



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

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21 February 2023

ATTY. MARY JEAN D. FELICIANO

Vice Mayor
Municipality of Brooke's Point
Province of Palawan

Dear Vice Mayor M. J. D. Feliciano:

This respectfully refers to the 14 February 2022 Memorandum of DENR MIMAROPA Region as regards Sangguniang Bayan of Brooke's Point Resolution No. 2022-103 seeking to investigate the operations of Celestial Nickel Mining Exploration Corporation (CNMEC)/Ipilan Nickel Corporation (INC) under Mineral Production Sharing Agreement (MPSA) No. 017-93-IV as Amended-2000.

Please be clarified on the following:

1. On its operation without a Certificate Precondition (CP) from the National Commission of Indigenous Peoples (NCIP)

Pursuant to the attached 31 March 2006 Letter of the NCIP, there is no need for CNMEC to secure a CP as this requirement only applies to applications filed after Republic Act (RA) No. 8371 or the Indigenous Peoples Rights Act of 1997 was enacted.

Please be advised that the NCIP did not rescind their position regarding the matter.

2. On its operation without a Protected Area Management Board (PAMB) Clearance

On 18 September 1993, MPSA No. 017-93-IV was entered into by and between the Philippine Government and CNMEC situated in Brgys. Mambalot and Ipilan, Brooke's Point, Palawan. It was registered on 08 December 1993.

Of the 2,917.2743 hectares covered by the MPSA, approximately 1,397.50 hectares fall within the Mt. Mantalingahan Protected Landscape (MMPL) under Proclamation No. 1815 dated 23 June 2009.

The MPSA, however, predates the proposed Final Boundary of the MMPL. It is protected under the pertinent provision of Presidential Proclamation No. 1815 creating the MMPL while recognizing prior or vested rights, as follows:

"Any valid contract, permit or license for the extraction or utilization of natural resources therein already existing prior to the Proclamation shall subject to national interest and existing laws, rules and regulations, be respected until its expiration."

3. On the alleged renewal or extension of the MPSA without the endorsement of the Local Government Unit of Brooke's Point

MPSA No. 017-93-IV did not expire on 05 August 2018. Rather, on 10 April 2000, the said MPSA was amended to conform to the provisions of RA No. 7942 and a new

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

MPSA was executed by and between the Philippine Government, through the DENR Secretary and Celestial Nickel Mining Exploration Corporation, and was redenominated as MPSA No. 017-93-IV as Amended-2000.

To resolve the issue on the effective date of the MPSA, the DENR has issued the Order dated 21 December 2021 confirming that the effective date of the same MPSA shall be reckoned from the date of execution of the amended MPSA, i.e., 10 April 2000, hence, the MPSA shall only expire on 10 April 2025, pursuant to the pertinent provision of Section 8 and 29 of RA No. 7942, which provides the authority of the Secretary to issue MPSAs.

Please be guided accordingly.

Thank you.

Very truly yours,


GLENN MARCELO C. NOBLE
Regional Director

Enc'l: As stated

Cf: **The Secretary**
Department of Environment and Natural Resources
Visayas Avenue, Diliman, Quezon City

The Undersecretary
Department of Environment and Natural Resources
Field Operations Luzon, Visayas and Environment
Visayas Avenue, Diliman, Quezon City
DENR-ASRMD 2022-030051

The Director
Mines and Geosciences Bureau
North Avenue, Diliman, Quezon City

The Regional Executive Director
Department of Environment and Natural Resources
MIMAROPA Region
Roxas Boulevard, Ermita, Manila

The Chairperson
Office of the Sangguniang Bayan
Municipality of Brooke's Point
Province of Palawan

The President
Ipilan Nickel Corporation
Penthouse, Platinum Tower
Aseana Avenue cor. Fuentes Street
Aseana, Parañaque City

022123-R04B-0499



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MINES AND GEOSCIENCES BUREAU
MIMAROPA Region



Republic of the Philippines
OFFICE OF THE PRESIDENT
NATIONAL COMMISSION ON INDIGENOUS PEOPLES
2nd Flr. N. dela Merced Bldg., Corner West & Quezon Aves., Quezon City
Tel Nos. 373-9534 • 373-9578 Tel. Fax 373-9765
Website: www.ncip.gov.ph

March 31, 2006

National Commission on Indigenous Peoples
Ancestral Domain Office
Central Office

RELEASE

RESOURCE MANAGEMENT

DATE: APR 03 2006
BY: [Signature]

HON. GUILLERMO G. ESTABILLO, JR.
Regional Director, DENR-MGB-IV, MIMAROPA
DENR by the Bay, 1515 Roxas Blvd., Ermita,
Manila

Dear Director Estabillo,

This has reference to your endorsement letter received by our office last March 13, 2006, forwarding the letter request for Certification Precondition of Celestial Nickel Mining Exploration Corporation, location/sketch plan and technical description of the area covered by Mineral Production Sharing Agreement denominated as MPSA-017-93-IV situated in Brgys. Mambalot and Ipilan, Brooke's Pt. Palawan.

Please be informed that our office cannot accommodate the request since Celestial Nickel Mining Exploration Corporation was already awarded an MPSA (MPSA-017-93-IV) on August 5, 1993. There is no more need for the said company 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.

In this regard we are respectfully endorsing back to your office the following documents:

1. MGB Endorsement letter dated 8 February 2006;
2. Letter of Celestial Nickel Mining Corporation dated 8 February 2006;
3. Copy of Mineral Production Sharing Agreement (MPSA No. 017-93-IV).

Very truly yours,

[Signature]
MYRNA L. CAOAGAS