



Republic of the Philippines
Department of Environment and Natural Resources
MINES AND GEOSCIENCES BUREAU

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11 August 2023

THE SOLICITOR GENERAL

Office of the Solicitor General
134 Amorsolo St., Legaspi Village
1229 Makati City

THRU: **ATTY. SHARON E. MILLAN-DECANO**
Assistant Solicitor General

ATTY. CHERYL ANGELINE M. ROQUE-JAVIER
Senior State Solicitor

SUBJECT: **INDIGENOUS CULTURAL COMMUNITIES OF BICAMM
ANCESTRAL DOMAIN, BROOKE'S POINT, PALAWAN versus
OFFICE OF THE SECRETARY OF THE DENR, SEC. MA. ANTONIA
YULO-LOYZAGA, ET AL.**

Dear **SOLICITOR GENERAL GUEVARRA:**

Pursuant to our preliminary discussions, We are respectfully referring the above subject case filed by the Indigenous Cultural Communities of Bicamm Ancestral Doman, Brooke's Point, Palawan against the Department of Natural Resources (DENR) Secretary Ma. Antonia Yulo-Loyzaga, DENR Undersecretary Atty. Ernesto D. Adobo, Jr. and Mines and Geosciences Bureau (MGB) Director Atty. Danilo U. Uykieng, MGB Region IV-B MIMAROPA Felizardo Gacad, Celestial Nickel Mining and Exploration Corporation, and Ipilan Nickel Corporation.

In relation to this, we are forwarding the pertinent documents, with the request to represent this Office in the aforementioned case pursuant to the applicable provisions of Executive Order No. 291, the Administrative Code of 1987.

Sincerely yours,

ATTY. DANILO U. UYKIENG
Officer-in-Charge, Director, MGB



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FACT SHEET

CELESTIAL NICKEL MINING EXPLORATION CORPORATION

Mining Tenement	:	Mineral Production Sharing Agreement (MPSA) No. 017-93-IV as Amended-2000
Mining Tenement Holder	:	Celestial Nickel Mining Exploration Corporation (Celestial)
President	:	Atty. Dante R. Bravo
Address	:	Penthouse, Platinum Tower, Aseana Avenue corner Fuentes Street, Aseana, Parañaque City
Contract Area	:	2,835.06 hectares (as per MPSA Contract) 2,917.274 hectares (as per approved survey plan)
Location	:	Ipilan, Mambalot, Brooke's Point, Palawan
Date Granted	:	September 18, 1993 (original) April 10, 2000 (amended)
Term	:	25 years; renewable for like period
Mineral Commodity	:	Nickel and other associated mineral deposits.
Rights Granted	:	The exclusive right to initially explore, possibly develop and commercially utilize certain nickel ore deposits existing within the contract area and other minerals that may be discovered
Operator	:	Ipilan Nickel Corporation (Ipilan)
President	:	Atty. Dante R. Bravo
Address	:	Penthouse, Platinum Tower, Aseana Avenue corner Fuentes Street, Aseana, Parañaque City
Status of Mining Tenement:		Under Operating Period

Chronology of Events :

August 5, 1993	<p>The Philippine Government, through the Department of Environment and Natural Resources (DENR), and Celestial executed MPSA No. 017-93-IV covering the contract area of 2,835.06 hectares located in Brooke's Point, Palawan.</p> <p>The said MPSA grants Celestial the right to initially explore, then possibly develop and commercially utilize the mineral</p>
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	deposits therein for a period of 25 years renewal for like period.
September 18, 1993	<p>MPSA No. 017-93-IV was approved by the President of the Republic of the Philippines and was subsequently registered on December 08, 1993.</p> <p>Records show that exploration works such as drilling and test pitting were initiated in the area as early as 1970-1971 by Nippon Mining Corporation under the purview of the old mining law. Exploration works under the purview of the MPSA started in September 1993 to September 1995.</p>
November 12, 1996	The Mines and Geosciences Bureau (MGB) Central Office (CO) approved the first renewal of the Exploration Period under MPSA No. 017-96-IV.
November 23, 1996	MGB CO approved the second renewal of the Exploration Period under MPSA No. 017-96-IV.
April 10, 2000	MPSA No. 017-93-IV as Amended-2000 was executed amending the original contract to conform with the pertinent provisions of Republic Act (RA) No. 7942.
January 19, 2005	<p>The Operating Agreement (OA) was executed by and between Celestial and Ipilan granting the latter the exclusive right to conduct mining operations within the contract area under MPSA No. 017-93-IV.</p> <p>The said OA was registered in MGB MIMAROPA Region on August 25, 2005.</p>
March 31, 2006	The National Commission on Indigenous Peoples (NCIP) wrote to Celestial informing that <i>"since your MPSA was already approved by the DENR-MGB on August 5, 1993, your company has no more need to secure the necessary Certification Precondition (CP) from our office since the requirement for securing the necessary Certification Precondition applies to applications filed after R.A. 8371 or the Indigenous Peoples Rights Act (IPRA) of 1997 was enacted."</i>
April 18, 2006	MGB CO approved the third renewal of the Exploration Period under MPSA No. 017-93-IV.
January 5, 2009	MGB CO approved the fourth renewal of the under MPSA-017-93-IV.
June 23, 2009	<p>Presidential Proclamation No. 1815 was issued designating Mount Mantalingahan Mountain Range situated in the Municipalities of Bataraza, Brooke's Point, Sofronio Española, Quezon and Rizal, Province of Palawan as a protected landscape area.</p> <p>[Note: Approximately 1,379.3-hectare portion of the contract area falls within the Mt. Mantalingahan Protected Landscape (MMPL). However, the provision under Proclamation No. 1815 states that</p>

	<i>"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."]</i>
October 8, 2010	The Environmental Compliance Certificate (ECC) with Ref. No. 1006-0017 was issued by the DENR, through the Environmental Management Bureau (EMB), to Ipilan for the extraction of nickel laterite ore in the proposed <i>Ipilan Nickel Project</i> , or the entire 2,835-hectare contract area of MPSA No. 017-93-IV.
December 21, 2010	<p>The Strategic Environmental Plan (SEP) Clearance with Ref. No. MODP-122110-001 was issued by the Palawan Council for Sustainable Development (PCSD) to Ipilan for its mining operations within the 2,307.06-hectare portion of the 2,835.06-hectare contract area.</p> <p>The same clearance, however, required that a 200-meter buffer on both sides of Maasin River must be delineated and marked on the ground and must not be subjected to mining activities to serve as natural barriers against erosion and siltation.</p>
January 6, 2014	MGB CO wrote to Celestial informing that it has already reached the maximum limit of an Exploration Period which is 8 years where Celestial has covered a total of 10 years for the Exploration Period. Also that Celestial has failed to comply in the proviso that Celestial must file for a Declaration of Mining Project Feasibility (DMPF). This Office required Celestial to show cause within 15 days from receipt thereof why the renewal application should not be denied and why the breach of MPSA should not be considered a ground for its cancellation.
March 26, 2014	<p>Celestial wrote to MGB CO informing that:</p> <ul style="list-style-type: none"> • <i>"We have submitted the deficiencies stated in the said Memoranda that include, among others, the application for renewal of Exploration Period, albeit aware, that we don't really need to seek renewal since all field activities and ground works needed to establish the commercial feasibility of the nickel prospect have already been undertaken and completed."</i> • <i>"... we submitted a letter to MGB-IVB dated August 9, 2010 declaring a Declaration of Mining Project Feasibility..."</i> • <i>"...we have also submitted and complied with all the mandatory requirements for the approval of the Operating Agreement..."</i>
February 16, 2015	Ipilan, on behalf of Celestial, filed its application in MGB MIMAROPA Region for partial DMPF under MPSA No.

	017-93-IV covering the 343.3-hectare portion of the contract area.
April 20, 2015	MGB CO issued an Order authorizing Ipilan as Operator of Celestial under MPSA No. 017-93-IV pursuant to the January 19, 2005 OA executed by the parties.
September 9, 2015	MGB MIMAROPA Region forwarded a copy of Municipal Resolution No. 2015-119 adopted by the Sangguniang Bayan-Brooke's Point, Province of Palawan re: " <i>A Resolution for the Conduct of Investigation on the Appropriateness of the Mining Areas Claimed by Ipilan, Macroasia 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 Not Been Settled</i> " to Ipilan and requested them of their position for the said matter.
September 14, 2015	MGB MIMAROPA Region received another copy of the Resolution No. 2015-119 from the Office of the Sangguniang Bayan – Brooke's Point, Palawan, together with the resolutions from New Panay- Maasin-Calasaguen Irrigator Association and Ipilan-Barong Barong-Aribungos Sabsaban Irrigators Association, which strongly oppose to the operation of Ipilan.
September 21, 2015	<p>MGB MIMAROPA Region received the response of Ipilan to the Sangguniang Bayan of Brooke's Point approved Resolution No. 2015-119. Regarding the concerns raised in the Resolution, which it responded as follows:</p> <p>On the alleged overlapping of MPSA on MMPL and the ancestral domains of the IPs:</p> <p>The MPSA predates the proposed Final Boundary of MMPL. It is protected under the pertinent provision of Presidential Proclamation No. 1815 creating the MMPL while recognizing prior or vested rights. The said Proclamation delineates a boundary that runs outside of our mining project. Both Celestial and the national government have relied in good faith under the protective mantle of this law. The government cannot under the expedient of a resolution from the <i>Sangguniang Bayan</i> turn its back from its obligations under the binding contract that is the MPSA especially because the DENR, the primary arm of the government, in the utilization of the natural resources both under the Constitution and the Revised Administrative Code, has already given its imprimatur to let the holder of the MPSA proceed with the mining project. The government is mandated to honor its contract under the non-impairment clause of the Constitution. On the other hand, the MPSA also predates the enactment of RA 8371 or the Indigenous Peoples Right Act of 1997. But out of goodwill and abiding respect, Ipilan has entered into a Memorandum of</p>

	<p>Agreement with the Indigenous Peoples (IPs) in the area covered by the MPSA and has committed to provide sustainable future in the project affected communities. This program is embodied in the Social Management Development Program. Community Development Plan (CDP) required, submitted, and monitored by the Mines and Geosciences Bureau as well as the concerned LGU.</p> <p>On the allegation that mining is an extractive operation that would affect the municipality:</p> <p>Mining is not about indiscriminate extraction of minerals.</p> <p>The mining Act of 1995 allows and promotes mine development consistent with:</p> <p>xxx the rational exploration, development, utilization, and conservation through the combined efforts of government and private sector to enhance national growth in a way that effectively safeguards the environment and protects the rights of affected communities xxx (Section 2 of RA 7942)</p> <p>Since mining as a resource-extractive industry is considered environmentally critical, the Mining Act of 1995 directs the MPSA Contractor the adoption of environmental objectives attainable through the putting in place of the Environmental Protection and Enhancement Program. The ECC likewise enumerates the environmental management conditions that need to be complied with by the MPSA contractor. Our companies are exerting their best in ensuring that these conditions are met satisfactorily.</p> <p>As to the other concerns that the presence of mining project will coincide with the project/s being instituted of late by the municipality, suffice it to state that we are supportive of all the undertakings being pushed by its leadership especially those that will directly benefit its constituency. We only request that as holder and operator of nationally approved MPSA we be consulted and that our rights over the contracted area be respected.</p>
November 2, 2015	MGB MIMAROPA Region issued a Memorandum to MGB CO forwarding the application of Ipilan for partial DMPF under MPSA No. 017-93-IV covering the 343.3-hectare portion of the contract area.
January 6, 2016	Ipilan wrote to MGB MIMAROPA Region regarding its intent to file for an application for the renewal of the MPSA.
February 11, 2016	MGB CO informed Ipilan that in the meeting of the Technical Committee of Mining Feasibility Studies (TCMFS), it was determined that there were lacking requirements and comments that they need to submit/address. Ipilan was given 30 days upon receipt of the letter to submit the pertinent documents.

April 20, 2016	<p>MGB CO issued the Order approving the partial DMPF allowing Celestial and/or Ipilan to proceed to the Development and Operating Periods of MPSA No. 017-93-IV within the 343.3-hectare portion of the contract area, including the extraction and commercial disposition of nickel and other associated minerals, subject to the following conditions:</p> <ol style="list-style-type: none"> 1. That the conduct of mining operations by Celestial and/or Ipilan shall be confined to the 343.3-hectare portion of the contract area; 2. That such mining operations by Celestial and/or Ipilan shall be in accordance with the existing applicable laws, their implementing rules and regulations, and the pertinent provisions of MPSA No. 017-93-IV; 3. That Celestial shall relinquish in favor of the Government the remaining 2,491.76-hectare portion of the contract area within 15 days from receipt of the Order; 4. That Celestial and/or Ipilan shall submit all future pertinent sales agreement(s)/marketing contract(s) to MGB CO for registration, before any sale and/or shipment of mineral product is made and that is shall immediately inform MGB CO in writing any revisions, changes or additions in said agreement(s)/contract(s); 5. That Celestial and/or Ipilan <i>"shall endeavor to obtain the best achievable price for its production"</i> pursuant to Section VIII of MPSA No. 017-93-IV; and that is shall <i>"dispose of the minerals and by-products produced at the highest market price and to negotiate for more advantageous terms and conditions subject to the right to enter into long-term sales or marketing contracts or foreign exchange and commodity hedging contracts which the Government acknowledges to be acceptable notwithstanding that the sale price of the minerals may from time to time be lower, or the terms and conditions of sales are less favorable, than that available elsewhere,"</i> pursuant to Section 39 of the pertinent provisions of DENR Administrative Order No. 2010-21; 6. That any change in or deviation from the approved FS Report, which will alter the economics of the project by more than ten percent (10%) shall require an amended FS Report subject to approval by MGB CO; 7. That Celestial and/or Ipilan shall submit/secure the following within 60 days from receipt of the Order: <ol style="list-style-type: none"> a. Approved Mining Project Feasibility Study Report; b. Approved Survey Plan;

	<p>c. Proof of financial capability in the form of CY 2016 credit line(s)/bank guarantee(s)/deposit(s) and/or similar negotiable instruments in the total amount that is not less than the capital investment based on the Mining Project Feasibility Study Report (FS Report);</p> <p>d. Approved Three-Year Development and/or Utilization Work Program (3YD/UWP).</p> <p>That failure to comply with any of the above conditions shall be a ground for withdrawal of this Order.</p>
May 24, 2016	Ipilan wrote to MGB CO requesting <i>"to amend the [DMPF], notwithstanding the approved and development of the 343.3 hectare area, to cover the whole MPSA area."</i>
May 26, 2016	The DENR MIMAROPA Region issued a Tree Cutting and Earth Baling Permit No. DENR IV-B MIMAROPA-2016-04 covering 52.15 hectares and a <i>"Maximum of only 13,490 trees of various species with diameters of 16 centimeters and above shall be authorized to be cut and 14,439 trees with diameter of 15 centimeters and below shall be earth-balled."</i>
June 22, 2016	<p>The FS Report for the DMPF under MPSA No. 017-97-IV was approved by the Technical Committee on Mining Feasibility Studies of MGB CO, with the following highlights:</p> <ul style="list-style-type: none"> • Average production rate of 1.25 Million WMT per year; • Probable ore reserves of 13.07 Million WMT; • Mine life of 10 years; • Employment of 490 personnel; • Total capital investment of PhP1.55 Billion.
December 13, 2016	The Survey Plan of Ipilan under MPSA No. 017-93-IV Amended-2000 (Celestial/Ipilan) was approved by MGB MIMAROPA Region with the Certification that it is <i>"plotted based on the technical description described in MPSA No. 220-2005-IVB of Macroasia Corporation and MPSA No. 017-93-IV of Celestial Nickel Mining Exploration Corporation. This shall be subject to amendment after the resolution of the boundary conflict."</i>
December 14, 2016	DENR wrote to Ipilan informing that it has cancelled the ECC granted to it pursuant to DAO No. 2003-30 item 10.d, which states that <i>"the ECC automatically expires if a project has not been implemented within five (5) years from ECC issuance, or if the ECC was not requested for extension within three (3) months from the expiration of its validity."</i>
January 4, 2017	Ipilan filed at the DENR its Letter-Reconsideration pertaining to the cancellation of its ECC.
January 19, 2017	Ipilan wrote to MGB CO providing a copy of the approved Survey Plan under MPSA No. 017-93-IV.

January 25, 2017	Ipilan filed in the DENR its Supplement to the Motion for Reconsideration (MR) on the December 14, 2016 Letter.
February 27, 2017	Ipilan wrote to the DENR and MGB CO serving Notice, among others, that (1) “[h]aving issued in violation of substantive and procedural due process, the DENR Letter has no legal effect. As such, it does not bind nor bound INC [referring to Ipilan] x x x” and (2) it shall “continue its road lots acquisition and development and implement the legal mandates it has earlier obtained from your department [referring to DENR]” in connection with the December 14, 2016 Letter.
March 21, 2017	The Office of the Mayor of Brooke’s Point informed the DENR that Ipilan is constructing fences in its mining area and that a number of heavy equipment was observed delivered in the area.
March 22, 2017	MGB MIMAROPA Region requested Ipilan to clarify the dump trucks brought into its MPSA area.
March 28, 2017	<p>The technical staff of the MGB MIMAROPA Region conducted a field investigation in reference to the March 21, 2017 complaint of the Mayor of Brooke’s Point.</p> <p>The investigation revealed that there were no mining or related activities that were conducted at the time of the investigation.</p>
March 30, 2017	Ipilan informed MGB MIMAROPA Region that its work schedules are being implemented based on contract and applicable laws.
April 12, 2017	<p>MGB CO wrote to Ipilan informing that it still cannot mining operations in view of lack of ECC and failure to comply with Condition Nos. 3, 7c and 7d of the Order dated April 20, 2016 in re: “<i>PARTIAL DECLARATION OF MINING PROJECT FEASIBILITY OF CELESTIAL NICKEL MINING EXPLORATION CORPORATION UNDER MINERAL PRODUCTION SHARING AGREEMENT NO. 017-93-IV.</i>”</p> <p>The evaluation of MGB CO shows that Ipilan/Celestial cannot conduct mining operation in view of the following:</p> <ol style="list-style-type: none"> 1. Lack of ECC. <p>Please be informed that only the Office of the President and the proper court can render decision that the action of the DENR has “<i>been issued in violation of substantive and procedural due process.</i>” MGB CO has no other recourse but to defer to the decision/order of the DENR.</p> <ol style="list-style-type: none"> 2. Failure to comply with Condition Nos. 3, 7c and 7d of the Order dated April 20, 2016 in re: “<i>PARTIAL</i>

	<p><i>DECLARATION OF MINING PROJECT FEASIBILITY OF CELESTIAL NICKEL MINING EXPLORATION CORPORATION UNDER MINERAL PRODUCTION SHARING AGREEMENT NO. 017-93-IV,” as follows:</i></p> <p>2.1. Relinquishment in favor of the Government of the remaining 2,491.76-hectare portion of the contract area.</p> <p>In view of the appeal of Ipilan to amend the DMPF to cover the entire contract area per its Letter dated May 24, 2016, Celestial/Ipilan should have submitted the following:</p> <p>2.1.1. Amended sworn DMPF to cover the entire contract area, duly signed by the President of Celestial/Ipilan;</p> <p>2.1.2. Mines and Geosciences Bureau MIMAROPA Region registered Board Resolution as to the authority of the person who is filing the amended sworn DMPF; and</p> <p>2.1.3. Final Exploration Report covering the said 2,491.76-hectare area.</p> <p>[Note: The relinquishment was required since Celestial has consumed the total term for Exploration Period. Hence, the submission of Final Exploration Report is required.]</p> <p>2.2. Submission of –</p> <p>2.2.1. Proof of financial capability in the form of CY 2017 credit line(s)/bank guarantee(s)/deposit(s) and/or similar negotiable instruments in the total amount that is not less than the capital investment based on the approved Feasibility Study (FS) Report.</p> <p>[Note: The credit line facility in the amount of USD 20 Million is insufficient. The total capital investment based on the approved FS Report is PhP 1.55 Billion (USD 35.23 Million), USD 9.46 Million of which has already been spent for exploration and development costs per the approved FS Report. Hence, Ipilan would still need USD 25.77 Million (or 35.23 – 9.46 Million) for its capital investment.</p> <p>Ipilan still needs to submit additional proof of financial capability in the</p>
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	<p>amount that is not less than USD 5.77 Million.]</p> <p>2.3. Two printed and two electronic copies of the final approved FS Report.</p> <p>2.4. Revised 3YD/UWP which conforms to the approved FS Report.</p>
May 5, 2017	Ipilan wrote to the Provincial Environmental and Natural Resources Office of Palawan informing that the cancellation of the ECC has yet to attain finality.
May 12, 2017	MGB MIMAROPA Region wrote to Ipilan to instructing to refrain from conducting any mining or related activities pending resolution of its MR on the cancellation of its ECC.
May 15, 2017	<p>Ipilan wrote to MGB CO responding to the April 12, 2017 Letter, to quote:</p> <p>“1) ECC</p> <p><i>We are currently following up the status on our motion for reconsideration which we filed on January 4, 2017 at the Office of the Secretary, DENR of the cancelled ECC.</i></p> <p>2) Compliance to the conditions stipulated in the Order of Approval in re: Partial Declaration of Mining Project Feasibility of Celestial Nickel Mining Exploration Corporation under Mineral Production Sharing Agreement No. 017-93-IV:</p> <p><i>2.1 Relinquishment in favor of the Government of the remaining 2,491.76-hectare portion of the contract area</i></p> <p><i>On May 24, 2016, Ipilan made an appeal to amend the Declaration of Mining Project Feasibility Study to cover the entire MPSA area. As additional requirement, we are submitting the following supporting documents:</i></p> <p><i>2.1.1 Amended Sworn Declaration of Mining Project Feasibility covering the entire contract area duly signed by the President of Celestial/Ipilan and registered with the Mines and Geosciences Bureau Regional Office No. IVB;</i></p> <p><i>2.1.2 Secretary Certificate of a Board Resolution as to the authority of the person filing the amended Sworn Declaration of Mining Project Feasibility duly registered with the Mines and Geosciences Bureau Regional Office No. IVB; and</i></p> <p><i>2.1.3 Final Exploration Reports of the entire MPSA area conducted by Ramon A.L. Flores and Vicente M. Jayme, Jr.</i></p>

	<p><i>Likewise we are submitting the following required documents:</i></p> <p><i>2.2 Additional Proof of Financial Capability</i></p> <p><i>2.2.1 BDO Bank Certificate attesting to Ipilan Nickel Corporation's dollar deposit amounting to seventeen (USD 17M) million US dollars</i></p> <p><i>2.3 Two (2) printed and two (2) electronic copies of final approved FS report</i></p> <p><i>2.4 Revised Three-Year Development/Utilization Work Program conforming to the approved and final FS Report."</i></p>
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<p>May 17, 2017</p>	<p>DENR MIMAROPA Region wrote to Ipilan suspending the Special Tree Cutting and Earth-Balling Permit (STCEP) No. DENR IV-B-MIMAROPA-2016-014 in view of the following events that transpired:</p> <ol style="list-style-type: none"> 1. <i>“Based on the Report dated May 4, 2017 submitted by the In-Charge of the Office of the CENRO [referring to Community Environment and Natural Resources Office], Brooke’s Point, Palawan, it was disclosed that your client company has been conducting under brushing, clearing, and cutting of trees using axes sometime in April 2017, upon the report of Mayor Feliciano, and that personnel of CENRO Brooke’s Point who were instructed to verify the clearing and cutting were informed by the management that they will only be allowed to enter if there is a representative from the Mines and Geosciences Bureau (MGB).”</i> 2. <i>“On May 3, 2017, as reported again by Mayor Feliciano, and as reported by a concerned citizen, your client company conducted tree cutting with the use of unregistered chainsaws. A composite team of DENR-CENRO personnel, municipal LGU personnel and PNP personnel was organized and dispatched to the area to conduct an ocular inspection, however, they were not allowed to enter by your client’s security group who informed them that they had to secure first a clearance from your client company’s management before they can be allowed to enter the area.”</i> 3. <i>“On May 4, 2017, a letter was sent to your client requesting for a clearance to conduct an ocular inspection in the area, however, the request would still be subject to approval of the top management of your client company in Manila.</i> <p><i>The pertinent provisions of the permit, specifically Nos. 13 and 19 thereof, clearly state that:</i></p> <p><i>19. Violations of any of the terms and conditions shall be sufficient ground for the termination/cancellation of the permit, subject to due process without prejudice to the impositions of appropriate penalties pursuant to existing regulations xxx.”</i></p> <p>In addition, Ipilan was required to show cause why the said permit should not be cancelled in view of the above violations.</p>
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May 26, 2017	<p>In the Memorandum Report of the CENRO of Brooke's Point, Palawan to the DENR Undersecretary for Field Operation, it was reported that <i>"there are 3,352 felled trees inventoried/scaled with a total volume of 1,648.59 cubic meters dominated by Agoho, Malabayabas, Nato, Apitong baboy and other hardwood species."</i></p> <p>The Special Tree Cutting Permit expired.</p>
May 30, 2017	<p>MGB MIMAROPA Region received the undated copy of the Memorandum Initial Report of the DENR MIMAROPA Region for the Undersecretary for Field Operations of the DENR.</p> <p>The report states that <i>"there are 3,352 felled trees that are recorded and scaled with a total volume of 1,648.59 cubic meters. The felled trees are predominantly Agoho, Malabayabas, Nato, Apitong Baboy and other hardwood species. The team also reports the presence of test pits that poses a danger to the team. The test pits have a depth of 25 meters, and each test pit is almost at a 25-meter distance from each other. Xxx..."</i></p> <p><i>"The inventory and scaling of felled trees are expected to be completed in three (3) days..."</i></p>
June 30, 2017	<p>Ipilan wrote to MGB MIMAROPA requesting for the endorsement of its application for renewal of the Certification Precondition to the NCIP.</p>
July 3, 2017	<p>Ipilan, in its letter to the CENRO Brooke's Point, requested that it be allowed to <i>"undertake gravelling along the road, to keep it stable and safe, so that we can successfully initiate continuous hauling after rain occurred, even when the ground is wet."</i></p> <p>The above request emanated from the <i>"intermittent but heavy rain at the site... The delays we are experiencing will result to extended time for completion of the retrieval operation of the logs."</i></p>
July 3, 2017	<p>CENRO Brooke's Point forwarded to the DENR MIMAROPA Region the July 3, 2017 Letter request of Ipilan for further instruction.</p>
July 3, 2017	<p>PENRO Palawan forwarded to the DENR MIMAROPA Region the Letter-request of even date from Ipilan for <i>"the construction of check dams and other environmental structures at strategic locations to mitigate soil erosion and silt contamination to the nearby creeks and rivers in the area, hence requesting clearance."</i></p>
July 6, 2017	<p>The July 3, 2017 Memorandum from the PENRO of Palawan was forwarded to the MGB MIMAROPA Region for the immediate <i>"evaluation of the INC's request particularly the feasibility and soundness of the proposal to construct</i></p>

	<p><i>check dams and other environmental structures such as siltation ponds.”</i></p> <p><i>It added that “INC constructed a new road on June 24-26, 2017 without clearance from the DENR, despite the CENRO’s advice not to proceed. The new road is within the company’s Mineral Production Sharing Agreement (MPSA) area; and a portion is part of the road network covered by its suspended and expired Special Tree Cutting Permit (STCP). The road is 1.8 kilometers long: a kilometer of the road is within the expired STCP, and the remaining 800 meters is outside of the expired STCP and without a special land use permit.”</i></p>
July 7, 2017	<p>MGB MIMAROPA Region endorsed to the NCIP the request of Ipilan for the issuance of a Certificate of Ancestral Land Claim/Certificate of Ancestral Domain for the MPSA area granted to Celestial.</p>
July 17, 2017	<p>The investigating team, composed of personnel from the MGB, EMB and the DENR MIMAROPA Region, recommended, in its report from the July 11-13, 2017 investigation, among others:</p> <ol style="list-style-type: none"> 1. <i>“Immediately conduct measures or steps to rehabilitate the destroyed forest areas as a result of tree cutting such as restoration planting with indigenous and endemic tree species and provision of measures to contain laterite and prevent laterite run-off to reach bodies of waters such as rivers, creeks, dam reservoirs, farmlands and eventual coastal water endpoints.”</i> 2. <i>“Immediately establish environmental mitigating measures as proposed by the INC. The proposals were found to be appropriate and immediate installation of mitigating measures such as perimeter canal, silt ponds, etc. are necessary to avoid heavy siltation of the receiving downstream rivers including the Mambalot NIA Irrigation Dam.”</i> 3. <i>“Issue advisory/notice to the INC that the proposal to install environmental impact mitigating measures should push through to protect the bodies of water downstream without prejudice to any legal action currently being pursued against the INC.”</i> 4. <i>“Prior to the implementation of the mitigating measures, the INC shall submit work program with comprehensive engineering design plan with complete specifications, indicating schedule of activity completion duly certified/signed and endorsed by authorized INC officials to DENR, and subject for review and approval by the DENR before any mitigating measures are implemented on the ground.”</i> 5. <i>“Gravelling of portions of the old/existing road must be undertaken for stabilization purposes for safety and efficient transport of cut logs. It is also recommended that grading of the entire stretch of the road be</i>

	<i>undertaken to remove loose soil and prevent conveyance to nearby water bodies.”</i>
July 21, 2017	EMB MIMAROPA Region wrote to Ipilan reminding that <i>“the ECC automatically expires if a project has not been implemented within five (5) years from ECC issuance, or if the ECC was not requested for extension within three (3) months from the expiration of its validity”</i> and informing that the said ECC is already deemed cancelled.
July 24, 2017	DENR MIMAROPA Region issued a Certification attesting that the Office <i>“has not issued any Special Land-Use Permit (SLUP) to Ipilan...”</i>
July 24, 2017	DENR MIMAROPA Region wrote to Ipilan reminding that <i>“continuous actions in the area are considered violations of Presidential Decree 1586 and DAO 2003-30. Such is considered as a project operating without an ECC, which is considered a violation of said law and rule. We also remind you that without an ECC, your company cannot operate in the area nor commence any activity that may prejudice the environment.”</i>
July 27, 2017	<p>PCSD en banc issued the PCSD Resolution No. 17-588 recalling SEP Clearance No. MODP-122110-001 in view of the following:</p> <ol style="list-style-type: none"> 1. Eighty percent of the areas covered under MPSA No. 017-93-IV are classified as core zones; 2. No SEP Clearance should have been issued to Ipilan as the areas where it operated and continuously operating its project area considered areas of maximum protection; 3. The SEP Clearance of Ipilan was not in accordance with the updated and existing ECAN Map (v. 2005) of the Municipality of Brooke’s Point, Palawan. The said map was approved by the PCSD during the 126th meeting on February 24, 2006; 4. Ipilan failed to secure other necessary permits/clearances from other concerned agencies, such as permits from the Municipal Government of Ipilan; 5. ECC of Ipilan was cancelled by the DENR; and 6. Ipilan failed to faithfully heed the requirements necessary for the protection of Palawan’s environment and natural resources, particularly in the area where its project is located. <p>The said Resolution also recommends to the DENR the issuance of Cease and Desist Order (CDO) to Ipilan.</p>
August 1, 2017	PENRO Palawan forwarded to the DENR MIMAROPA the July 19, 2017 report from the CENRO informing the presence of construction materials intended for a

	guardhouse at the MPSA area of Ipilan, to secure the illegal entry and occupation of intruders in the MPSA area.
August 25, 2017	EMB MIMAROPA Region issued a Resolution, which denied the MR premised on the issued CDO.
August 29, 2017	A Secretary's Certificate from Celestial was submitted to MGB MIMAROPA Region which <i>"authorizes the relinquishment of a land area, which in the aggregate is more or less 300 hectares, identifies as not mineralized."</i>
September 11, 2017	Celestial wrote to MGB MIMAROPA Region regarding the relinquishment of the 271.5983-hectare portion of the contract area.
September 19, 2017	MGB MIMAROPA Region furnished the DENR MIMAROPA Region a copy of the field investigation Report, which recommended that the company should push through with the installation of environmental impact mitigating measures to protect the water bodies downstream without prejudice to any legal action currently being pursued against the company.
October 24, 2017	Celestial filed its application for renewal of MPSA No. 017-93-IV in MGB MIMAROPA Region.
February 23, 2018	CENRO Brooke's Point reported to the DENR MIMAROPA Region the demolition of the structures within the MPSA area of Ipilan, on February 21, 2018, the act was headed by the Mayor of the Municipality.
February 28, [2018]	Ipilan wrote to MGB MIMAROPA Region informing of the alleged forcible entry and illegal demolition of mining structures of the company by Mayor Mary Jean Feliciano and her armed group on February 21, 2018.
March 6, 2018	MGB MIMAROPA Region wrote to the Department of Interior and Local Government MIMAROPA Region informing the February 28, [2018] Letter for its appropriate action pursuant to Chapter III of RA No. 7160, the Local Government Code of 1991.
March 22, 2018	MGB CO issued a Memorandum to MGB MIMAROPA Region informing of the report of Mayor M. J. Feliciano of the alleged conduct of mine development activities by Ipilan in the contract area despite the CDO issued by the DENR and directing it to <i>"conduct an immediate verification and validation of the reported activities in coordination with the DENR Regional Office and the Environmental Management Bureau Regional Office concerned."</i>
April 19, 2018	MGB MIMAROPA returned to Celestial the application for the renewal of the MPSA, requiring it to submit a Certification from the NCIP.

June 7, 2018	<p>Celestial resubmitted its application for the renewal of its MPSA, with a justification that:</p> <ol style="list-style-type: none"> 1. the NCIP personnel are <i>“currently in the Free Prior Informed Consent activities.”</i> 2. The renewal fee shall be paid after it has finalized/amended the applied area using the new technical description that divided the conflict area. 3. The ECC is still under appeal.
June 20, 2018	Celestial submitted its application for survey order covering the western boundary of the MPSA.
July 13, 2018	MGB MIMAROPA acknowledge the re-submission of the application for the renewal of the MPSA, however it informed Celestial that it <i>“shall defer the evaluation of the application for renewal due to the legal impediment of the pending appeal from the cancellation of the Environmental Compliance Certificate.”</i>
July 24, 2018	The Palawan Unified Command, Palawan Highlanders Command of Brooke’s Point, Palawan wrote to the PENRO Palawan, informing that Celestial should secure a Free and Prior Informed Consent as a requirement for the renewal of its MPSA.
August 28, 2018	<p>Celestial submitted the revised location map amending the application for the renewal of the MPSA <i>“depicting the new technical description and boundary that divide equally the gaps and overlaps between MPSA No. 017-93-IV of CNMEC and MPSA No. 220-2005-IV of Macroasia as conformed by both parties on November 09, 2016.”</i></p> <p>Celestial also stated that it will continue to update and/or submit deficiencies in the mandatory requirements for the MPSA renewal <i>“Notwithstanding that the evaluation of our application for renewal is deferred due to legal impediment of the pending appeal from the cancellation of the ECC.”</i></p>
September 17, 2018	MPSA No. 017-93-IV granted to Celestial expired.
September 18, 2018	Mayor M. J. Feliciano wrote to Ipilan ordering to <i>“VOLUNTARY VACATE/LEAVE THE AREA IN BARANGAY MAASIN THAT YOU ARE OCCUPYING”</i> and giving the latter 10 days to <i>“remove all your things and valuables for this local government to undergo rehabilitation on the forest that you illegally destroyed.”</i>
October 17, 2018	MGB MIMAROPA forwarded to Celestial the July 24, 2018 a copy of the Letter from the Palawan Unified Command, Palawan Highlanders Command of Brooke’s Point, Palawan, for its information and/or further action.
October 31, 2018	Mayor M. J. Feliciano wrote to the DENR requesting to stop the mining operations of Ipilan in Brooke’s Point, Palawan.

December 12, 2018	MGB CO issued a Memorandum to the Undersecretary for Mining Concerns recommending that <i>“there should be a thorough review of the compliances or violations of Ipilan with the terms and conditions of the MPSA, RA No. 7942, the Philippine Mining Act of 1995, and its implementing rules and regulations and other relevant laws, rules and regulations in order for MGB CO and the DENR to determine if there are substantial ground(s) for the cancellation or denial of the renewal of the subject MPSA,”</i> which the Undersecretary concurred.
January 22, 2019	MGB CO issued a Memorandum to MGB MIMAROPA Region instructing to <i>“conduct an assessment on the compliance of Celestial Nickel Mining Exploration Corporation/Ipilan with the (1) terms and conditions of Mineral Production Sharing Agreement No. 017-93-IV, (2) Cease and Desist Order(s), if any, and (3) other pertinent laws, rules and regulations and submit the result thereof including the recommendation on whether or not the result of the said assessment merits the cancellation of the subject MPSA within 15 days from receipt hereof.”</i>
August 13, 2019	The <i>Sangguniang Bayan</i> of Brooke’s Point issued Resolution No. 2019-142, requesting the President to rule for the non-extension and non-renewal of the MPSA issued to Celestial.
December 6, 2019	<p>The Mayor of Brooke’s Point sent a Letter to the DENR MIMAROPA Region informing that Ipilan <i>“has continued its operation despite the prohibition orders released by the Municipal Government, its lack of business and building permits, and an expired”</i> MPSA.</p> <p>The Letter also states that:</p> <ol style="list-style-type: none"> 1. during its site inspection on December 1, 2019, <i>“it was seen that an unlawful construction of new siltation ponds is being done in the area. Hydroelectric Power Plant facility was also constructed without proper Building Permits... Armed-guards, newly-cut trees, and backhoes with fresh soils still attached on it were also found in the area during the inspection.”</i> 2. <i>“Xxx... permanently stop the operation of the said company...”</i> 3. <i>“The Local Government plans to convert the area into a Botanical Garden.</i>
December 16, 2019	MGB MIMAROPA, forwarded a copy of the December 6, 2019 letter from the Mayor of Brooke’s Point to Celestial and Ipilan for their comments.
January 20, 2020	CENRO Brookes Point submitted to the DENR MIMAROPA Region the Investigation Report of the Enforcement Monitoring Section.

	Based on the investigation, it was revealed that there was no new excavation activities but only desilting of the silt pond to prevent it from overflowing.
January 23, 2020	MGB MIMAROPA forwarded a copy of the August 13, 2019 SB of Brooke's Point Resolution No. 2019-142 for its comments.
January 24, 2020	<p>Ipilan replied to the December 16, 2019 letter from the Mayor of Brooke's Point.</p> <p>It claimed that the <i>"allegations are false and misleading. The activities... consists of care and maintenance of existing control sediment structures... to protect the environment."</i></p> <p>It added that <i>"the proposal to transform the mining area into a botanical garden... has no legal basis."</i></p>
February 5, 2020	MGB MIMAROPA forwarded a copy of the January 24, 2020 Letter from Ipilan for appropriate action and information.
February 12, 2020	The DENR MIMAROPA, in its reply to the December 6, 2019 Letter from the Mayor of Brooke's Point, stated that <i>"Ipilan has no commercial or mining related activities rather it is only implementing environmental mitigating measures to prevent further damage or adverse effect to the nearby community as a result of the disturbance brought about by the previous tree-cutting activities conducted pursuant to its Special Tree Cutting and Earth-Balling Permit."</i>
February 18, 2020	Ipilan, in its letter to MGB MIMAROPA pertaining to the Resolution No. 2019-142 passed by the SB of Brooke's Point, concluded, among others that <i>"The Resolution cannot set aside the MPSA without INC being deprived of property rights and without the local executives being guilty of usurpation of official functions and obstruction in the performance of its duties of the secretary of the DENR or director of the MGB."</i>
June 5, 2020	DENR issued the Resolution under DENR Case No. 9818 in re: <i>IN THE MATTER OF THE CANCELLATION OF THE ENVIRONMENTAL COMPLIANCE CERTIFICATE DENOMINATED AS ECC-CO-1006-0017</i> lifting the December 14, 2016 and July 21, 2017 Letters on the cancellation of the ECC granted to Ipilan.
August 14, 2020	Celestial informed MGB MIMAROPA that it no longer pursues its September 11, 2017 application for relinquishment since it will be utilizing the area in its future operation.
September 14, 2020	Ipilan wrote to the DENR, copy furnished MGB CO, requesting for <i>"Confirmation of Existence and Continuing</i>

	Validity” of MPSA No. 017-93-IV as Amended-2000, wherein the expiration of the said MPSA is on April 9, 2025 (when the amended MPSA was signed on April 10, 2000).
December 21, 2020	DENR issued an Order wherein the effective date of MPSA No. 017-93-IV as Amended-2000 shall be reckoned from the date of execution, i.e., April 10, 2000 and the said MPSA shall expire on April 10, 2025.
February 24, 2021	Ipilan submitted its proposed Three (3) Year Development/Utilization Work Program (3YD/UWP).
March 10, 2021	MGB CO required Ipilan to submit a copy of the final version of the approved Mining Project Feasibility Study Report.
March 11, 2021	MGB MIMAROPA Region forwarded the evaluated proposed 3YD/UWP of Ipilan to MGB CO for its final evaluation and approval.
June 4, 2021	MGB CO wrote to Ipilan informing that the approval of the 3YD/UWP for CYs 2021-2023 shall be held in abeyance until such time that it shall secure a copy of the reinstated SEP Clearance.
June 28, 2021	<p>Ipilan wrote to MGB CO informing that the Office of the Ombudsman (OMB) issued the Consolidated Decision suspending Mayor M. J. Feliciano for a period of one year from service without pay for taking “<i>undue advantage of her official position</i>” as an “<i>uneducated lawyer</i>” for being administratively liable for Oppression or Grave Abuse of Authority for issuing Orders:</p> <ol style="list-style-type: none"> Closure Order dated May 22, 2017; CDO dated July 24, 2017; and Demolition Order dated August 11, 2017. <p>Such Order were followed by several demonstrations, harassment incidents, and demolition of mining structures within the mine site.</p> <p>The OMB explained that the Mayor M. J. Feliciano could not have validly ordered the closure of Ipilan or halted its operations because of the following:</p> <ol style="list-style-type: none"> The ECC still existed pending the resolution of its MR and appeal; The tree cutting activities of Ipilan is covered by a valid STCEP; and It was improper for Mayor M. J. Feliciano to fault Ipilan for not having business permit, especially given her outspoken opposition against its operation within the locality.

	<p>OMB also ruled that <i>"It can be reasonably assumed that INC [referring to Ipilan] was in adverse territory and will not be able to secure any local permit from the municipality" and "ruling a mob and committing illegal acts, Mayor Feliciano was no longer performing her duties but was already unjustly preventing INC from exercising its rights under Mineral Production Sharing Agreement (MPSA) No. 017-93-IV which is valid until April 10, 2025."</i></p> <p>Finally, OMB stressed that Mayor M. J. Feliciano's <i>"brazen acts were indeed oppressive because they violated rules of procedure and created instability between the Government and its stakeholders."</i></p>
August 19, 2021	The PCSD issued Resolution No. 21-783 REINSTATING the SEP Clearance No. MODP-122110-001 issued to Ipilan.
September 9, 2021	The Municipality of Brooke's Point issued a Mayor's Permit for mining to Ipilan.
October 5, 2021	MGB MIMAROPA Region, after its annual compliance monitoring, required Ipilan to submit its reports regularly.
October 26, 2021	<p>Ipilan wrote to MGB CO informing that:</p> <ol style="list-style-type: none"> 1. The PCSD issued the Resolution No. 21-783 on August 19, 2021 in re: <i>REINSTATING THE SEP CLEARANCE NO. MODP-122110-001 ISSUED TO IPILAN NICKEL CORPORATION FOR THE PROJECT IPILAN NICKEL PROJECT MINING OPERATION AND DEVELOPMENT LOCATED AT BARANGAYS IPILAN, MAMBALOT, MAASIN AND CALASAGUEN, BROOKE'S POINT, PALAWAN</i> 2. The Municipal Mayor of Brooke's Point, Palawan issued the <i>MAYOR'S PERMIT</i> to Ipilan on September 9, 2021. <p>Ipilan requested for the approval of the EPEP, Final Mine Rehabilitation and/or Decommissioning Plan (FMR/DP) and 3YD/UWP.</p>
November 15, 2021	<p>Ipilan wrote to MGB CO forwarding the Certification dated November 11, 2021 of the Community Environment and Natural Resources Office attesting that it <i>"has already complied the conditions stipulated in the Special Tree Cutting and Earth Baling Permit No. DENR IV-B MIMAROPA-2016-014 except item No. 6 pertaining to seedling replacement in which they are committed to fully accomplish/comply with based on their submitted Reforestation/Catch-Up Plan for continuous monitoring of the CENRO/PENRO and subject to further validation by the DENR Regional Office and higher authorities."</i></p> <p>On the same date, in view of the reinstatement of the SEP Clearance and the conformity of the 3YD/UWP for CYs</p>

	2021-2023 with MGB Form No. 6-2 and the pertinent provisions of DAO No. 2018-19 and 2018-20, MGB CO issued a Memorandum to MGB MIMAROPA Region and Celestial informing that the approval of the said 3YD/UWP subject to certain conditions therein.
November 24,	<p>MGB MIMAROPA Region issued a Memorandum to MGB CO requesting for the clarification on the implementation of the approved 3YD/UWP under MPSA No. 017-93-IV as Amended-2000 in view of the following issues:</p> <ol style="list-style-type: none"> 1. Status of the EPEP and FMR/DP; 2. NCIP Certification Precondition pursuant to Section 16 of RA No. 7942 and Section 59 of RA No. 8371. 3. Compliance with the conditions stated in PCSD Resolution no. 21-783 dated August 19, 2021. 4.
January 7, 2022	<p>MGB CO issued a Memorandum to MGB MIMAROPA Region clarifying that:</p> <ol style="list-style-type: none"> 1. The 3YD/UWP of Ipilan for CYs 2021-2023 was approved considering that it has secured the reinstatement of the SEP Clearance, wherein the PCSD <i>en banc</i> reinstated the said clearance without imposing any conditions therein. 2. The CLRFSC has approved the EPEP and FMR/DP under the MPSA. 3. The Certification Precondition is required and applicable for the MPSA considering that the DENR has already issued the clarification on the effective date of the MPSA, i.e., April 10, 2000. <p>Hence, the implementation of the approved 3YD/UWP is still held in abeyance pending the approval of the Certification Precondition by the NCIP.</p>
February 3, 2022	Ipilan wrote to MGB MIMAROPA Region requesting for reconsideration of the suspension of the implementation of the approved 3YD/UWP for CYs 2021-2023 under MPSA No. 017-93-IV as Amended-2000 in the absence of the Certification Precondition by the NCIP.
February 7, 2022	MGB MIMAROPA Region issued a Memorandum to MGB CO forwarding the February 3, 2022 Letter of Ipilan.
February 11,	<p>Ipilan wrote to this Office informing that the company has already secured the following pertinent documents for the issuance of the Certification Precondition:</p> <ol style="list-style-type: none"> 1. Certificate of Free and Prior Informed Consent (FPIC) dated December 18, 2008 issued by the Palawano Indigenous Peoples/Indigenous Cultural Communities of Barangay Calasaguen, Maasin, Mambalot, and Ipilan, Municipality of Brooke's Point, Palawan.

	<p>2. Memorandum of Agreement (MOA) executed by and between the Celestial, NCIP, and Pala'wan Indigenous Peoples/Indigenous Cultural Community, among others, on December 18, 2008. The said MOA was forwarded and received by NCIP MIMAROPA Region on July 07, 2009.</p>
February 17,	<p>MGB CO issued a Memorandum to MGB MIMAROPA Region and Letter to Celestial/Ipilan informing that Celestial/Ipilan can implement the approved 3YD/UWP for CYs 2021-2023 under MPSA No. 017-93-IV as Amended-2000 subject to the following conditions:</p> <ol style="list-style-type: none"> 1. Celestial/Ipilan shall secure the CP from the NCIP within 90 days upon the commencement of the development/construction and mining activities in the contract area of the MPSA and shall notify MGB MIMAROPA Region on the target date of the said commencement. 2. Celestial/Ipilan shall secure the approval of the NCIP in the establishment of an escrow/ or trust fund for the royalty due to the identified ICC/IP in the contract area of the MPSA pending the issuance of the CP; and 3. Any changes/amendments to the approved 3YD/UWP for CYs 2021-2023 which entails a negative variance lower than 20% or positive variance shall be approved by MGB MIMAROPA Region pursuant to Section 6 of DAO No. 2018-20.
March 15, 2022	<p>Ipilan wrote to MGB MIMAROPA Region, copy furnished MGB CO, notifying that <i>"we are about to implement and conduct preliminary site preparation activity in relation to the implementation of the INC mine operation plan"</i> such as clearing/stripping, topsoil recovery, road repair and construction/repair of environmental control structures.</p>
March 16, 2022	<p>Ipilan wrote to MGB CO requesting for the extension of the period to secure the CP from the NCIP for a period of 90 days up to three years due to the long and intricate procedure of its issuance, wherein investigation, validation, review and approval shall be undertaken.</p>
April 21, 2022	<p>MGB CO wrote to Ipilan informing that an extension of one year to submit the CP is granted reckoning from the date of the actual commencement of the development/construction and mining activities in the contract area of the MPSA considering that it has already executed a MOA with the IP concerned.</p> <p>Also, MGB CO granted the said extension in light of the deferment in the processing of the application for Certification Precondition of Celestial/Ipilan due to the previous position of NCIP.</p>

June 13, 2022	Ipilan provided MGB MIMAROPA a copy of the DENR MIMAROPA-issued Provisional Permit No. 045306-001 for CAUSEWAY/INDUSTRIAL purpose of a foreshore located in Brgy Maasin, which is valid from June 1, 2022 to June 1, 2023, renewable.
June 17, 2022	Ipilan informed MGB MIMAROPA that the one-unit rice harvester, an SDMP project and turned over to the BLGU of Barangay Mambalot on April 21, 2022, was set on fire by an unidentified people. The Brooke's Point Fire Station is still investigating the said incident.
June 17, 2022	Ipilan requested MGB MIMAROPA to validate its ore stockpile in preparation for its Mineral Ore Export Permit (MOEP) application.
August 4, 2022	<p>The MGB MIMAROPA, after its annual monitoring, required Celestial and Ipilan to:</p> <ol style="list-style-type: none"> Secure on or before 21 March 2023 the Certificate Precondition from the NCIP, pursuant to the Mines and Geosciences Bureau (MGB) Central Office letter dated 21 April 2022, which states that: <p><i>"Xxx... in light of the deferment in the processing of the application for Certification Precondition due to the previous position of NCIP, an extension of one (1) year to secure the Certification Precondition is granted reckoning from the date of the actual commencement of the development/construction and mining activities in the contract area of the MPSA."</i></p> <p>It was disclosed to the monitoring team that the actual commencement was on 22 March 2022.</p> Submit the following within 30 days: <ol style="list-style-type: none"> Revised Location Maps showing the approved areas under the Three-year Development/Utilization Work Program in conjunction with the corresponding updated grid block denominations. Revised monthly production report for May 2022 with reflected volume produced during the said month; <p>The submitted production report does not reflect the actual production volume for May 2022.</p> Update on the application for the full Declaration of Mining Project Feasibility covering the entire approved contract area per letter request to MCB CO dated 24 May 2016;

	<p>3. <i>Secure Permit to Operate/Certificate of Inspection from MCB MIMAROPA prior to the utilization of the mobile crusher pursuant to Section 150 of DENR Administrative Order (DAO) No. 2010-21.</i></p> <p><i>It was noted that one-unit mobile crusher was near the vicinity of the company's nursery.</i></p> <p>4. <i>Proof of employment of at least one full-time MGBregistered safety engineer pursuant to Rule 9 of DAO No. 2000-98.</i></p> <p><i>Currently, the company has no MGB-registered fulltime safety Engineer.</i></p> <p>5. <i>Resolve within 30-days the boundary conflict between the approved contract areas covered by MPSA Nos. 01 7-93-IV as Amended 2000 and 2202005-IVB granted to Celestial and MacroAsia Mining Corp. (MaroAsia), respectively. It was reminded that:</i></p> <p><i>a) The Certification by the Regional Director reflected on the approved Survey Plans of Ipilan and MacroAsia on 13 December 201 6, stated that:</i></p> <p><i>"Xxx... Survey Plan... This shall be subject to amendment after the resolution of the boundary conflict. Both parties are given six (6) months from the approval of this Survey Plan to resolve this conflict."</i></p> <p><i>b) During the 18 May 2022 technical conference held at this Office, the companies agreed to resolve the boundary conflict.</i></p> <p>7. <i>Ipilan should appoint a permanent Resident Manager, who is a licensed mining engineer since he/she will be responsible for the whole mining operations.</i></p>
September 5, 2022	MGB MIMAROPA Region issued a Memorandum to MGB CO forwarding the application of Ipilan for MOEP for the shipment of the 54,000 WMT of nickel ores.
September 7, 2022	MGB CO issued a Memorandum to MGB MIMAROPA Region forwarding MOEP No. DENR-MGB-22-007 for the shipment of the 54,000 WMT of nickel ores.
January 3, 2023	<i>Hon. Cesario R. Benedito, Jr., Municipal Mayor of Brooke's Point, Palawan, issued Memorandum Order No. 2023-006 to Mr. Alex C. Arabis, OIC-Resident Manager/Community Relations Manager of Ipilan, informing that the effectivity of the Business/Mayor's Permit issued Ipilan has expired last December 31, 2022 and ordering to stop all its operations effective immediately until such time that Ipilan shall secure the renewal of the said permit for CY 2023.</i>

January 4, 2023	Atty. Dennis P. Manalo, Counsel of Ipilan, wrote to Mayor C. R. Benedito, Jr. informing its attention to the provisions of Section 3A.05 of Ordinance No. 2020-34 or the Revised Code of the Municipality of Brooke's Point, which provides that a Mayor's Permit has a continuing validity until its renewal within the first 20 days of January of each year in accordance with Section 167 of the Local Government Code.
January 9, 2023	Atty. D. P. Manalo wrote to Mayor C. R. Benedito, Jr. Requesting for copies of Letter of Memorandum Circulars which it issued to all other business establishments similarly situated to Ipilan about the expiration of its permits and ordering them also to stop their operations.
February 20,	MGB MIMAROPA Region wrote to the Department of the Interior and Local Government MIMAROPA Region requesting for assistance to Ipilan for it to perform its regular business and protect the workers from harassments from the protesters.
February 22,	<p>A Complaint was filed by Messrs. Roy T. Guantero and Bernard G. Bellones against Ipilan and the PCSD in the Office of the President (OP) seeking for the cancellation and revocation of the SEP Clearance of Ipilan covering the 2,307.06-hectare portion of the 2,835.06-hectare contract area of Mineral Production Sharing Agreement No. 017-93-IV as Amended-2000.</p> <p>The said Complaint was forwarded by the OP, through the email dated March 17, 2023, to the DENR and was subsequently referred to this Office through the email dated March 20, 2023, for appropriate action.</p>
February 27,	<p>Mr. Richard Magdaug Lopez, purported representative of the registered voters/residents of Brooke's Point, Palawan, wrote to the Office of the President, through the Office of the Municipal Mayor, requesting <i>"to STOP the operation of Ipilan Nickel Corporation and exploration activities of other mining company in Brooke's Point, Palawan adopting the People Initiative Act of RA 6735 xxx, to issue an order for the cancellation of permit issued by the Mines and Geosciences Bureau to the mining company mentioned above, and LEGALLY BAN THE MINING OPERATION IN BROOKE'S POINT PALAWAN FOR ONE HUNDRED (100) YEARS."</i></p> <p>The said Letter was forwarded by the Palawan Government, through the email dated March 08, 2023, to the Contact Center ng Bayan, and was referred by the latter to the Department of Environment and Natural Resources (DENR) through the email dated March 10, 2023. It was subsequently referred to this Office by the DENR, through the email dated March 17, 2023, for appropriate action.</p>

March 10, 2023	The Regional Trial Court (RTC), Branch 165, Brooke's Point, Palawan, issued the Order under Civil Case No. BPT-0040 granting the Temporary Restraining Order (TRO) for a period of twenty days (20) unless sooner lifted prohibiting and enjoining Messrs. Dominardo Magdaluyo and Marcelo Polmones and/or all other persons claiming rights under them and presently occupying the property of Ipilan from stopping, apprehending, searching, obstructing or even approaching in and all the vehicles of individuals making use of access road including the main haul roads, the barangay roads parallel to main haul road and access road in Sitio Panay going to Ipilan or mine camp and to make their way to the mine pit and vice versa.
April 19, 2023	Ipilan wrote to this Office informing the update on the implementation of the TRO wherein <i>"Anti-mining protesters took advantage of the obstruction and immediately formed a human barricade in MHR-2 – outside the coverage of the rally permit issued by the Office of the Mayor to Pastor Job Lagrad x x x the mob usupers have chosen to defy legal processes and engage in lawlessness. The protesters obstructed the haul road of INC and assaulted guards using makeshift pepper sprays."</i>
April 27, 2023	<p>Ipilan informed MGB MIMAROPA that it filed a Petition for Mandamus, Certiorari and Prohibition against the Brooke's Point Mayor Cesario R. Benedito, Jr. and Pastor Zob Z. Lagrada. The case, docketed as Special civil ACTION No. 23-0008, is pending before Brooke's Point Regional Trial Court (RTC) Branch 165 (BPT RTC Br. 165).</p> <p>In the Petition, Ipilan sought the issuance of TRO/Writ of Preliminary Injunction to compel the Office of the Mayor to issue the 2023 Mayor's Permit, among others.</p>
June 20, 2023	The NCIP MIMAROPA Region issued Memorandum Order No. 206-2023 re: Temporary Suspension of the Free and Prior Informed Consent Process of Ipilan/Celestial pending investigation of its alleged violations of NCIP Administrative Order No. 3, Series of 2012.
June 27, 2023	<p>The NCIP MIMAROPA Region issued Memorandum Order No. 208-2023 stating that:</p> <p><i>"Xxx... the previously issued suspension of the FPIC process of the Ipilan Nickel Corporation thru Memorandum Order no 203 2023 series of 2023 issued on June 22, 2023, is hereby held in abeyance pending the resolution of complaints through the investigation and evaluation of complaints including the comments from the FPIC team and the Ipilan Nickel Corporation/Celestial Nickel Mining Exploration Corporation."</i></p>

<p>July 03, 2023</p>	<p>MGB MIMAROPA, after its annual tenement monitoring, required Ipilan/Celestial to:</p> <ol style="list-style-type: none"> 1. Secure the Certification Precondition from the NCIP in compliance with the MGB Central Office (MGB CO) Letter dated 21 April 2022. <p><i>"Xxx... in light of the deferment in the processing of the application for Certification Precondition due to the previous position of NCIP, an extension of one (1) year to secure the Certification Precondition is granted reckoning from the date of the actual commencement of the development/construction and mining activities in the contract area of the MPSA."</i></p> <p>Note that INC commenced its development activities on 22 March 2022. Hence, the extension granted by the MGB CO to secure the pertinent CP expired on 22 March 2023.</p> <ol style="list-style-type: none"> 2. Submit 3YD/UWP for CYs 2024-2026 to MGB MIMAROPA Region not later than sixty days prior to the expiration of the existing 3YD/UWP by the end of December 2023 pursuant to Section 5 of DAO No. 2018-20. <p>The company should ensure that the attached location maps for the proposed mining areas under the 3YD/UWP are the same as the actual block denominations adapted in its mining operations.</p> <ol style="list-style-type: none"> 3. Submit the following within 15 days: <ol style="list-style-type: none"> a. Quarterly Monitoring Report of Investment and Employment of Metallic Minerals, Non-Metallic Minerals and Quarry Resources for Q1-Q4 CY 2022 pursuant to Section 270.t of DAO No. 2010- 21 ; b. Proofs of payment of Real Property Tax for CY 2022 and Occupation Fee for CYs 2022-2023 pursuant to Sections 39 and 251 of DAO No. 2010-21 , respectively; 4. Pay the fine amounting to PhP39,580.00 for the late and non-submission of reportorial requirements pursuant to Section 271 of DAO No. 2010-21. 5. Reconcile the targets specified in the Status Report based on the approved 3YD/UWP. 6. Reflect the production data under Item II. B of MGB Form No. 29-05 to Item 2.b of the Status Report.
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	<p>7. Disaggregate in its Status Reports the tally of each equipment based on status i.e. operational, breakdown, and/or preventive maintenance.</p> <p>8. Undertake crisis management plans/programs to improve optics in the community; and</p> <p>9. File and keep books of accounts, reports and correspondence in both head and field offices which shall always be opened for verification by this Office pursuant to the terms and conditions of the MPSA.</p>
July 04, 2023	<p>Ipilan, through its letter, demanded the Regional Director of the NCIP MIMAROPA Region for rectification of unjust Suspension Order AND Public Apology.</p> <p>Ipilan alleged that the request for the company's comment was issued almost a week after the Suspension Order dated June 20, 2023 was issued. It added that <i>"The unilateral issuance of the Suspension Order raises serious concerns of bad faith."</i></p>
July 27, 2023	<p>NCIP MIMAROPA Region wrote to Celestial/Ipilan requiring it to show cause why Celestial/Ipilan is operating sans the following legal requirements:</p> <ol style="list-style-type: none"> 1. CP from the NCIP as required under Section 59 of RA No. 8371 or the Indigenous Peoples Right Act; and 2. Prior consent from the ICCs/IPs of Brooke's Point as required under Section 16 of RA No. 7942 or the Philippine Mining Act.
August 4, 2023	<p>Ipilan wrote to NCIP MIMAROPA Region regarding NCIP MIMAROPA Region's July 27, 2023 show cause Letter, wherein Ipilan commented that:</p> <ol style="list-style-type: none"> 1. Statutory Exemption from the IPRA <p>Ipilan stresses that its MPSA pre-dated the Indigenous People's Rights Act (IPRA) since it was executed on August 05, 1993, or four years before IPRA was enacted.</p> <p>While the MPSA was amended in 2000, the same remained effective and did not expire. The amendment does not involve a new production-sharing agreement nor a renewal of the MPSA that would have triggered the application of Section 59 of the IPRA.</p> 2. NCIP Confirmation of Ipilan Exemption from the IPRA <p>Notwithstanding is statutory exemption, Celestial coordinated with NCIP and requested for the issuance of a CP. NCIP Ancestral Domain Office Director Myrna</p>

	<p>Caoagas clarified that Ipilan is no longer required to secure a CP since MPSA No. 017-93-IV <i>“was already approved by DENR-MGB on August 5, 1993”</i> she also explained that the requirement to secure CP only applies to mineral permit <i>“applications filed after the IPRA was enacted.”</i></p> <p>Ipilan also refutes the claim that it has not secured the prior consent of the ICCs/IPs of Brooke's Point as required under Section 16 of RA No. 7942. To recall, Ipilan initially underwent the FPIC process in 2006, which concluded in the issuance of IP groups' FPIC and execution of a tripartite MOA dated December 18, 2008 among Celestial, Pala'wan ICCs/IPs and the NCIP. Subsequently, submitted the MOA to the NCIP on July 09, 2009.</p> <p>The Pala'wan ICCs/IPs also reaffirmed their consent to the current mining operations of Ipilan as expressly stated in the ninth recital of the MOA executed on September 01, 2022.</p>
August 11, 2023	<p>NCIP MIMAROPA Region issued a Cease and Desist Order (CDO) against the mining activities of Celestial/Ipilan within the contract area of MPSA No. 017-93-IV as Amended-2000.</p>
August 14, 2023	<p>MGB MIMAROPA Region issued a Memorandum informing this Office that the issuance of the said CDO finds legal reference to Section 59 of RA No. 8371, which provides that <i>“ICCs/IPs shall have the right to stop or suspend, in accordance with this Act, any project that has not satisfied the requirement of this consultation process.”</i></p> <p>Thus, MGB MIMAROPA Region recommended the following to this Office:</p> <ol style="list-style-type: none"> 1. Celestial/Ipilan is urged to comply with the August 11, 2023 CDO issued by the NCIP MIMAROPA Region without prejudice to its right to avail of any legal remedy. Should Celestial/Ipilan suspend its mining activities due to the above, it is directed to implement its Care and Maintenance Program (CMP) approved on September 20, 2021 with Certificate of Approval No. 003-2021-MIMAROPA; and 2. Celestial/Ipilan may be allowed to continue its mining activities in order not to deprive the workers of their benefits as employees in line with the National Economic and Development Authority's <i>“The Philippine Development Plan 2023-2028,”</i> with its headline socioeconomic target to <i>“create more, better, and more resilient jobs;”</i> <p>Provided that Celestial/Ipilan should first initiate a dialogue with the concerned ICCs/IPs through the NCIP to determine the amount of royalties to be paid</p>

	<p>and the same shall be deposited in escrow until the resolution of the claims.</p> <p>If the amount cannot yet be determined, Celestial/Ipilan should use as basis the percentage rate specified under Section 16 of DENR Administrative Order No. 2010-21.</p> <p>On the same day, Ipilan wrote to NCIP regarding its commitment to remit 1% of the royalty share due the Pala'wan ICCs/IPs of the BICAMM Ancestral Domain (AD) to settle payments for the ongoing operations, removal of the CDO and the issuance of the CP for the ongoing MPSA and renewal timeframes.</p>
August 15, 2023	<p>This Office issued a Memorandum to the DENR Secretary respectfully recommending for MGB CO to instruct MGB MIMAROPA Region to:</p> <ol style="list-style-type: none"> 1. Require Celestial/Ipilan to comply with the August 11, 2023 CDO; 2. Require Celestial/Ipilan to implement the approved CMP; and 3. Suspend the issuance of the Ore Transport Permit and MOEP until such time that Celestial/Ipilan has complied with the conditions stated in the August 11, 2023 CDO. <p>On the same day, NCIP MIMAROPA Region wrote to Ipilan, in response to its August 14, 2023 Letter, informing the following:</p> <ol style="list-style-type: none"> A. The issue of royalty payments should be tackled separately from the issue of the company operating within an ancestral domain without a CP, the withdrawal of consent of the BICAMM representatives, and the alleged commission of bribery to IP leaders and members; B. It was agreed with the BICAMM AD and their legal counsel, Atty. Marlon Bosantog, that the IPs are willing to return to the negotiating table to continue with the FPIC process for the ongoing operations subject to demands that will be finalized by the ICCs/IPs during a formal meeting between the AP representatives and the NCIP; C. The referred 2008 MOA signed between Celestial and the four concerned barangays is without the signature of the then NCIP Chairperson and have already expired in 2018 as explicitly stated in the MOA. Thus, for the consent to be formalized into a CP for ongoing operations, another set of FPIC activities is needed to

	<p>be conducted to ascertain the consent given and to finalize the benefits to be provided to the ICCs/IPs; and</p> <p>D. The same is true for the 2022 MOA, as there was misrepresented information during the FPIC process that were based by the IP community for their decision and inputs in the MOA that is needed to be settled prior to the issuance of a CP for the MPSA renewal.</p>
August 16, 2023	<p>The Supreme Court has issued the Writ of Kalikasan against DENR, MGB, Celestial and Ipilan and ordering to file a verified return of the writ within a non-extendible period of 10 days from receipt thereof.</p> <p>The said writ was filed by the ICCs of BICAMM Ancestral Domain in Brooke's Point, Palawan.</p>