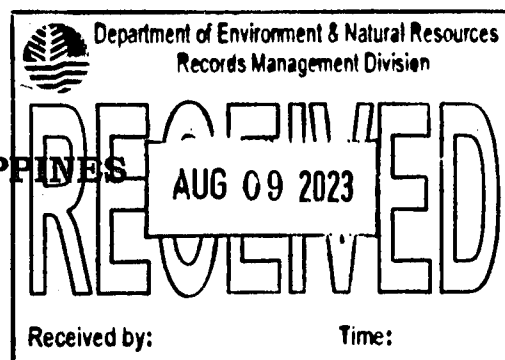


**REPUBLIC OF THE PHILIPPINES
SUPREME COURT
MANILA**



INDIGENOUS CULTURAL COMMUNITIES OF
BICAMM ANCESTRAL DOMAIN, BROOKE'S
POINT, PALAWAN,
Petitioners,

-versus-

G.R. No.
For issuance of Writ of
Kalikasan with prayer for
TEPO

OFFICE OF THE SECRETARY OF
THE DEPARTMENT OF ENVIRONMENT
AND NATURAL RESOURCES, SECRETARY
MA. ANTONIA YULO-LOYZAGA,
ATTY. ERNESTO D. ADOBO JR. AND
MINES and GEO SCIENCES BUREAU
DIRECTOR DANILO UYKIENG, MINES AND GEO
SCIENCES BUREAU REGION IV B MIMOROPA
FELIZARDO GACAD,
CELESTIAL NICKEL
MINING and EXPLORATION
CORPORATION, IPILAN NICKEL
CORPORATION,

Respondents.

X-----X

**P E T I T I O N
FOR THE WRIT OF KALIKASAN
(With prayer for the issuance of Temporary
Environmental Protection Order)**

Petitioners, by counsel, unto this Honorable Court, most respectfully states that:

I

NATURE OF THE PETITION

1. This Petition is an Environmental Case filed under the Rules of Procedure For Environmental Cases (A.M. No. 09-6-8-SC) seeking the issuance of a Writ of Kalikasan against an illegally operating mining company in Brookes Point, Palawan . Public Respondents are public officials, who, through their acts and omission in the Department of Environment and Natural Resources and the Mines and Geo Sciences Bureau have allowed the Private Respondents Celestial Nickel Mining and Exploration Corporation and Ipilan Nickel Corporation to operate while causing damage to the environment, violating environmental laws and the rights of the indigenous people of Brooke's Point Palawan.

2. This Petition is being instituted as a Citizens' suit by the Indigenous Cultural Communities of BICAMM Ancestral Domain, Brooke's Point, Palawan and is filed primarily for the purpose of enforcement of the Environmental Laws, Executive Orders and the Philippine Constitution in view of Respondents Celestial Nickel Mining and Exploration Corporation and Ipilan Nickel Corporation's violation thereof as will be explained in detail hereunder. They are being sued together with the Public Respondents due to the latter's inaction and tolerance of such violations and illegal acts.

II

THE PARTIES

3. Petitioners **Julhadi Carim Titte** and **Renila Dulay** are members of the Indigenous People's group of the Indigenous Cultural Communities (ICC) of BICAMM Ancestral Domain, Brooke's Point, Palawan and are residents of the Palawan Indigenous Communities, Brooke's Point, Palawan where they may be served with notices, orders and resolutions from this Honorable Supreme Court.

4. Respondent Secretary Ma. Antonia Yulo-Loyzaga is the Secretary of the Department of Environment and Natural Resources with office address located at the Office of the Secretary, DENR Compound, Visayas Avenue, Diliman,

Quezon City where she may be served with summons, notices, orders and other resolutions.

5. Respondent Atty. Ernesto Adobo is the Undersecretary for Legal and Administration whose office is located at the DENR Compound, Visayas Avenue, Diliman, Quezon City where he may be served with summons, notices, orders, resolutions and other court processes at the Mines and Geo Sciences Bureau, North Avenue, Diliman Quezon City.

6. Respondent Felizardo Gacad is the newly appointed Mines and Geo Sciences Bureau Regional Director for MIMAROPA or Region IV B. His office is at MGB MIMAROPA Region, DENR By the Bay Building, Roxas Boulevard, Manila. He was appointed as a replacement of Glenn Marcelo Noble who held the same office at the time relevant to this case.

7. Respondent Atty. Danilo Uykieng is the OIC Mines and Geo Sciences Bureau Director whose office is located at the Mines and Geo Sciences Bureau, Mindanao Avenue, Quezon City.

8. Respondent Celestial Nickel Mining and Exploration Corporation is a mining company engaged in the business of nickel mining in Sitio Ipilan, Brooke's Point, Palawan. For purposes of service of Summons, its officers are as follows:

A. President: Dante R. Bravo

B. Secretary: Eveart Grace P. Claro

With corporate address at Penthouse, Platinum Tower, Aseana Avenue corner Fuentes St., Aseana, Parañaque City, where summons, notices, resolutions may be served.

Its Articles of Incorporation and the latest General Information Sheet are attached as **Annexes "A" and "B"** hereof.

9. Respondent Ipilan Nickel Corporation ("INC") is the operator of the mining tenement of Respondent Celestial Nickel Mining and Exploration Corporation in Sitio Ipilan, Brooke's Point, Palawan. For purposes of service of Summons, its officers are as follows:

A. President: Dante R. Bravo

B. Secretary: Eveart Grace P. Claro

With corporate address at Penthouse, Platinum Tower, Aseana Avenue corner Fuentes St., Aseana, Parañaque City, where summons and other court processes may be served.

Its Articles of Incorporation and latest General Information Sheet are attached as **Annexes "C" and "D"** hereof.

III

FACTUAL ANTECEDENTS

10. On August 5, 1993, a Mineral Production Sharing Agreement ("MPSA") was entered into between the Republic of the Philippines and Celestial Nickel Mining Exploration Corporation ("CNMEC") covering 2,835.06 hectares located in Sitio Ipilan, Brooke's Point, Palawan and described as MPSA No. 017-93-IV. A copy of the subject MPSA is attached hereto as **Annex "E"**.

11. The Mining Operator of the subject MPSA of CNMEC is Ipilan Nickel Corporation ("INC") by virtue of the Operating Agreement entered into by CNMEC and INC entered into in 2005. Under the Operating Agreement, INC is the Mine Operator for the exploration, development, and eventual commercial operation of the tenement area. A copy of the Operating Agreement is attached as **Annex "F"**.

12. When it was approved, the subject MPSA has a term of 25 years from August 5, 1993 until August 5, 2018, which is the date of its expiration.

13. The Contract Area under the MPSA is delineated as follows:

POINT	LATITUDE	LONGITUDE
01	117 54' 30.544"	08 54' 34.236"
02	117 51' 03.88"	08 54' 34.236"
03	117 51' 03.88"	08 54' 07.57"
04	117 52' 17.21"	08 54' 07.57"
05	117 52' 17.21"	08 54' 24.24"
06	117 52' 31.26"	08 54' 24.24"
07	117 52' 31.26"	08 54' 34.24"
08	117 52' 21.26"	08 54' 34.24"
09	117 52' 21.26"	08 54' 44.24"
10	117 52' 11.26"	08 54' 44.24"
11	117 52' 11.26"	08 54' 54.24"
12	117 52' 17.21"	08 54' 54.24"
13	117 52' 17.21"	08 55' 14.24"
14	117 52' 20.54"	08 55' 14.24"

15	117 52' 20.54" 24.24"	08 55'
16	117 52' 40.54" 24.24"	08 55'
17	117 52' 40.54" 34.24"	08 55'
18	117 52' 50.54" 34.24"	08 55'
19	117 52' 50.54" 34.24"	08 55'
20	117 53' 00.54" 44.24"	08 55'
21	117 53' 00.54" 54.24"	08 55'
22	117 53' 10.54" 54.24"	08 55'
23	117 53' 10.54" 47.57"	08 56'
24	117 53' 10.54" 17.24"	08 57'
25	117 53' 10.54" 34.24"	08 58'
26	117 54' 13.87" 34.24"	08 58'
27	117 54' 03.87" 27.57"	08 59'
28	117 55' 23.87" 27.57"	08 59'
29	117 55' 23.87" 34.24"	08 58'
30	117 54' 57.24" 34.24"	08 58'

31	117 54' 57.20" 07.57"	08 58'
32	117 54' 30.53" 47.57"	08 57'
33	117 54' 30.53" 14.24"	08 57'
34	117 54' 03.96" 14.24"	08 57'
35	117 54' 03.96" 47.57"	08 56'
36	117 54' 30.544" 47.57"	08 56'
37	117 54' 30.544" 20.91"	08 56'
38	117 54' 57.20" 20.91"	08 56'
39	117 54' 57.20" 00.91"	08 55'
40	117 54' 30.544" 00.91"	08 55'
01	117 54' 30.544" 34.24"	08 54'

Corner 1 of the contract area is located at the East Longitude 117 54' 30.544" and North Latitude 08 54' 34.236".

Line	Bearing	Distance (M)
Cor. 1 to Cor. 2	West	800.00
Cor. 2 to Cor. 3	South	800.00
Cor. 3 to Cor. 4	West	3,200.00
Cor. 4 to Cor. 5	North	500.00

Cor. 5 to Cor. 6	East	421.00
Cor. 6 to Cor. 7	North	300.00
Cor. 7 to Cor. 8	West	300.00
Cor. 8 to Cor. 9	North	300.00
Cor. 9 to Cor. 10	West	300.00
Cor. 10 to Cor. 11	North	300.00
Cor. 11 to Cor. 12	East	178.50
Cor. 12 to Cor. 13	North	600.00
Cor. 13 to Cor. 14	East	100.00
Cor. 14 to Cor. 15	North	300.00
Cor. 15, to Cor. 16	East	600.00
Cor. 16 to Cor. 17	North	300.00
Cor. 17 to Cor. 18	East	300.00
Cor. 18 to Cor. 19	North	300.00
Cor. 19 to Cor. 20	East	300.00
Cor. 20 to Cor. 21	North	300.00
Cor. 21 to Cor. 22	East	300.00
Cor. 22 to Cor. 23	North	1,600.00
Cor. 23 to Cor. 24	West	800.00
Cor. 24 to Cor. 25	North	2,400.00
Cor. 25 to Cor. 26	East	1,600.00
Cor. 26 to Cor. 27	North	1,600.00
Cor. 27 to Cor. 28	East	2,400.00
Cor. 28 to Cor. 29	South	1,600.00
Cor. 29 to Cor. 30	West	800.00
Cor. 30 to Cor. 31	South	800.00

Cor. 31 to Cor. 32	West	800.00
Cor. 32 to Cor. 33	South	1,600.00
Cor. 33 to Cor. 34	West	800.00
Cor. 34 to Cor. 35	South	800.00
Cor. 35 to Cor. 36	East	800.00
Cor. 36 to Cor. 37	South	800.00
Cor. 37 to Cor. 38	East	800.00
Cor. 38 to Cor. 39	South	2,400.00
Cor. 39 to Cor. 40	West	800.00
Cor. 40 to Cor. 41	South	800.00

15. On July 17, 2017, INC filed its application for a Certificate Precondition with the NCIP as required by Section 16 of RA 7942 in view of its application for MPSA renewal in 2018. No Certificate Precondition was issued however and instead, the expiration date of the MPSA was moved from 2018 to 2025.

16. Instead of honoring the original expiration date of the MPSA which was supposedly in 2018, then DENR Secretary Roy Cimatu issued an Order on December 21, 2020 moving the date of effectivity of the MPSA to be reckoned in the year 2000 which was the year the MPSA was amended. In other words, the expiration date was moved through a questionable amendment of the MPSA.

16.1. It must be noted however that the only amendment in the MPSA was a condition that CNMEC must conform to the Philippine Mining Act of 1995 (RA 7942) since at the time its MPSA was granted in 1993, there was no Mining Act yet. There is nothing however in RA 7942 or the Philippine Mining Act that directs or allows the automatic extension of the term of MPSAs existing at the time it was enacted. In fact, the effectivity date of the MPSA of CNMEC was not even amended or changed.

16.2. The expiration date of the MPSA in 2018 was moved by the mere expediency of issuing the December 21, 2020 Order of the DENR Secretary which opined that MPSA No. 17-93-IV as Amended -2000 effectively moved the expiration date from 2018 to 2025. Thus, the dispositive portion of the questioned Order reads: "Wherefore, in view of the foregoing, the Effective Date of MPSA No. 017-93-IV as Amended 2000 shall be reckoned from the date of execution thereof and that the same amended MPSA shall expire on April 10, 2025." A copy of the said December 21, 2020 Order is attached hereto as **Annex "G"**.

17. At any rate whether the moving of the date of the expiration from 2018 to 2025 was legally made in 2020 when the MPSA was already expired, it is clear that INC and CNMEC needed a Certificate Precondition before commencing operations as RA 8371 which is "An Act to recognize, protect, and promote the rights of Indigenous Cultural Communities/Indigenous Peoples, creating a National Commission on Indigenous Peoples, establishing Implementing Mechanisms, appropriating funds therefore and for other purposes" was already in effect during the year 2000 when the MPSA was supposed to be made effective. To date however, no Certificate Precondition has been issued to INC and CNMEC by the NCIP. And yet, INC and CNMEC continue its mining operations over the ancestral lands of Petitioners without a Certificate Precondition.

18. On September 20, 2022, without a Certificate Precondition, CNMEC and INC started commercial operations by shipping nickel ore to China.

19. The lack of Certificate Precondition is also buttressed by the fact that the Indigenous Cultural Communities (ICC) of BICAMM Ancestral Domain, Brooke's Point, Palawan through its IPS issued a resolution retracting the Memorandum of Agreement with INC and sought its nullification considering that INC has rejected the revisitation of the MOA which lacked royalty provisions in violation of RA 8713.

20. In the meantime, the representatives of six barangays raised complaints against INC's illegal activities

which caused damage to the Ancestral Domains. These include:

- A. That on June 8, 2023, INC Resident Mine Manager Alex Arabis summoned five of the IP leaders of BICAMM and offered Php 3,000 pesos monthly allowance in exchange of supporting the operations of the mining company. The said leaders were also being asked to recruit more IP leaders to agree and support INC in exchange for additional monetary considerations and to organize a new set of IP leadership which INC would transact with.
- B. That on June 13, 2023, INC summoned all of its IP workers and instructed them to sign a resolution challenging the previously cancelled MOA by the IPS.
- C. That on June 14, 2023, INC Community Relations employee Elmer Jardin went around their ancestral domain to ask the IPs to sign a community resolution in exchange for Php 300.00 without showing the content of the aforementioned resolution.

IV

ARGUMENTS IN SUPPORT OF THE PETITION

THE MPSA CONTRACT AREA OVERLAPS A PROTECTED AREA NOT OPEN TO MINING OPERATIONS

21. Under **PROCLAMATION NO. 1815** which is an Act **DESIGNATING MT. MANTALINGAHAN MOUNTAIN RANGE SITUATED IN THE MUNICIPALITIES OF BATARAZA, BROOKE'S POINT, SOFRONIO ESPAÑOLA, QUEZON AND RIZAL, ALL IN THE PROVINCE OF PALAWAN AS PROTECTED LANDSCAPE AREA PURSUANT TO R.A. 7586 OR THE NATIONAL INTEGRATED PROTECTED AREAS**

SYSTEM (NIPAS) ACT OF 1992, it is specifically provided that the Mt. Mantalingahan Mountain Range is a protected landscape and that its covered area has the following technical description as shown in the printed copy attached hereto as **Annex "H"**.

22. Under the NIPAS act, (RA 7586) which is a law entitled, **AN ACT PROVIDING FOR THE ESTABLISHMENT AND MANAGEMENT OF NATIONAL INTEGRATED PROTECTED AREAS SYSTEM, DEFINING ITS SCOPE AND COVERAGE, AND FOR OTHER PURPOSES**, it declared that:

SECTION 3. Categories – The following categories of protected areas are hereby established:

- a. Strict nature reserve;
- b. Natural park;
- c. Natural monument;
- d. Wildlife sanctuary;
- e. **Protected landscapes** and seascapes;
- f. Resource reserve;
- g. Natural biotic areas; and
- h. Other categories established by law, conventions or international agreements which the Philippine Government is a signatory.

23. Section 4 paragraph 2 of the NIPAS Act defines a "Protected Area" as:

"Protected Area" refers to identified portions of land and water set aside by reason of their unique physical and biological significance, **managed to enhance biological**

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23. Section 4 paragraph 2 of the NIPAS Act defines a “Protected Area” as:

“Protected Area” refers to identified portions of land and water set aside by reason of their unique physical and biological significance, **managed to enhance biological**

diversity and protected against destructive human exploitation;

23.1. Being part of the NIPAS Protected Area, the subject area is closed to mining operations. Sec. 19 of RA 7942 expressly declares:

Areas Closed to Mining Applications.—Mineral agreement or financial or technical assistance agreement applications shall not be allowed:

(a) In military and other government reservations, except upon prior written clearance by the government agency concerned;

...

(d) In areas expressly prohibited by law;

...

(f) Old growth or virgin forests, proclaimed watershed forest reserves, wilderness areas, mangrove forests, mossy forests, national parks, provincial/municipal forests, parks, greenbelts, game refuge and bird sanctuaries as defined by law in areas expressly prohibited under the National Integrated Protected Areas System (NIPAS) under Republic Act No. 7586, Department Administrative Order No. 25, series of 1992 and other laws. [emphasis supplied]

23.2.

Sec. 5(a) of RA 7586 provides:

Sec. 5. Establishment and Extent of the System.—The establishment and operationalization of the System shall involve the following:

(a) All areas or islands in the Philippines proclaimed, designated or set aside, pursuant to a law, presidential decree, presidential proclamation or executive order as national park, game refuge, bird and wildlife sanctuary, wilderness area, strict nature reserve, watershed, mangrove reserve, fish sanctuary, natural and historical landmark, protected and managed landscape/seascape as well as identified virgin forests before the effectivity of this Act are hereby designated as initial components of the System. The initial components of the System shall be governed by existing laws, rules and regulations, not inconsistent with this Act.

24. Based on the map plotting the location of the Contract Area subject of the MPSA, a total of 1,403.09 hectares are inside the NIPAS Protected Area of the Mt. Mantalingahan Mountain Range as declared under Proclamation No. 1815 issued on June 23, 2009. A copy of the Map depicting the portion of the Contract Area subject of the MPSA encroaching the Protected Area is attached as **Annex "I"** hereof.

25. As such, the MPSA Contract Area of Respondent CNMEC transgresses what is declared as a protected landscape which is not open to mining operations and human exploitation.

**THE EXPIRED MPSA
WAS ILLEGALLY
EXTENDED**

26. By operation of law, the DENR Secretary and the MGB should not have extended the said MPSA's date of effectivity upon its expiration in 2018 as it violates the express provision of Proclamation No. 1815 stating as follows:

Any valid contract, permit or license for the extraction or utilization of natural resources therein already existing prior to this Proclamation shall subject to national interest and existing laws, rules and regulations, **be respected until its expiration.** Areas covered by such contracts, permits or licenses which are found not viable for development after assessment and/or exploration shall automatically form part of the MMPL. Likewise, all property and private rights within the MMPL already existing and/or vested prior to this Proclamation shall be respected in accordance with existing laws.

27. It was illegal to extend the date of effectivity of the MPSA from 1993 to the year 2000 upon the Order of DENR Secretary Cimatú in 2020 when in fact the said MPSA has already expired in 2018. There is nothing to extend or renew and there is nothing in RA 7942 or the Philippine Mining Act that allows the extension of an expired MPSA. However, in this case, the term of the MPSA which expired two years earlier was all of a sudden extended by moving the effectivity date to a later date. The MPSA already expired in 2018 and there is nothing to extend by the year 2020 when Secretary Cimatú issued the said Order.

28. Being declared as a Protected Area under Proclamation 1815, the MPSA should have been allowed to operate only until its expiration date which is August 5, 2018. After its expiration, no other right is vested upon the MPSA holder over the contract area which is already declared protected by the year 2020. Its term extension is not a matter of right and in fact should have been automatically denied by operation of Proclamation 1815 as the said area is outside the commerce of man and protected from human exploitation. The destructive act of mining should be prohibited in the entire Mt. Mantalingahan mountain ranges. The DENR Secretary and MGB Director should be mandated to forthwith cancel the revived MPSA as it is violative of the NIPAS Act and

Proclamation 1815. To allow the MPSA to continue to operate until 2025 will render Proclamation 1815 useless and without force and effect. Worse, at the expense of the environment.

28.1. In fact, it cannot be denied that at present, CNMEC and INC had caused the deforestation of the Mt. Mantalingahan protected landscape by cutting trees without a valid tree cutting permit. Attached as **Annex "J"** are photographs of the disturbed area from Respondents' mining operations showing the devastation caused on the forests and watershed area. Attached as **Annex "K"** is a copy of the Show Cause Order for illegally cutting the trees issued by the OIC Regional Director of the DENR.

29. In the case of Oposa vs. Factoran (GR No. 101083, July 30, 1993) which is an Environmental Case filed for and in behalf of present and future generations who have the right to a balanced ecology and which upheld the right to intergenerational responsibility and intergenerational justice; it was clearly enunciated that:

"the right to a balanced and healthful ecology which, for the first time in our nation's constitutional history, is solemnly incorporated in the fundamental law. Section 16, Article II of the 1987 Constitution explicitly provides:

Sec. 16. The State shall protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature.

X x x x

While the right to a balanced and healthful ecology is to be found under the Declaration of Principles and State Policies and not under the Bill of Rights, it does not follow that it is less important than any of the civil and political rights enumerated in the latter. Such a right belongs to a different category of rights altogether for it concerns nothing less than self-preservation and self-perpetuation — aptly and fittingly stressed by the petitioners — the advancement of which may even be said to predate

all governments and constitutions. As a matter of fact, these basic rights need not even be written in the Constitution for they are assumed to exist from the inception of humankind. If they are now explicitly mentioned in the fundamental charter, it is because of the well-founded fear of its framers that unless the rights to a balanced and healthful ecology and to health are mandated as state policies by the Constitution itself, thereby highlighting their continuing importance and imposing upon the state a solemn obligation to preserve the first and protect and advance the second, the day would not be too far when all else would be lost not only for the present generation, but also for those to come — generations which stand to inherit nothing but parched earth incapable of sustaining life.

The right to a balanced and healthful ecology carries with it the correlative duty to refrain from impairing the environment. During the debates on this right in one of the plenary sessions of the 1986 Constitutional Commission, the following exchange transpired between Commissioner Wilfrido Villacorta and Commissioner Adolfo Azcuna who sponsored the section in question:

MR. VILLACORTA:

Does this section mandate the State to provide sanctions against all forms of pollution — air, water and noise pollution?

MR. AZCUNA:

Yes, Madam President. The right to healthful (*sic*) environment necessarily carries with it the correlative duty of not impairing the same and, therefore, sanctions may be provided for impairment of environmental balance.

The said right implies, among many other things, the judicious management and conservation of the country's forests.

Without such forests, the ecological or environmental balance would be irreversibly disrupted.

30. It was further held that:

"Conformably with the enunciated right to a balanced and healthful ecology and the right to health, as well as the other related provisions of the Constitution concerning the conservation, development and utilization of the country's natural resources, then President Corazon C. Aquino promulgated on 10 June 1987 E.O. No. 192, Section 4 of which expressly mandates that the Department of Environment and Natural Resources "shall be the primary government agency responsible for the conservation, management, development and proper use of the country's environment and natural resources, specifically forest and grazing lands, mineral, resources, including those in reservation and watershed areas, and lands of the public domain, as well as the licensing and regulation of all natural resources as may be provided for by law in order to ensure equitable sharing of the benefits derived therefrom for the welfare of the present and future generations of Filipinos." Section 3 thereof makes the following statement of policy:

Sec. 3. Declaration of Policy. — It is hereby declared the policy of the State to ensure the sustainable use, development, management, renewal, and conservation of the country's forest, mineral, land, off-shore areas and other natural resources, including the protection and enhancement of the quality of the environment, and equitable access of the different segments of the population to the development and the use of the country's natural resources, not only for the present generation but for future generations as well. It is also the policy of the state to recognize and apply a true value system including social and environmental cost implications relative to their utilization, development and conservation of our natural resources.

This policy declaration is substantially re-stated in Title XIV, Book IV of the Administrative Code of 1987,¹⁵ specifically in Section 1 thereof which reads:

Sec. 1. *Declaration of Policy.* — (1) The State shall ensure, for the benefit of the Filipino people, the full exploration and development as well as the judicious disposition, utilization, management, renewal and conservation of the country's forest, mineral, land, waters, fisheries, wildlife, off-shore areas and other natural resources, consistent with the necessity of maintaining a sound ecological balance and protecting and enhancing the quality of the environment and the objective of making the exploration, development and utilization of such natural resources equitably accessible to the different segments of the present as well as future generations.

(2) The State shall likewise recognize and apply a true value system that takes into account social and environmental cost implications relative to the utilization, development and conservation of our natural resources.

The above provision stresses "the necessity of maintaining a sound ecological balance and protecting and enhancing the quality of the environment." Section 2 of the same Title, on the other hand, specifically speaks of the mandate of the DENR; however, it makes particular reference to the fact of the agency's being subject to law and higher authority. Said section provides:

Sec. 2. *Mandate.* — (1) The Department of Environment and Natural Resources shall be primarily responsible for the implementation of the foregoing policy.

(2) It shall, subject to law and higher authority, be in charge of carrying out the State's constitutional mandate to control and supervise the exploration, development, utilization, and conservation of the country's natural resources.

Both E.O. NO. 192 and the Administrative Code of 1987 have set the objectives which will serve as the bases for policy formulation, and have defined the powers and functions of the DENR.

It may, however, be recalled that even before the ratification of the 1987 Constitution, specific statutes already paid special attention to the "environmental right" of the present and future generations. On 6 June 1977, P.D. No. 1151 (Philippine Environmental Policy) and P.D. No. 1152 (Philippine Environment Code) were issued. The former "declared a continuing policy of the State (a) to create, develop, maintain and improve conditions under which man and nature can thrive in productive and enjoyable harmony with each other, (b) to fulfill the social, economic and other requirements of present and future generations of Filipinos, and (c) to insure the attainment of an environmental quality that is conducive to a life of dignity and well-being." As its goal, it speaks of the "responsibilities of each generation as trustee and guardian of the environment for succeeding generations." The latter statute, on the other hand, gave flesh to the said policy.

Thus, the right of the petitioners (and all those they represent) to a balanced and healthful ecology is as clear as the DENR's duty — under its mandate and by virtue of its powers and functions under E.O. No. 192 and the Administrative Code of 1987 — to protect and advance the said right.

A denial or violation of that right by the other who has the correlative duty or obligation to respect or protect the same gives rise to a cause of action."

31. In this case, various demands from different sectors and groups were aired to the Respondents DENR Secretary and MGB Director for the cancellation of the MPSA of Respondent CNMEC as they staged rallies and protests. The DENR Secretary however, simply ignored these demands and as such, tolerated CNMEC's blatant violation of the Constitution, the NIPAS Act and Proclamation 1815.

32. This is despite the fact that it is the bounden duty of the DENR Secretary to uphold the Constitution, Environmental Laws and Executive Orders and Proclamations. Herein Petitioner maintains that the extension of the term of the subject MPSA from 2018 to 2025 was done with grave abuse of discretion as it was done to circumvent the express prohibition under Proclamation 1815. Hence, the full protection of such rights requires the DENR and MGB not to grant the extension of the term thereof.

33. The Honorable Supreme Court in the case of Celestial Nickel Mining Exploration Corporation vs. Macroasia Corporation (GR No. 169080, December 19, 2007), held that:

“We, rule therefore that based on the grant of the implied power to terminate mining or mineral contracts under previous laws or executive issuances like PD 463, EO 279, RA 7942 should be construed as a continuation of the legislative intent to authorize the DENR Secretary to cancel mineral agreements on account of violations of the terms and conditions thereof.”

“x x x Under RA 7942, the power of control and supervision of the DENR Secretary over the MGB to cancel or recommend cancellation of mineral rights clearly demonstrates the authority of the DENR Secretary to cancel or approve the cancellation mineral agreements.

X x x

It is explicit from the foregoing provision that the DENR Secretary has the authority to cancel mineral agreements based on the recommendation of the MGB Director. As a matter of fact, the power to cancel mining rights can even be delegated by the DENR Secretary to the MGB Director. Clearly, it is the Secretary, x x x, that has authority and jurisdiction over cancellation of existing mining contracts or mineral agreements.

34. As aptly worded in the Oposa vs. Factoran case, “there is no other plain, speedy and adequate remedy in law other than the instant action to arrest the unabated

hemorrhage of the country's vital life support systems and continued rape of Mother Earth.”

35. Furthermore, it is worth emphasizing the UNESCO World Heritage Convention Article on the Mount Mantalingahan Protected Landscape describing it as follows:

“Description

Nestled in the southern part of the Palawan Man and Biosphere Reserve is the Mt. Mantalingahan Protected Landscape (MMPL), a protected area by virtue of Presidential Proclamation 1815 signed on June 23, 2009. It covers a total area of 120,457 hectares within the territorial jurisdiction of the municipalities of Bataraza, Brooke's Point, Quezon, Rizal, and Sofronio Espanola. The peak of Mt. Mantalingahan towering at 2085 meters above sea level is the highest peak in the province and considered sacred by the indigenous Palawan people.

Justification of Outstanding Universal Value

As a key biodiversity area, MMPL hosts denizens of plants and animals. It is one of only ten sites of the Alliance for Zero Extinction in the Philippines and one of the 11 important bird areas in Palawan. Most of the threatened and restricted-range birds of the Palawan Endemic Bird Area occur in the Mantalingahan range and the adjacent lowlands. With the recent discoveries of several potentially new species of plants and animals, Mt. Mantalingahan represents a significant contribution to the known pool of Philippine and global biodiversity.

Mt. Mantalingahan has exceptionally high floral and faunal diversity and endemism with several noteworthy species recorded during the rapid biological assessment conducted in 2007.

- There are eight (8) possibly undescribed plant species; at least five (5) plant species that are newly recorded for Palawan; and twelve plant species considered as new plant records for the country.
- Three restricted-range species of plants which are known only to occur within mountain range: *Alyxia palawanensis* Markgraf (Apocynaceae), *Rhododendron acrophilum* & *Quisumb.* (Ericaceae) and *Sphaerostephanos cartilagidens* P. Zamora & Co (Thelypteridaceae).

- Six out of fourteen recorded frog species are Palawan endemic. One of these, *Ingerana mariaae* (Mary's Frog, Palawan eastern frog) is known to be restricted to Mt. Mantalingahan.
- Three lizards, *Gekko palawanensis*, *Mabuya cumingi* and *Sphenomorphus* sp and two snakes (*Calamaria* cf. *palawanensis* and *Trimeresurus schultzei* are endemic to Palawan.
- A new species of forest gecko, *Luperosaurus gulat* was confirmed by experts and published in 2010.
- The *Stachyris hypogrammica* (Palawan striped-babbler) is restricted to Mt. Mantalingahan.
- Two endemic subspecies of birds are restricted to Mt. Mantalingahan: *Cettia vulcania palawana* (bush-warbler) and *Brachypteryx montana sillimani* (white-browed shortwing).
- The critically endangered *Cacatua haematuropygia* is among the five Philippine endemic bird species thriving in Mantalingahan.
- Two parrotfinches *Erythrura hyperythra* and *Erythrura prasina* were recorded in 2007. Based on all current records, both species are new island records for Palawan and the latter is a possible new country record.
- The presence of two elusive fast canopy flyer bats, the *Saccolaimus saccolaimus* is a new record for Palawan faunal region and *Chiromeles torquatus* that was again seen after five decades in the island is a surprising discovery.
- The Palawan soft-furred mountain rat, *Palawanomys furvus*, that was rediscovered in 2007 has not been seen since it was first discovered in 1962 and known to occur only in Mt. Mantalingahan.
- The taxonomic identification of a certainly new species of shrew that probably lives only in the high mountains of Mantalingahan and a potentially new species of toadlet is underway at the Field Museum of Natural History in Chicago.

Undoubtedly, there are more globally unique species waiting to be discovered in the area.

There are 10 vegetative cover-types within the MMPL: old growth, mossy, karst/limestone, residual, mangrove, brushland, grassland, coconut plantation, cropland, other plantation. Forests cover about 100,000 hectares, approximately 79% of the total land area, three-quarters of which is primary forest playing a macro-climatic function by acting as a significant carbon sink. The integrity of this forest cover as part of Palawan's last bastion of solid forest is being managed as refuge for several threatened species including the

critically endangered *Cacatua haematuropygia* and the several endangered endemic species such as *Megophrys ligayae*.

Criterion (ix): outstanding example representing significant ongoing ecological and biological processes.

Criterion (x): contains the most important and significant natural habitats for in-situ conservation of biological diversity, including those threatened species of outstanding universal value from the point of view of science or conservation.

Statements of authenticity and/or integrity

The size of MMPL (120,457 hectares) is adequate to ensure the integrity of the ecological processes in this largely forested mountain range which is critical for maintaining biodiversity and providing various ecosystem services that benefits the local communities. These ecosystems services include water, soil conservation, flood control, carbon sequestration, non-timber forest products and the high potential of waterfalls, caves and other potential areas for tourism. The thirty-three watersheds within MMPL are extremely valuable to the lowland agricultural economy in the area.

MMPL is the ancestral home of more than 12,000 indigenous Palawans. The livelihood of indigenous peoples residing in MMPL is directly linked to the ecological health of the landscape. The conservation of ecological resources, such as medicinal plants or resin, allows for the continuation of specific cultural practices. The designation of the MMPL as a protected area also protects burial grounds, and ceremonial and other traditional sites that might otherwise be destroyed by resource extractive activities or development.

Comparison with other similar properties

MMPL's montane mossy rainforest with an estimated area of 70,000 hectares and the adjoining lowland forest provide various niches to support many different organisms. Its high concentration of restricted-range species makes Mt. Mantalingahan Protected Landscape distinct from Puerto Princesa Subterranean River National Park. For the mammalian fauna alone, two restricted-range rodent species has been recorded on this site namely, *Palawanomys fuvvus* (Palawan soft-furred mountain rat) and *Sundasciurus rabori* (Palawan montane squirrel). Further, a single restricted-range amphibian, *Ingerana mariae* (Mary's frog) and 17 restricted range birds had been recorded from this site.

The size of MMPL is five times larger than the area of Mt. Hamiguitan Wildlife Sanctuary. Its size is adequate to provide habitat requirements for various species and ensure ecosystem processes and functions. Being the largest contiguous forest in Palawan Biosphere Reserve, it is definitely a representative ecosystem of the Reserve which has been described by Madulid (as cited in PTFPP, 1998) as among the geographical landmarks with the highest floral species diversity per unit area compared to other parts of the country. The consolidation of floral records suggests that MMPL is a unique and important genebank for a high number of vascular plant species not only in the Philippines but throughout the Malesian region (Co & Sopsop, 2007)." (Taken from <https://whc.unesco.org/en/tentativelists/6006/>)

**Illegal cutting of Trees
in April 2017 without
first securing a tree
cutting permit and
expiration of its
Environmental
Compliance Certificate**

36. CNMEC and INC had caused the deforestation of the Mt. Mantalingahan protected landscape by cutting trees without a valid tree cutting permit. Attached as **Annex "L" and "L-1"** are photographs of the disturbed area from INC's mining operations showing the devastation caused on the forests and watershed area.

37. Its Environmental Compliance Certificate expired on October 2015 and it was in fact informed of this by the DENR Secretary Lopez at that time and yet, it proceeded with the deforestation of the 25 hectare forestland.

38. On December 14, 2016, the DENR Secretary Lopez informed INC that due to its failure to implement the mining project within 5 years from the issuance of the ECC, it was deemed expired.

39. Due to the illegal deforestation, Mayor Feliciano of Brooke's Point issued a closure order to INC as its Mayor's Permit was cancelled.

40. A criminal case for illegal logging and violation of the Forestry Code was also filed against the representatives of the company.

**Illegal Mining Operation
without a Certificate
Precondition from the
NCIP**

42. With regards to mining operations INC has not secured the Certificate Precondition from the NCIP to the damage and prejudice of the IPs in Brooke's Point, Palawan who did not consent to the conduct of mining operations in their ancestral domain. This violates **Section 59 of RA 8371** which states that no concession, license, lease or agreement concerning ancestral lands shall be issued by any government agency without a Certificate Precondition ("CP") from the NCIP. The CP should state that FPIC has been obtained from the concerned IPs.

43. In fact in a Memorandum Order No. 206-2023, the NCIP issued an Order for the Temporary Suspension of the FPIC process which Respondents mining companies are belatedly processing due to the pending investigation of its alleged violations of NCIP Administrative Order No. 3 series of 2012. A copy of which is attached as **Annex "M"**.

44. The said Complaints for violations were embodied in the said Memorandum Order as follows:

1. A letter dated June 14, 2023 addressed to Chairperson Allen A. Capuyan thru NCIP MIMAROPA Regional Director Marie Grace T. Pascua stating the three (3) violations of the Ipilan Nickel Corporation and the four (4) kahilingan of the Pala'wan ICCs of BICAMM signed by BICAMM IPDO Pangulo Julhadi Titte and Pangalawang Pangulo Renila Dulay;

2. Letter dated June 18, 2023 addressed to Chairperson Allen A. Capuyan thru NCIP MIMAROPA Regional Director Marie Grace T. Pascua on the endorsement of salaysay of the members of the Pala'wan ICCs/IPs of BICAMM on the alleged bribery of the INC on paying P 300.00 pesos to sign a resolution, and the endorsement of the four (4) requests for the Commission En Banc and Chairperson Allen Capuyan.

45. In fact, the Katutubong Pamayanang Pala'wan ng Lupaing Ninuno ng BICAMM issued a "Pangkalahatang Resolusyon na bumabawi sa Ibinigay ng Pagsang ayon ng Pamayanang Katutubong Pala'wan sa Proyektong Pagminina ng Celestial Nickel Mining Exploration Corporation/Ipilan Nickel Corporation sa bayan ng Brooke's Point lalawigan ng" Palawan" which sought the stoppage of the mining operations of Respondent INC in order to protect the ancestral lands of the said Indigenous Peoples from devastation and exploitation as its mining operations are in violation of their rights and destroys the environment. Attached as **Annex "N"** is a copy of the said Resolution.

45.1. In fact, under Section 7 of RA 8713, the legal rights of an ICC/IP over their Ancestral Domains are as follows:

"SECTION 7. Rights to Ancestral Domains. — The rights of ownership and possession of ICCs/IPs to their ancestral domains shall be recognized and protected. Such rights shall include:

a) Right of Ownership. — The right to claim ownership over lands, bodies of water traditionally and actually occupied by ICCs/IPs, sacred places, traditional hunting and fishing grounds, and all improvements made by them at any time within the domains;

b) Right to Develop Lands and Natural Resources. — Subject to Section 56 hereof, right to develop, control and use lands and territories traditionally occupied, owned, or used; to manage and conserve natural resources within the territories and uphold the responsibilities for future generations; to

benefit and share the profits from allocation and utilization of the natural resources found therein; the right to negotiate the terms and conditions for the exploration of natural resources in the areas for the purpose of ensuring ecological, environmental protection and the conservation measures, pursuant to national and customary laws; the right to an informed and intelligent participation in the formulation and implementation of any project, government or private, that will affect or impact upon the ancestral domains and to receive just and fair compensation for any damages which they may sustain as a result of the project; and the right to effective measures by the government to prevent any interference with, alienation and encroachment upon these rights; x x x x"

45.2. These rights were violated when INC operated the MPSA without obtaining a Certificate Precondition and without providing any benefits to the Petitioners who are the owners of the MPSA Area which is part of the Ancestral Domain.

**Illegal
Construction of
Port at Brgy.
Maasin Brookes
Point**

46. Around May 2022, INC started constructing a Causeway/Port without first securing the approval of the Miscellaneous Lease Agreement on the offshore/seashore intended for the causeway and jetty port.

47. The residents of Maasin complained to the DENR regarding the said illegal construction of port and the DENR CENRO issued a Cease and Desist Order on May 30, 2022 directing INC to stop its construction of the said port. Copy of

the Cease and Desist Order dated May 30, 2022 is attached as **Annex "O"**.

Respondent CNMEC and INC are operating without a valid Business permit and various Sangguniang Bayan Resolutions were issued calling for the stop of its illegal mining operations

48. On September 19, 2022, the Sangguniang Bayan of Brookes Point Palawan issued Resolution 2022-114 which is a Resolution strongly urging Palawan Council for Sustainable Development to recall/revoke the reinstated SEP Clearance issued to Ipilan Nickel Corporation. A copy of the said Resolution is attached as **Annex "P"**.

49. Based on the said Resolution, numerous violations were cited by the Sangguniang Bayan regarding INC's operations namely:

- a. Cutting of trees outside the area of its earth balling and cutting permit;
- b. More or less fourteen thousand (14,000) trees identified by CENRO to be earth balled were cut;
- c. The cutting of trees was not supervised by the DENR because for several times, INC refused the entry of DENR personnel and other government agencies, such as LGU, PNP and the Philippine Marines;
- d. No SEP Clearance was secured for the cutting of the trees;
- e. No public consultation was conducted prior to the cutting of trees;
- f. Using unregistered chainsaws in the cutting of several thousand of indigenous trees.

50. INC's mining operations involve the cutting of trees, excavation, quarrying, extraction and hauling of minerals. These activities adversely affect the way of life and health of the residents within the area. In fact, the exposure to pollution

and dust put to risk the health of the Brooke's Point residents and resulted to all kinds of respiratory related diseases.

**Respondent DENR
Secretary Yulo left
unheeded the calls of the
LGU of Brooke's Point to
investigate why INC is
allowed to operate despite
the absence of mandatory
requirements from other
government agencies
namely: without a
Certificate Precondition,
without PAMB clearance
and how its MPSA was
renewed or extended
without the endorsement
of the Local Government
Unit of Brookes Point.**

51. On September 12, 2022, the Sangguniang Bayan of Brookes Point, Palawan issued Resolution no. 2022-103 entitled a Resolution urging his Excellency President Ferdinand R. Marcos Jr. thru DENR Secretary Ma. Antonia Yulo Loyzaga to investigate why Ipilan Nickel Corporation is allowed to operate despite the absence of mandatory requirements from other government agencies namely: without a Certificate Precondition, without PAMB clearance and how its MPSA was renewed or extended without the endorsement of the Local Government Unit of Brookes Point. A copy of the said Resolution is attached as **Annex "Q"**.

52. It was revealed in the said Resolution that various violations of laws had been incurred by INC in its operations which the DENR Secretary Yulo simply ignored.

53. The National Commission on Indigenous People had in fact admitted during the hearing held before the Sangguniang Bayan that INC has not obtained a Certificate Precondition and yet it is already operating.

54. No PAMB clearance was obtained despite the fact that a large portion of the upland Brgy. Maasin is within the Mt. Mantalingahan mountain range and which is considered a protected area not open to mining operations. Neither did INC apply for such clearance.

55. Prior consultation was not conducted by INC before commencing its mining operations. This is in violation of Section 26 and 27 of RA 7160. Neither was there a valid Sangguniang Bayan endorsement of such mining operations.

56. Furthermore, the said MPSA expired on September 2018 and neither was there a Sangguniang Bayan endorsement secured or issued when it was extended to 2025.

The DENR MGB Director failed to heed the call for an investigation on the appropriateness of the mining areas claimed by Ipilan Nickel Corporation, Macro Asia and Lebach in Brookes Point and to recall any permits issued

57. On July 25, 2022, the Sangguniang Bayan of Brookes Point also issued a Resolution No. 2022-74 entitled "A Resolution reiterating the Resolution No. 2015-119 "entitled a Resolution requesting the Department of Environment and Natural Resources Mines and Geoscience Bureau (DENR-MGB) for the conduct of investigation on the appropriateness of the mining areas claimed by Ipilan Nickel Corporation, Macro Asia and Lebach in the Municipality of Brooke's Point, Palawan and to recall any permits issued thereby deferring any operations of the said Three Mining Companies while the issues have been settled". A copy of Resolution 2022-74 is attached as **Annex "R"**.

58. The said Resolution urges the MGB Director to suspend the mining operations of INC among others considering that there is a need to preserve the Mount Mantalingahan Protected Landscape to ensure the integrity of the ecological processes in the forested mountain range which is critical for maintaining biodiversity and for providing

**INC is illegally operating
due to lack of a valid
Business Permit from
the LGU of Brookes
Point Palawan**

63. On February 18, 2023, the residents of Brookes Point Palawan staged a protest and barricaded the mine because INC was ignoring the exercise of Police Power of the Mayor who decided not to renew its Business Permits due to the issues surrounding the legality of its mining operations and the adverse effect on the residents when flash floods affected the areas. Attached as **Annexes "T"** series are photographs showing the said protest and rallies.

64. The cease and desist order issued by the Mayor which only seeks to protect the environment from further damage due to the illegal mining operations of INC was ignored by the latter as if it is above the law.

65. On the other hand, then MGB Regional Director Glenn Noble intervened motu proprio to favor INC and immediately wrote a letter to the Provincial Director Mr. Virgilio L. Tagle informing him that INC has not committed any violation of the mining act, other policies and the conditions of the MPSA and that the barricade should be removed as it disrupts mining operations. Attached as **Annex "U"** is the said letter issued by then Regional Director Noble.

66. This is despite the fact that numerous violations were reported to the DENR and MGB which Respondent Noble seemed to simply ignore and worse, contradict without even investigating the complaints first. Worse even the host LGU of Brooke's Point Palawan have issued various resolutions calling for a stop of the illegal mining operations but to no avail.

67. It is clear that former MGB Regional Director Noble was irresponsible in making such hasty conclusions without first making an investigation on the complaints just like what other Regional Directors would do when a complaint or charge is brought before them. Instead, Respondent Noble, at the expense of allowing environmental destruction to continue with this illegal mining activity of INC, immediately passed judgment of innocence of the charges against it.

various ecosystem services that benefits local communities. The 33 watersheds therein are valuable to lowland agricultural economy in the area. The areas covered by the MPSA of Ipilan is within the said protected area and are considered as Forest Zones.

59. With the foregoing environmental concerns, the DENR MGB should have first conducted a thorough investigation on the propriety of allowing the mining operations within the protected area to continue. Sadly, the DENR MGB Director did not act upon this Resolution sent to it and the DENR Secretary.

The environmental destruction brought about by the illegal mining operations of INC was evident when the lowland areas were inundated during the recent typhoon

60. In the month of January 2023, around 11,000 families in Brookes Point Palawan were evacuated and left homeless after flash floods in the area coming from the mountains inundated the lowlands. Even fishermen lost their source of living as water bodies were contaminated with laterite that came running down from the mine pits of INC.

61. This is because INC was allowed to conduct mining operations in the Mt. Mantalingahan mountain ranges which would naturally cause the overflow of mud and effluents due to strong rains. It was noted that Brookes Point is prone to flooding and which should have given the MGB and the DENR more reason to stop mining operations due to the geo hazards in the areas.

62. However, due to the inaction and omission of the DENR despite calls to suspend mining operations therein, the people of Brookes Point suffered and lost lives and property. Photographs showing the recent flooding in Brookes Point due to the mining operations of INC are attached as **Annexes "S"** series.

68. Right then and there, former MGB Regional Director Noble killed all issues raised against INC and disregarded the right of the people to conduct a peaceful protest and exercise their right to organize themselves and express themselves freely.

69. From all the foregoing, it is clear that the residents of Brookes Point or even its LGU are all powerless against the DENR's tolerance and consent over the illegal mining operations of INC. The Public Respondents' inaction and silence over the issues being raised and violations complained of against INC are all left unheeded. With the assumption of Respondent Felizardo Gacad to office as the new MGB MIMAROPA Regional Director, he should be directed to reverse the illegal orders of former Regional Director Noble.

70. With this, Petitioners feel that there is no other plain, speedy and adequate remedy to protect and save the environment and their rights as Indigenous Peoples except through a Writ of Kalikasan for it is clear under Section 16 Article II of the Philippine Constitution that the "State shall protect and advance the right of the people to a balanced and healthful ecology x x x x" which, unfortunately, the citizens will be deprived of if the illegal mining activity of INC in the Mt. Mantalingahan Protected Landscape is not stopped immediately.

V. PROVISIONAL REMEDY

A Temporary Environmental Protection Order must be issued immediately

71. The foregoing facts detailing the violations of environmental laws by Public and Private Respondents render the LGU of Brooke's Point Palawan and Indigenous Peoples rather helpless. INC and CNMEC will continue operating unless the DENR stops them. This is however a very remote possibility as the DENR and Mines and Geo Sciences Bureau are in fact tolerating their acts by issuing orders that even encourage them to continue operating. There is thus an urgent need for a Temporary Environmental Protection Order to be

issued to direct INC and CNMEC to cease and desist from conducting illegal mining operations pending the final determination of this Petition.

72. It is now 2023 and if INC and CNMEC will be allowed to freely conduct mining operations until 2025, the rights of the Indigenous Peoples will be violated and taken for granted until such time that they leave the mining area. INC and CNMEC are shipping and selling the minerals that they extract without the proper payment of royalties to the Petitioners and their group. At the end of the day, INC and CNMEC will just leave the mined out area without any benefit being given to the affected Indigenous People who are the rightful owners of the Ancestral Domain being mined.

73. In fact, the ancestral domain of Petitioners as well as the Mt. Matalingahan Protected Landscape will be exploited and destroyed instead of being preserved and protected unless a TEPO is issued. The Judicial Affidavits of the Petitioners are attached herein in further support of this Petition and prayer for a Temporary Environmental Protection Order under Rule 13 of A.M. NO. 09-6-8-SC. Attached as **Annex "V"** is a copy of the Resolution authorizing Petitioners to represent them in the filing of this Petition.

VI PRAYER

WHEREFORE, it is most respectfully prayed that upon filing of this Petition, a Temporary Environmental Protection Order be issued against Respondents to cease and desist from continuing its mining operations and shipment of extracted nickel and that after due determination of this Petition, a Writ of Kalikasan be issued ordering the cancellation of the MPSA No. 017-93-IV. It is further prayed that Ipilan Nickel Corporation and Celestial Nickel Mining and Exploration Corporation be ordered to Cease and desist from conducting mining operations within the Mt. Mantalingahan mountain ranges.

Such other reliefs just and equitable are likewise prayed for under the premises.

July 27, 2023 Quezon City for Manila.



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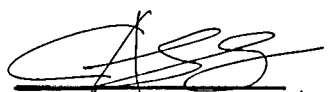
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