



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

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18 August 2023

**MEMORANDUM**

**FOR :**       **The Director**  
Mines and Geosciences Bureau  
North Ave., Diliman, Quezon City

**FROM :**     **The Regional Director**  
This Office

**SUBJECT:**   **Fact Sheet for MPSA No. 017-93-IV as Amended 2000**  
**Granted to Celestial Nickel Mining Exploration**  
**Corporation and Operated by Ipilan Nickel Corporation**

This Office respectfully submits a copy of the above-mentioned document as one of the compliances to the 10 August 2023 letter of the Office of the Solicitor General for the Petition for Writ of Kalikasan against Celestial Nickel Mining Exploration Corporation and Ipilan Nickel Corporation.

For the Directors reference and further instruction.

  
**FELIZARDO A. GACAD, Jr.**

Enc'l:       As stated



**"MINING SHALL BE PRO-PEOPLE AND PRO-ENVIRONMENT  
IN SUSTAINING WEALTH CREATION AND IMPROVED QUALITY OF LIFE."**

# Fact Sheet

## Celestial Nickel Mining Exploration Corp. MPSA No. 017-93-IV- as Amended 2000

Mining Tenement	<b>Mineral Production Sharing Agreement (MPSA)</b>
Tenement No.	<b>MPSA No. 017-93-IV as Amended-2000</b>
MPSA Contractor	<b>Celestial Nickel Mining Exploration Corporation</b>
Operator	<b>Ipilan Nickel Corporation (Ipilan) (Operating Agreement approved on April 20, 2015)</b>
Date Granted/Registered	<b>September 18, 1993/December 8, 1993</b>
Date Amended	<b>April 10, 2000</b>
Date Registered	<b>May 23, 2000</b>
Date of Expiration	<b>April 10, 2025 (per December 21, 2020 DENR Order)</b>
Contract Area	<b>2,917.2743 hectares pursuant to the December 13, 2016 approved Survey Plan</b>
Location	<b>Brgys Ipilan, Mambalot, Brooke's Point, Palawan</b>
Mineral Commodity	<b>Nickel ore and other associated mineral deposits</b>
Environmental Protection and Enhancement Program	<b>Approved on 25 November 2021 Projected allotment Php563,126,000.00 for the 10-year period</b>
Final Mine Rehabilitation/Decommissioning Plan	<b>Commitment = Php157,968,944.00</b>
Social Development and Management Program	<b>Approved 22 February 2022 Projected allotment Php136,294,600.00</b>
Contact Person (Celestial/Ipilan)	<b>Atty. Dante R. Bravo President</b>
Address	<b>Same address with Operator per AOI issued on 16 November 2022  Penthouse, Platinum Tower Aseana Ave. cor Fuentes St., Aseana, Paranaque City</b>

**CHRONOLOGICAL EVENTS:**

1968	Claim staking by Lecar & Sons in Sitio Ipilan, Barangay Mambalot, Brooke's Point; limited surface and sub-surface exploration undertaken.
1970-1971	Nippon Mining Corporation of Japan conducted exploration works, which include drilling, test pitting activities.
June 1981	Lecar and Sons assigned the mining claims to Celestial Nickel Mining Exploration Corp. (CNMEC).
September 8, 1992	CNMEC filed an Application for a Mineral Production Sharing Agreement (MPSA).
October 7, 1992	The Environment and Protected Area Services, in its Memorandum to the then Mines and Geo-sciences Development Services, informed that "the subject area situated in the Barrio of Mambalot, Municipality of Brooke's Point, Province of Palawan, containing an area of 2,880 hectares filed by Celestial Nickel Mining Exploration Corporation for PMPSA as shown and described in the attached map is covered by Proclamation 219 dated July 2, 1967, as amended by Proclamation No. 530-D dated March 8, 1968 declaring the entire province of Palawan as Game Refuge and Bird Sanctuary and the small islands off Palawan as National Reserves closed to exploitation and settlement but subject to private rights. Same is also covered by R.A 7586 known and referred to as National Integrated Protected Areas Systems Act of 1992. In view hereof, this Office, recommend that a full blown environmental impact assessment be made by the proponent to ensure a sustainable development in the area"
March 12, 1993	The Forest Management Services, in its Memorandum to the then Mines and Geo-sciences Development Services, informed that "based on the available reference maps, the subject area per plan covered by the proposal falls within the Unclassified Public Forest of Brooke's point, Palawan. The whole area applied for is not in conflict to any other land use and existing Forestry projects."
September 18, 1993	MPSA No. 017-93-IV was entered into by and between the Philippine Government and CNMEC covering an area of 2,835.06 hectares situated in Brgys. Mambalot and Ipilan, Brooke's Point, Palawan. It was registered on 08 December 1993.
April 10, 2000	MPSA No. 017-93-IV was amended and signed by DENR Secretary Antonio H. Cerilles and Mr. Denis C. Hernandez, President of CNMEC to conform with the

	provision of Republic Act No. 7942, the Philippine Mining Act of 1995 and its implementing rules and regulations.
October 8, 2010	An ECC was granted to Ipilan Nickel Project located at Brgy. Ipilan, Mambalot, Maasin and Calasaguen, Municipality of Brooke's Point, Province of Palawan.
December 21, 2010	The Palawan Council for Sustainable Development granted to Ipilan the SEP Clearance No. MODP-122110-001 covering the 2,835.06 hectare MPSA contract area. 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.
January 10, 2012	An operating agreement concerning MPSA No.017-93-IV was executed by and between CNMC and Ipilan.
December 19, 2012	An operating agreement concerning MPSA No.017-93-IV was executed by and between CNMEC and Ipilan
February 18, 2013	Another operating agreement concerning MPSA No.017-93-IV was executed by and between CNMEC and Ipilan.
May 21, 2013	Another operating agreement concerning MPSA No.017-93-IV was executed by and between CNMEC and Ipilan.
January 2, 2014	MGB RO No. IVB wrote a letter to the Municipal Treasurer of Brooke's Point, Palawan to allow CNMEC/IPILAN to pay the Occupation Fees due for the period 08 December 2013- 07 December 2014.
February 20, 2014	MGB RO No. IVB advised IPILAN to file a new application for Order of Survey of the relocation of the applied area in order to satisfactorily comply with the requirement of the mineral agreement. In relation to this, IPILAN was informed that the filing of the application for Order of Survey shall be simultaneous with the submission of the Declaration of the Mining Project Feasibility (DMPF) pursuant to Section 234, Chapter XXV of DAO No. 2010-21. It was further advised that the contractor or surveyor (5M & E Luengo Development Corporation) who shall conduct the relocation survey of the mining area should apply for deputation with the MGB-CO or this Office.
April 20, 2015	The MGB CO approved the January 19, 2005 Operating Agreement executed by and between CNMEC and Ipilan, granting the latter the exclusive right to initially explore, then possibly develop and commercially utilize nickel and other associated mineral deposits that may

	be discovered within the contract area for a maximum term of 25 years, renewable for like period.
September 9, 2015	This Office forwarded a copy of Municipal Resolution No. 2015-119 adopted by the Sangguniang Bayan-Brooke's Point, Province of Palawan re: "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" to Ipilan and requested them of their position for the said matter.
September 14, 2015	This Office 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  MGB MIMAROPA has no copy. This fact sheet was originally prepared by MGB CO	<p>This Office 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, Ipilan responded as follows:</p> <p>On the alleged overlapping of MPSA vs. Mt. Mantalingahan Protected Landscape (MMPL) and ancestral domain of 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. Presidential Proclamation No. 1815 also delineates a boundary that runs outside of our mining project. Both CNMEC 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 SB 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 R.A. 8371 or the Indigenous Peoples Right Act (IPRA) of 1997. But out of goodwill and abiding respect, IPILAN has entered into a Memorandum of Agreement with the Indigenous</p>

	<p>Peoples 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 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. 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 (Sec.2, R.A. 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 EPEP. The ECC likewise enumerates the environmental management conditions that need to be complied 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>
September 28, 2015	The MGB MIMAROPA Region furnished MGB CO a copy of the approved 5-Year Social Development and Management Program of Ipilan.
October 29, 2015	MGB MIMAROPA Region informed Hon. Mayor Mary Jean Feliciano of Brooke's Point, Palawan, that the duty to issue the Order of Payment for an Occupation Fee resides in this Office, regardless of any controversy between the company and the local government concerned. The company, on the other hand, is obliged to pay the Occupation Fee in strict compliance with



	Section 218 of DAO 2010-21. This Office assured that accepting the said payment of Occupation Fee has no bearing to any protest against the said undertaking.
November 2, 2015	MGB MIMAROPA Region forwarded the DMPF of Ipilan to MGB-CO for further evaluation.
January 6, 2016	Ipilan informed MGB MIMAROPA Region of 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, 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 21, 2016	<p>The MGB CO approved the Partial Declaration of Mining Project Feasibility (PDMPF) for the 343.3-hectare portion of the contract area of MPSA No. 017-93-IV, with the following conditions:</p> <ol style="list-style-type: none"> <li>1. That CNMEC 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 approving the DMPF;</li> <li>2. That CNMEC, should submit/secure the following within 60 days from receipt of the same Order:</li> <li>3. Approved Mining Project Feasibility Study Report;</li> <li>4. Approved Survey Plan;</li> <li>5. 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, and</li> <li>6. Approved Three-Year Development and/or Utilization Work Program.</li> </ol> <p>That failure to comply with any of the above conditions shall be a ground for withdrawal of the said Order.</p>
May 12, 2016	<p>The MGB CO furnished MGB MIMAROPA a copy of the report based on the assessment of the implementation of the Environmental Work Program and Community Development Program of Ipilan that was conducted during the period April 28 to May 1, 2016, stating that:</p> <p>"It may be noted in the said report the said report that INC [Ipilan] has in general satisfactorily implemented its EnWP and CDP."</p>

	"In this regard, please ensure that INC shall continue the implementation of its EnWP and CDP and comply with the reportorial requirements..."
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>
December 13, 2016	The Survey Plan of Ipilan was approved with a Certification that it is "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."
December 14, 2016	The DENR cancelled the ECC granted to Ipilan pursuant to DAO No. 2003-30 item 10.d, which states that "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."
January 4, 2017	Ipilan filed at the DENR its Letter-Reconsideration pertaining to the cancellation of its ECC.
February 27, 2017	<p>IPILAN thru its Letter to the DENR alleged that "the pendency of a motion for reconsideration or an appeal stops the effectivity of a department order."</p> <p>"Since it has the statutory approvals and permits to pursue the Project...xxx..., IPILAN would like to inform your offices that it shall continue its road lots acquisition and development and implement the legal mandates it has earlier obtained from your department."</p>
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 30, 2017	IPILAN informed MGB MIMAROPA Region that its work schedules are being implemented based on contract and applicable laws.



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>
April 5, 2017	Thru a Letter, MGB MIMAROPA Region reminded IPILAN that although it has sought reconsideration from the DENR on the cancellation of its ECC, the same has not yet been resolved, thus it should refrain from conducting development activities.
April 12, 2017	The MGB CO informed IPILAN that it lacks ECC as it has been cancelled by the DENR and that it has failed to comply with the conditions stated in the Order dated April 20, 2016, approving its PDMPF.
May 5, 2017	IPILAN thru its letter to the PENRO of Palawan states that the ECC cancellation has yet to attain finality.
May 12, 2017	Thru a Letter, MGB MIMAROPA Region advised IPILAN to refrain from conducting any mining or related activities pending resolution of its Motion for Reconsideration ECC.
May 15, 2017	IPILAN thru its Letter to MGB CO, in reply to the April 12, 2017 Letter informed that it has filed a Motion for Reconsideration pertaining to the ECC cancellation and that it has substantially complied with the conditionalities stated in the approval of its PDMPF.
May 17, 2017	DENR MIMAROPA Region issued a Notice of Suspension, directing Ipilan to <i>"STOP AND SUSPEND all cutting and earth-balling activities within the area covered by your permit until the DENR has fully assessed and accepted your compliance with the terms and conditions of the permit."</i>
May 17 2017	DENR MIMAROPA Region issued a Show Cause Order to Ipilan stating that <i>"with the cancellation of the ECC, all related mining activities including tree cutting permit are likewise deemed cancelled."</i> Hence, the company was <i>"ordered to show cause why he should not be charged of qualified theft for violation of Section 77 (formerly 68) of Presidential Decree No. 705, as amended within three (3) days from receipt hereof."</i>
May 26, 2017	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</i>

	<i>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>
May 26, 2017	The Special Tree Cutting Permit expired.
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	Ipilan requested MGB MIMAROPA for the endorsement of its application for renewal of the Certificate Pre-Condition to the National Commission on Indigenous Peoples.
July 3, 2017	<p>Ipilan, in its letter to the CENRO of Brooke's Point, requested that it be allowed to "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."</p> <p>The above request emanated from the "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."</p>
July 3, 2017	The CENRO of Brooke's Point forwarded to the DENR MIMAROPA Region the July 3, 2017 letter request of Ipilan for further instruction.
July 3, 2017	The PENRO of Palawan forwarded to the DENR MIMAROPA Region the letter-request of even date from Ipilan for "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"
July 6, 2017	The July 3, 2017 Memorandum from the PENRO of Palawan was forwarded to the MGB MIMAROPA Region

	<p>for the immediate "evaluation of the INC's request particularly the feasibility and soundness of the proposal to construct check dams and other environmental structures such as siltation ponds."</p> <p>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."</p>
July 7, 2017	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.
July 17, 2017	<p>The investigating team, composed of personnel from the MGB, EMB and the DENR RO, recommended, in its report from the July 11-13, 2017 investigation, among others:</p> <ol style="list-style-type: none"> <li>1. "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."</li> <li>2. 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."</li> <li>3. "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."</li> <li>4. "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</li> </ol>

	<p>INC officials to DENR, and subject for review and approval by the DENR before any mitigating measures are implemented on the ground."</p> <p>5. "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 undertaken to remove loose soil and prevent conveyance to nearby water bodies."</p>
July 21, 2017	The EMB MIMAROPA Region issued a Cease and Desist Order against Ipilan from operating its project since the ECC issued to it was already cancelled.
July 24, 2017	The DENR MIMAROPA Region issued a Certification attesting that the Office "has not issued any Special Land-Use Permit (SLUP) to Ipilan..."
July 24, 2017	The DENR MIMAROPA Region in its letter to Ipilan remind the latter that "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.
July 27, 2017	The Palawan Council for Sustainable Development (PCSD) issued Resolution No. 17-588, which recalled the SEP Clearance No. MODP-122110-001 ISSUED TO Ipilan.
July 27, 2017	The PCSD issued Resolution No. 17-589, recommending to the DENR the cancellation of the MPSA of Ipilan.
August 1, 2017	The 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	The EMB MIMAROPA Region issued a Resolution, which denied the Motion for Reconsideration premised on the issued CDO.
August 29, 2017	A Secretary's Certificate from Celestial was submitted to the Bureau, which "authorizes the relinquishment of a land area, which in the aggregate is more or less 300 hectares, identifies as not mineralized."
September 11, 2017	Celestial, through its letter to the MGB MIMAROPA Region, relinquish in favor of the Government, the

	271.5983 hectare portion of the area covered by its MPSA.
September 19, 2017	The 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.
February 23, 2018	The CENRO of 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.
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	Celestial resubmitted its application for the renewal of its MPSA, with a justification that: <ol style="list-style-type: none"> <li>1. The NCIP personnel are "currently in the Free Prior Informed Consent activities."</li> <li>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.</li> <li>3. The ECC is still under appeal.</li> </ol>
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 "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."
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	Celestial submitted the revised location map amending the application for the renewal of the MPSA "depicting the new technical description and boundary that divide equally the gaps and overlaps between MPSA No. 017-98-IV of CNMEC and MPSA No. 220-2005-IV of

	<p>Macroasia as conformed by both parties on November 09, 2016."</p> <p>Celestial also stated that it will continue to update and/or submit deficiencies in the mandatory requirements for the MPSA renewal "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."</p>
September 17, 2018	MPSA No. 017-93-IV granted to Celestial expired.
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.
August 13, 2019	The Sangguniang Bayan 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 "has continued its operation despite the prohibition orders released by the Municipal Government, its lack of business and building permits, and an expired" MPSA.</p> <p>The letter also states that</p> <ol style="list-style-type: none"> <li>1. during its site inspection on December 1, 2019, "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."</li> <li>2. "Xxx... permanently stop the operation of the said company..."</li> <li>3. "The Local Government plans to convert the area into a Botanical Garden,</li> </ol>
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	The CENRO of 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 desiltation of the siltation 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 "allegations are false and misleading. The activities... consists of care and maintenance of existing control sediment structures... to protect the environment."</p> <p>It added that "the proposal to transform the mining area into a botanical garden... has no legal basis."</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 "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."
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 "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.
June 5, 2020	The DENR issued a Resolution lifting the July 21, 2017 Cease and Desist Order issued to Ipilan and reinstated its ECC.
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.
December 21, 2020	The DENR issued an Order clarifying that the MPSA shall expire on April 10, 2025 based on the April 10, 2000

	amendment of the MPSA to conform to the provisions of RA No. 7942.
February 24, 2021	Ipilan submitted its proposed Three (3) Year Development/Utilization Work Program (3YWP).
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 forwarded the evaluated proposed 3YWP of Ipilan to MGB CO for its final evaluation and approval.
June 4, 2021	MGB CO informed Ipilan that the approval of its 3YWP under MPSA No. 017-93-IV-as Amended-2000 shall be held in abeyance until it has secured and submitted a copy of the reinstated SEP clearance for the Ipilan Nickel Project.
August 16, 2021	Ipilan paid its Occupation Fees for <ul style="list-style-type: none"> <li>• CY2018-2019 at the Municipality of Brooke's Point in the amount of Php273,562.50 under OR No. 6104308 G</li> <li>• CY2019-2020 at the Municipality of Brooke's Point in the amount of Php273,562.50 under OR No. 6104309 G</li> <li>• CY2020-2021 at the Municipality of Brooke's Point in the amount of Php273,562.50 under OR No. 6104310 G</li> </ul>
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, after its annual compliance monitoring, required Ipilan to submit its reports regularly.
November 15, 2021	The MGB CO approved the 3YWP of Ipilan for CYs 2021-2023.
November 24, 2021	MGB MIMAROPA requested MGB CO to clarify the following issues in relation to the approval of Ipilan's 3YWP: <ol style="list-style-type: none"> <li>1. EPEP/FMRDP</li> <li>2. NCIP Certification</li> <li>3. Compliance to the conditions under the Resolution reinstating the SEP Clearance, such as: <ul style="list-style-type: none"> <li>• An ECAN Board or Sangguniang Bayan Resolution showing that Ipilan complies with the applicable ECAN Zoning of the Municipality of Brooke's Point;</li> </ul> </li> </ol>

	<ul style="list-style-type: none"> <li>• A Mayor's Permit</li> <li>• PCSD Staff's delineation of encroachment in the watershed, protected areas, and core zone, if any.</li> </ul>
January 7, 2022	<p>MGB CO, in its Memorandum, clarified that:</p> <ol style="list-style-type: none"> <li>1. The PCSD has set certain requirements for the reinstatement of the SEP Clearance of Ipilan, however, based on the resolution, the Council en banc reinstated the SEP Clearance without imposing any conditions to the issuance of the reinstatement therein. Hence, it is construed that the issuance of the reinstatement is already in order and without any defects.</li> <li>2. The Contingent Liability and Rehabilitation Fund Steering Committee issued the Certificate of Approval No. 195-2021-20 on November 25, 2021 approving the Environmental Protection and Enhancement Program and Final Mine Rehabilitation and/or Decommissioning Plan of Ipilan under MPSA No. 017-93-1V-as Amended 2000.</li> <li>3. Ipilan should secure the pertinent Certificate Precondition (CP) or Memorandum of Agreement (MOA) prior to the conduct of development/construction and mining activities within the contract area of MPSA No. 017-93-1V-as Amended 2000. In case that Celestial/Ipilan has only secured a MOA, it is given ninety (90) days upon the commencement of the development/construction and mining activities to secure the CP from the NCIP.</li> <li>4. Ipilan has secured the approval of the 3YD/UWP for CYs 2021-2023 under MPSA No. 017-93-1V-as Amended-2000, the implementation thereof is still held in abeyance pending the compliance with Section 59 of RA No. 8371 and Section 35 of DAO No. 2010-21.</li> </ol>
February 17, 2022	<p>The MGB CO clarified that the effective date of the MPSA granted to Celestial shall be "reckoned from the date of the execution of the amended contract, which was on April 10, 2000. Thus, the applicability of securing the pertinent CP for the said mining tenement shall be observed and complied with by Celestial/Ipilan."</p> <p>MGB CO granted Celestial/Ipilan the authority to implement the approved 3YWP for CYs 2021-2023 subject to the following conditions:</p> <ol style="list-style-type: none"> <li>1. "Celestial/Ipilan shall secure the pertinent CP from the NCIP within ninety (90) days upon the</li> </ol>

	<p>commencement of the development/construction and mining activities in the contract area of the MPSA and shall notify the Mines and Geosciences Bureau (MGB) MIMAROPA Region on the target date of the said commencement;"</p> <p>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 Indigenous Cultural Communities/IPs in the contract area of the MPSA pending the issuance of the cp; and"</p> <p>3. Any changes/amendments to the approved 3YD/UWP for CYs 2021-2023 which entails a negative variance lower than twenty percent (20%) or positive variance shall be approve by the MGB MIMAROPA Region pursuant to Section 6 of DAO No. 2018-20.</p>
March 15, 2022	<p>Ipilan notified MGB MIMAROPA that it is "about to implement and conduct preliminary site preparation activity in relation to the implementation of the INC mine operation plan."</p>
March 16, 2022	<p>Ipilan requested for an "extension of up to three years from 90 days, a more realistic period, in time for INC's renewal of its MPSA in 2025..."</p> <p>In the same letter, Ipilan claimed that the NCIP, in 2006, maintained that it is exempt under the law – "an official position that remains undisturbed and effective. Despite this, we continued with the FPIC process, which resulted in signing a Memorandum of Agreement (MOA) with the Ips in 2008. However, because the NCIP too the view that we need not secure a CP, the MOA did not become operative under its terms and conditions."</p>
April 21, 2022	<p>MGB CO, in response the March 16, 2022-letter of Ipilan granted an extension of one (1) year to secure the Certification Precondition reckoning from the date of the actual commencement of the development/construction and mining activities in the contract area.</p> <p>MGB CO also stated that "Ipilan only seek the assistance of the NCIP through its Letter dated March 14, 2022 more than fifteen (15) months after the issuance of the Order dated December 21, 2020 by the Department and Enviornment and Natural Resources (DENR) clarifying that the effective date of MPSA No. 017-93-IV as Amended-2000 shall be reckoned from the date of the execution of the amended contract on April 10, 2000. Upon the issuance of the said Order, Ipilan should have immediately informed the NCIP that</p>

	the MPSA is no longer exempted in securing the Certification Precondition."
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 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"> <li>1. 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>"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."  It was disclosed to the monitoring team that the actual commencement was on 22 March 2022.</p> </li> <li>2. Submit the following within 30 days: <ol style="list-style-type: none"> <li>a) Revised Location Maps showing the approved areas under the Three-year Development/Utilization Work Program in conjunction with the corresponding updated grid block denominations.</li> <li>b) Revised monthly production report for May 2022 with reflected volume produced during the said month;</li> </ol> <p>The submitted production report does not reflect the actual production volume for May 2022.</p> </li> </ol>

	<p>c) 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> <p>3. 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.</p> <p>It was noted that one-unit mobile crusher was near the vicinity of the company's nursery.</p> <p>4. Proof of employment of at least one full-time MGB-registered safety engineer pursuant to Rule 9 of DAO No. 2000-98.</p> <p>Currently, the company has no MGB-registered full-time safety Engineer.</p> <p>5. Resolve within 30-days the boundary conflict between the approved contract areas covered by MPSA Nos. 01 7-93-IV as Amended 2000 and 220-2005-IVB granted to Celestial and MacroAsia Mining Corp. (MacroAsia), respectively. It was reminded that:</p> <p>a) The Certification by the Regional Director reflected on the approved Survey Plans of Ipilan and MacroAsia on 13 December 2016, stated that:</p> <p>"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."</p> <p>b) During the 18 May 2022 technical conference held at this Office, the companies agreed to resolve the boundary conflict.</p> <p>6. Ipilan should appoint a permanent Resident Manager, who is a licensed mining engineer since he/she will be responsible for the whole mining operations.</p>
September 1, 2022	<p>A Free and Prior Informed Consent -Memorandum of Agreement (FPIC-MOA) was executed by and between Pala'wan Indigenous Cultural Communities/Indigenous Peoples, (ICCs/IPs), Ipilan and the NCIP in accordance with RA No. 8371.</p>



	The FPIC-MOA states among others that the signatories for the ICCs/IPs is an aggrupation of six indigenous communities within the six barangays in the Municipality of Brooke's Point, Palawan and duly represented by its Tribal Leaders/Elders namely.
September 7, 2022	MGB CO issued to Ipilan its first Mineral Ore Export Permit (MOEP) denominated as DENR-MGB-22-007 for 54,000 WMT @1.5% Ni, 15-30% Fe for Guangdong China via M/V He Sheng Nan Fang.
September 13, 2022	The PPA issued Certificate of Registration/Permit to Operate No. 556 (Temporary/Non-Commercial) a NON-COMMERCIAL PRIVATE PORT.
January 30, 2023	MGB MIMAROPA forwarded to MGB CO the issue of the Area conflict by and between Celestial and Macroasia for the possible amendment/revision of the final area coverage and the technical descriptions bounded by the two MPSAs.
February 22, 2023	MGB MIMAROPA in its Memorandum to the DENR Secretary pertaining to the allegations of Alyansa Tigil Mina informed that "Results of the most recent monitoring conducted on the MPSA show that INC has not incurred any violation to the mining law as well as the terms and conditions of the MPSA. With that, there is no legal basis to substantiate the allegations of Alyansa Tigil Mina against INC."
March 14, 2023	MGB MIMAROPA informed the DENR Secretary that the Mayor's Permit falls outside the mandate of MGB as it is not a mandatory requirement under RA No. 7942 and its implementing rules and regulations.
March 30, 2023	Ipilan informed MGB MIMAROPA that the RTC of Brooke's Point issued on 28 March 2023 a Resolution and a Writ of Preliminary Prohibitory and Mandatory Injunction against the protesters, specifically who barricaded its mining haul road and erected structures inside its private property.
April 3, 2023	MGB MIMAROPA requested the Department of Interior and Local Government (DILG) MIMAROPA to assist Ipilan, its workers and the community, in relation to the Writ of Preliminary Prohibitory and Mandatory Injunction issued by the RTC of Brooke's Point on 28 March 2023.
April 3, 2023	The DENR MIMAROPA Region forwarded to MGB MIMAROPA the February 22, 2023 letter of the Brooke's Point, Mayor Cesario Benedito, Jr., addressed to the DENR Secretary demanding for the urgent cancellation

	of the MPSA of Celestial/Ipilan and the issuance of a Cease and Desist Order while the request for cancellation is still pending.
April 19, 2023	<p>Ipilan, in its letter, informed MGB MIMAROPA that:</p> <ol style="list-style-type: none"> <li>1. Pursuant to the Writ of Preliminary and Mandatory Injunction (WPMI) issued by the RTC Branch 165 of Brooke's Point, with the assistance of the PNP, successfully dismantled the structures constructed by and dispersed anti-mining protesters within its main haul roads. It then commenced the hauling and transport of extracted nickel ore from mine pit to the causeway.</li> <li>2. Mining and hauling were put to a standstill, when at about 4PM, an unidentified truck bearing the Department of Agriculture logo forcibly entered through the barangay feeder road, and obstructed the main haul road.</li> <li>3. Human barricade was formed by the anti-mining protesters.</li> <li>4. The company immediately sought police assistance and intervention. The protesters threw rocks at them.</li> <li>5. Ipilan intends to file criminal charges against the person accountable.</li> </ol>
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>“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</p>

	the Ipilan Nickel Corporation/Celestial Nickel Mining Exploration Corporation."
July 3, 2023	<p>MGB MIMAROPA, after its annual tenement monitoring, required Ipilan/Celestial to:</p> <ol style="list-style-type: none"> <li>1. Secure the Certification Precondition (CP) from the National Commission on Indigenous Peoples (NCIP) in compliance with the MGB Central Office (MGB CO) Letter dated 21 April 2022.</li> </ol> <p>"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."</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"> <li>2. Submit a Three-year Development/Utilization Work Program (3YD/UWP) for CYs 2024-2026 in this Office 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 DENR Administrative Order (DAO) No. 2018-20.</li> </ol> <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"> <li>3. Submit the following within 15 days: <ol style="list-style-type: none"> <li>a. Quarterly Monitoring Report of Investment and Employment of Metallic Minerals, Non-Metallic Minerals and Quarry Resources for Q 1-Q4 CY 2022 pursuant to Section 270.t of DAO No. 2010-21 ;</li> <li>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;</li> <li>c. Three copies of the Letter of Designation of the MEPEO Head and his/her curriculum vitae for official registration in compliance with Section 5 of MMO No. 2022007; and</li> </ol> </li> </ol>

	<p>d. Proof of employment of at least one full-time MGB-registered safety engineer pursuant to Rule 9 of DAO No. 2000-98 and Section 146 of DAO No. 2010-21.</p> <p>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.</p> <p>5. Reconcile the targets specified in the Status Report based on the approved 3YD/UWP.</p> <p>6. Reflect the production data under Item II, B of MGB Form No. 29-05 to Item 2.b of the Status Report.</p> <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 4, 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 "The unilateral issuance of the Suspension Order raises serious concerns of bad faith."</p>
July 7, 2023	<p>MGB MIMAROPA after the annual SHES monitoring directed Ipilan to:</p> <p>For Safety and Health:</p> <ol style="list-style-type: none"> <li>1. Submit a Safety and Health Program (SHP) at least fifteen (15) working days before the start of each calendar year in accordance with Section 144 of DE-NR Administrative Order (DAO) No. 2010-21;</li> <li>2. Strictly implement the company's Safety and Health policy on smoking and conduct re-orientation of this policy to all personnel with the provision of additional designated smoking areas;</li> <li>3. Provide first aid kits and firefighting equipment to new offices/facilities;</li> <li>4. Ensure proper allocation of budget per project/activity and continue the implementation of projects/activities within the approved SHP;</li> <li>5. Submit quarterly emergency drill reports in accordance with Rule 639 of DAO Nov 2000-98:</li> </ol>

	<ol style="list-style-type: none"> <li>6. Rectify the Monthly General Accident Reports for April, May, June, and November 2022 and resubmit to MGB MIMAROPA;</li> <li>7. Install guard rails and safety harness anchors for all sampling stands. Provide a safety harness to the on-duty sampler in the sampling stand and conduct orientations on the proper use of a safety harness;</li> <li>8. Establish and review the traffic management plan plus install speed limit signs on haul roads; and</li> <li>9. Regrade the haul road of the causeway in such a way that silted water will not flow directly to the sea and instead will flow back to the settling pond, Expedite the construction of the causeway.</li> </ol> <p>For Environmental Management:</p> <ol style="list-style-type: none"> <li>1. Ensure proper planning, implementation, and reporting of environmental activities. Include justification for the underspending and/or overspending in the Accomplishment Report being submitted;</li> <li>2. Submit reportorial requirements within the prescribed period;</li> <li>3. Improve the implementation of solid waste management e.g., through intensified internal IECs;</li> <li>4. Replace/update the signages installed in the reforestation areas and siltation ponds;</li> <li>5. Expand the existing Hazardous Waste Facility ensuring its holding storage capacity can accommodate the project's projected hazardous waste generation;</li> <li>6. Reconstruct the identified areas of the drainage system ensuring that it serves its purpose;</li> <li>7. Improve catchment of silt by providing additional layer of silt curtain to the existing one. Provide blockage for the gaps between the ramp and LCT; and</li> <li>8. Convert established environmental funds i.e., Mine Rehabilitation Fund and Final Mine Rehabilitation/Decommissioning Fund to Trust Funds</li> </ol> <p>For Social Development and Management:</p> <ol style="list-style-type: none"> <li>1. Provide a copy of the approved 5-Year Social Development and Management Program (SDMP) to the concerned Local Government Units (LGUs);</li> <li>2. Ensure the timely submission of the reportorial requirements;</li> <li>3. Ensure the proper documentation of the consultation conducted with the host and neighboring communities;</li> <li>4. Conduct monthly informal monitoring with the representatives of the host and neighboring communities of the implementation of the</li> </ol>
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	<p>projects/programs/activities (PPAs) under the approved ASDMP;</p> <ol style="list-style-type: none"> <li>Continue the implementation of the remaining PPAs under the approved ASDMP;</li> <li>Establish and maintain an SDMP database;</li> <li>Ensure the attendance of the ComRel Staff to any community development-related training and seminars;</li> <li>Establish a grievance mechanism to adequately respond to the needs, issues, and concerns of the community and include discussion of the same in the succeeding ASDMPs; and</li> <li>Establish an account for the SDMP funds in a government depository bank in the name of the Contractor within thirty (30) days from the approval of the ASDMP.</li> </ol>
July 27, 2023	The NCIP MIMAROPA issued a Show Cause Order to Ipilan, copy furnished MGB MIMAROPA, instructing Ipilan to show cause in writing as to why it is operating sans the NCIP legal requirements, and to submit proof of compliance to the 17 February 2022 MGC conditional approval of its mining activities.
August 2, 2023	NCIP formally submitted to MGB MIMAROPA a copy of the 24 May 2022 Memorandum from the Ancestral Domains Office (ADO) regarding the effectivity of the previously issued letter from the former ADO Director dated 31 March 2006 exempting Celestial from the NCIP requirement.
August 4, 2023	<p>Ipilan in its reply to the 27 July 2023 NCIP letter, copy furnished MGB MIMAROPA, stated, among others, that:</p> <ul style="list-style-type: none"> <li>"Xxx... its MPSA pre-dated the Indigenous Peoples' Rights Act (IPRA) since it was executed on August 5, 1993..."</li> <li>"While the MPSA was amended in 2000, the same remained effective and did not expire."</li> <li>NCIP in its 30 March 2006 letter "clarified that INC is no longer required to secure a CP..."</li> </ul>
August 7, 2023	<p>Ipilan, in its reply to the 27 June 2023 NCIP letter, copy furnished MGB MIMAROPA stated, among others, that:</p> <ul style="list-style-type: none"> <li>"The 2022 FPIC MOA is a valid and binding contract."</li> <li>"Notwithstanding its statutory exemption, in 2006, CNMEC coordinated with NCIP and requested the issuance of a CP for its intended mining operations."</li> <li>"Xxx... prays for the outright dismissal of the complaints and the formal lifting of the improvidently issued Suspension Order."</li> </ul>



August 10, 2023	<p>MGB MIMAROPA through its Memorandum to MGB CO gave justification in response to the complaint filed by the Pala'wan ICC with the Office of the Ombudsman against its former RD, Glenn Marcelo C. Noble for alleged violation of abuse of power by favoring Ipilan despite its violations of the law.</p> <p>MGB MIMAROPA reminded MGB CO that it has issued several directives that order compliance with the CP requirement through its letters dated 04 August 2022 and 03 July 2023.</p>
August 11, 2023	<p>The NCIP MIMAROPA Region released a Cease and Desist Order (CDO) against Celestial through its operator, Ipilan.</p> <p>The Order directs that the said CDO "shall only be lifted upon submission of proof by CNMEC/INC that it secured the CP and FPIC of the host ICCs/IPs of Brooke's Point, Palawan as required by RA 8371."</p>
August 14, 2023	<p>Ipilan requested reconsideration to the 11 August 2023 NCIP CDO, copy furnished MGB MIMAROPA.</p> <p>Ipilan informed that it has made a commitment to the NCIP Chairperson Allen A. Capuyan "to remit a royalty equivalent to 1% of our company's revenue from September 2022 to July 31, 2023. Enclosed is a copy of a check, payable to the Indigenous Peoples Development Office... amounting to P40,334,180.74... xxx"</p>
August 14, 2023	<p>MGB MIMAROPA, through its Memorandum to MGB CO recommended the following:</p> <ol style="list-style-type: none"> <li>1. INC is urged to comply with the 11 August 2023 CDO issued by the NCIP without prejudice to its right to avail of any legal remedy. Should INC suspend its mining activities due to the above cited CDO, INC is directed to implement its Care and Maintenance Program approved on 20 September 2021 with Certificate of Approval No. 003-2021-MIMAROPA;</li> <li>2. INC 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 "The Philippine Development Plan 2023-2028," with its headline socioeconomic target to "create more, better, and more resilient jobs."</li> </ol>

	<p>Provided that INC should first initiate a dialogue with the concerned ICCs/IPs through the NCIP to determine the amount of royalties to be paid and the same shall be deposited in escrow until the resolution of the claims.</p> <p>If the amount cannot yet be determined, INC should use as basis the percentage rate specified under Section 16 of DAO No. 2010-21.</p>
August 15, 2023	<p>The NCIP, in reply to the 14 August 2023 letter of Ipilan, stated, among others that:</p> <ul style="list-style-type: none"> <li>• “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 formal meeting between the AD representatives and the NCIP.”</li> <li>• “the referred 2008 memorandum of agreement signed between CNMEC 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 be conducted to ascertain the consent given and to finalize the benefits to be provided to the ICCs/IPs.</li> <li>• “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.</li> </ul>
August 16, 2023	<p>MGB MIMAROPA received the 15 August 2023 Notice of the Supreme Court En Banc Resolution for GR No. 268140 for the Petition for the Writ of Kalikasan filed by ICC BICAMM Ancestral Domain vs DENR, et al.</p>

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# SKETCH PLAN SHOWING RELATIVE LOCATION OF MPSA-017-93-IV AND AREA OF SEP CLEARANCE

