR Administrative Order (DAO) No. 2004-59 dated 31 August 2004 or the Rules and Regulations Governing the Special Uses of Forest Lands and DENR Memorandum No. 148 dated 10 April 2006, this permit is hereby granted to the **IPILAN NICKEL CORPORATION (INC)** represented by Mr. Carlo A. Matilac with business/postal address at 3F Corinthian Plaza, 121 Paseo De Roxas Street, Legaspi Village, Makati City to occupy 8,2189 hectares of public forestland situated in Barangay Maasin, Brooke's Point, Palawan described on the attached map which forms part of this permit.

The annual government share or user's fee to be paid by the Permittee for its occupation and utilization of the area as Access Road shall be Three Million Two Hundred Eighty Seven Thousand Five Hundred Sixty pesos (Php3,287,560.00) in accordance to the provisions of section 18 of DAO No. 2004-59 until otherwise amended. The user's fee shall be paid to the CENRO within thirty (30) days upon issuance of the permit and annually thereafter on or before March 31 of the succeeding years.

The privilege granted under this permit for the use of the area solely by the above-named permittee is for 3 years and for Access Road only.

This permit is subject to existing forest laws, rules and regulations as well as those that may hereinafter be promulgated and to the stipulations, terms and additional conditions stipulated in the attached sheet which forms part of this permit.

This permit is **NON-TRANSFERABLE** and **NON-NEGOTIABLE**, except as provided in Section 61 of Presidential Decree No. 705 as amended, and expires on March 18, 2025.

Issued this MAR 17 2022 at Manila, Philippines.

Approved by:


LORMELYN E. CLAUDIO, CESO IV
OIC, Regional Executive Director



Serial :
O.R. No. :
Date :

Board Deposit :
O.R. No. :
Date :