



**MEMORANDUM**

TO : **THE REGIONAL EXECUTIVE DIRECTOR**  
DENR Region IV B  
L & S Bldg., Roxas Blvd., Manila

FROM : **THE UNDERSECRETARY**  
Field Operations Luzon & Visayas and Environment

SUBJECT : **COPY OF SANGGUNIANG BAYAN OF BROOKE'S POINT,  
PALAWAN (RESOLUTION NO. 2022-103 AND NO. 2022-74)**

DATE : **FEB 06 2023**

This pertains to the Memorandum dated 06 January 2023 of OIC Chief of Staff Undersecretary Augusto D. dela Peña endorsing the letter of Vice Mayor Mary Jean Feliciano of Brooke's Point, Palawan regarding the abovementioned subject.

The Sangguniang Bayan Resolutions seeks to investigate the mining areas and operations of Ipilan Mining Corporation, Macro Asia and Lebach in the Municipality of Brooke's Point in Palawan.

Relative to this, you are hereby instructed to review their Resolution and provide the necessary action on the matter. Reply directly to the letter sender, copy furnished this Office and the parties concerned citing document tracking number DENRCO-ASRMD 2022-030051 for monitoring and record purposes.

For compliance.

  
**ATTY. JUAN MIGUEL T. CUNA, CESO I**

c.c.

Office of the Secretary

Vice Mayor Mary Jean Feliciano  
Brooke's Point, Palawan



Republic of the Philippines  
Department of Environment and Natural Resources  
Document Action Tracking System  
Document Routing Slip

PRIORITY

Document No: DENRCO - AS RMD-2022-030051 Print Date: Thursday, November 24, 2022  
Sender: ATTY. MARY JEAN D. FELICIANO  
Address: OFFICE OF THE VICE MAYOR - MUNICIPALITY OF BROOKES' POINT, PROVINCE OF PALAWAN /  
jf\_aldaw@yahoo.com  
Subject: LETTER DTD 11/23/2022 SUBMISSION OF TWO (2) APPROVED RESOLUTIONS OF THE SANGGUNIANG BAYAN  
OF BROOKES' POINT PALAWAN (RESOLUTION NO. 2022-103 AND RESOLUTION NO. 2022-74)  
Addressee(s): Office of the Secretary (DENRCO - OSEC)  
CC Addressee(s):  
Date/Time Received: 11/24/2022 10:30:00 AM

ROUTING AND ACTION INFORMATION				
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11-24-22  
3:45

TIN 11-25-22

moving for OUPD 2/2/23  
(th. to vice mayor)

OSEC  
2223

to

RMD  
Atty. Ricky, Sir;  
2223

Winton 2223 please refer to RAB for comments,  
recommending a partner concerned.  
RMD to USANTCS memo 2223 to RAB  
cc: VMayor Feliciano + OSEC

Mines

Mines - 36



Republic of the Philippines  
**Department of Environment and Natural Resources**  
Visayas Avenue, Diliman, Quezon City  
Tel Nos. 929-6626 to 29; 929-6633 to 35  
929-7041 to 43; 929-6252; 929-1669  
Website: <http://www.denr.gov.ph> E-mail: [web@denr.gov.ph](mailto:web@denr.gov.ph)

## MEMORANDUM

FOR : **The Undersecretary**  
Field Operation – Luzon, Visayas and Environment

FROM : **The Undersecretary and**  
**Officer-In-Charge, Chief of Staff**

SUBJECT : **RESOLUTIONS OF THE SANGGUNIANG BAYAN OF**  
**BROOKE'S POINT, PALAWAN (RESOLUTION NO. 2022-**  
**103 AND RESOLUTION NO. 2022-74)**

DATE : **JAN 06 2023**

Respectfully referred, for information and appropriate action, is the attached letter of Atty. Mary Jean D. Feliciano, Municipal Vice Mayor of Brooke's Point, Palawan submitting the following Resolutions, approved by the Sangguniang Bayan of Brooke's Point, Palawan:

- (1) Resolution No. 2022-103, urging the President thru DENR to *"Investigate Why Ipilan Nickel Corporation (INC) is Allowed to Operate Despite the Absence of Mandatory Clearance and how its MPSA was Renewed or Extended Without the Endorsement of the Local Government Unit of the said Municipality;"* and
- (2) Resolution No. 2022-74, reiterating Resolution No. 2015-199, a resolution requesting DENR – MGB for the *"Conduct of Investigation on the Appropriateness of the Mining Areas Claimed by Ipilan Nickel Corporation, Macro Asia and Lebach in the Municipality of Brooke's Point Palawan and to Recall Any Permits Issued Thereby Deferring Any Operations of the Said Three Mining Companies while the Issues Have Not Been settled."*

Please inform the party/ies concerned and the undersigned of the actions taken on the matter.

  
**AUGUSTO D. DELA PEÑA**

cc: **Atty. Mary Jean D. Feliciano**  
Municipal Vice Mayor  
Brooke's Point, Palawan

**The Regional Director**  
MGB DENR Region IV-B  
[region4b@mgb.gov.ph](mailto:region4b@mgb.gov.ph)



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**Department of Environment and Natural Resources**  
Visayas Avenue, Diliman, Quezon City  
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JAN 06 2023

**ATTY. MARY JEAN D. FELICIANO**

Municipal Vice Mayor  
Brooke's Point, Palawan

Dear **Vice Mayor Feliciano**:

This is to acknowledge receipt of your letter transmitting the Resolution No. 2022-103 and Resolution No. 2022-74 of the Sangguniang Bayan of Brooke's Point, Palawan, both requesting to investigate the operation of *Ipilan Nickel Corporation (INC)*.

In this regard, please be informed that we have referred the matter to the Office of Undersecretary for Field Operations – Luzon, Visayas and Environment for appropriate action and to provide you with their actions taken on the subject matter. You may also directly coordinate with the said office at telephone numbers (02) 8925-2328 and 8926-2567 for the latest updates.

Thank you very much for your kind consideration.

Very truly yours,

**AUGUSTO D. DELA PEÑA**  
Undersecretary and  
Officer-In-Charge, Chief of Staff

Republic of the Philippines  
Province of Palawan  
Municipality of Brooke' Point

**OFFICE OF THE VICE MAYOR**

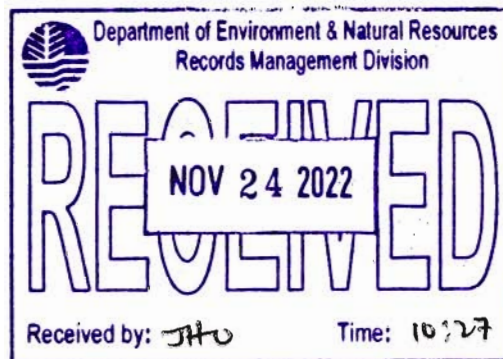
*jf-aldaw@yahoo.com*

November 23, 2022

**SEC. MA. ANTONIA YULO-LOYZAGA**

Secretary

Department of Environment and Natural Resources  
Visayas Avenue, Diliman, Quezon City



**Madam:**

Greetings.

The undersigned respectfully submits two (2) approved Resolutions of the Sangguniang Bayan of Brooke's Point, Palawan for your perusal.

Thank you and God bless.

Respectfully yours,

  
**ATTY. MARY JEAN D. FELICIANO**

Municipal Vice Mayor



**WHEREAS**, the areas covered by the Mineral Production Sharing Agreement (MPSA) OF Macroasia, Ipilan Nickel and Lebach Mining overlap with MMPL;

**WHEREAS**, several bodies of water, namely: Sabsaban, Pangatleban, Ipilan, Filantropiya and Maasin rivers are the source of 3 irrigation dams that provide a stable supply of water to more or less Three Thousand (3,000) hectares of rice lands in Five (5) Barangays namely: Calasaguen, Maasin, Mambalot, Barongbarong, and Ipilan;

**WHEREAS**, open pit mining necessitates the cutting of the trees in order to extract the minerals. This will adversely impact the water supply of the aforesaid irrigations. Likewise denuded forest will result in flashfloods and landslides that will endanger not just the agricultural crops and animals but human lives as well;

**WHEREAS**, the areas covered by the said MPSA are classified as Forest Zone under the Comprehensive Land Use Plan (CLUP) and Forest Land Use Plan (FLUP) of this municipality;

**WHEREAS**, the MPSA of the said mining companies likewise overlap with the core zone and declared watershed of the Municipality of Brooke's Point;

**WHEREAS**, the permit given by the DENR through MGB to conduct mining operations within the municipality's declared forest zone undermines the local autonomy of Brooke's Point;

**WHEREAS**, this august body received several complaints from Indigenous People, farmers, fisherfolks and residents of the impact barangays concerning the impending operation of the aforesaid mining companies;

**WHEREAS**, there is a need to re-evaluate /investigate the appropriateness of mining operations within Brooke's Point territorial jurisdiction to avoid possible environmental disaster and the potential loss of livelihood of the IP, farmers and fisherfolks;

**NOW THEREFORE** on motion of Councilor Victoriano B. Colili, duly seconded by the Body, be it;

**RESOLVE**, as it is hereby resolved **TO REQUEST THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES-MINES AND GEOSCIENCE BUREAU FOR THE CONDUCT OF INVESTIGATION ON THE APPROPRIATENESS OF THE MINING AREAS CLAIMED BY IPILAN NICKEL CORPORATION, MACRO ASIA AND LEBACH IN THE MUNICIPALITY OF BROOKE'S POINT, PALAWAN AND TO RECALL ANY PERMITS ISSUED THEREBY DEFERRING ANY OPERATIONS OF THE SAID THREE MINING COMPANIES WHILE THE ISSUES HAVE NOT BEEN SETTLED.**

**RESOLVED FINALLY**, to furnish copies of this resolution the DENR Central Office thru Secretary Antonia Yulo-Loyzaga, DENR-MGB Central Office thru Director Atty. Wilfredo G. Moncano and DENR-MGB-Region-IVB thru Regional Director Glenn Marcelo C. Noble and to all concerned agencies/offices for their information and appropriate action.

**CARRIED:**

**ADOPTED** during the 122<sup>nd</sup> Regular Session held on July 25, 2022 at Legislative Building, Sangguniang Bayan Session Hall, Brooke's Point, Palawan with the **AFFIRMATIVE VOTES** of Coun. Sarah Jane C. Abon; Coun. Richard R. Balean; Coun. Ezekiel E. Rodriguez; Coun. Jonathan Z. Lagrada; Coun. Victoriano B. Colili; Coun. Jimart M. Naingue and Coun. Nerelia P. Pacaldo

**I HEREBY CERTIFY** to the approval of the foregoing resolution.

Attested by:

  
**ATTY. MARY JEAN D. FELICIANO**  
Municipal Vice Mayor/Presiding Officer

  
**RAZUL T. BOLLOSO**  
Secretary to the Sanggunian

Approved by   
**CESAREO R. BENEDITO, JR.**  
Municipal Mayor



Republic of the Philippines  
Province of Palawan  
Municipality of Brooke's Point



**OFFICE OF THE SANGGUNIANG BAYAN**

**RESOLUTION NO. 2022-103**

*Authored by: Hon. Jonathan Z. Lagrada*

*Chairman: Committee on Agriculture, Foods Security and Cooperative*

**A RESOLUTION URGING HIS EXCELLENCY PRESIDENT FERDINAND R. MARCOS, JR. THRU DENR SECRETARY MA. ANTONIA YULO-LOYZAGA TO INVESTIGATE WHY IPILAN NICKEL CORPORATION (INC) IS ALLOWED TO OPERATE DESPITE THE ABSENCE OF MANDATORY REQUIREMENTS FROM OTHER GOVERNMENT AGENCIES NAMELY: WITHOUT CP, WITHOUT PAMB CLEARANCE AND HOW ITS MPSA WAS RENEWED OR EXTENDED WITHOUT THE ENDORSEMENT OF THE LOCAL GOVERNMENT UNIT OF THIS MUNICIPALITY**

**WHEREAS**, his Excellency President Ferdinand R. Marcos, Jr. on his first SONA emphatically declared,

"Companies who exploit our natural resources must follow the law. We all have the responsibility to preserve this Earth, for we are but custodians, and we will pass on this great treasure to future generation.

There is no question that the preservation of the environment is the preservation of life.

If we cannot mitigate climate change, all our plans for the economy, all our plans for our future will be for naught."

**WHEREAS**, Ipilan Nickel Corporation has been operating in Barangay Maasin, Brooke's Point, Palawan without compliance with some mandatory requirements; namely: Certificate Precondition from NCIP, Clearance from Protected Area Management Board (PAMB) of the Mt. Mantalingahan Protected Landscape (MMPL) and the mandatory public consultation and social acceptability as provided for in the Local Government Code;

**WHEREAS**, during the hearing of the Sangguniang Bayan by the Committee of the Whole, it was admitted by the National Commission of Indigenous People (NCIP) that INC as of this date has no Certificate Precondition on its ongoing operations;

**WHEREAS**, a large portion of upland areas of Barangay Maasin is within Mt. Mantalingahan Protected Landscape and there is a portion that overlaps with the mining claims of INC, hence, a PAMB Clearance must be secured first before INC can operate, however, up to this date the INC has already excavated thousands of tons of minerals from our mountains, there was no PAMB clearance issued to it nor was there any indication that INC has applied to secure a clearance from the PAMB;

**WHEREAS**, Section 26 and Section 27 of the Republic Act 7160 state that the Duty of National Government Agencies in the Maintenance of Ecological Balance- It shall be the duty of every national agency or government-owned or controlled corporation authorizing or involved in the planning and implementation of any project or program that may cause pollution, climatic change, depletion of non-renewable resources, loss of crop land, rangeland, or forest cover, and extinction of animal or plant species, to consult with the local government units, nongovernmental organizations, and other sectors concerned and explain the goals and objectives of project or program, its impact upon the people and the community in terms of environmental or ecological balance, and the measures that will be undertaken to prevent or minimize the adverse effects thereof<sup>26</sup>. Prior Consultation-No project shall be implemented by the government authorities unless the consultation mentioned in Sections 2 (c) and 26 hereof are complied with, and prior approval of the Sanggunian concerned is obtained: Provided, That occupants in areas where such projects are to be implemented shall not be evicted unless appropriate relocation sites have been provided, in accordance with the provisions of the Constitution

**WHEREAS**, no public consultation conducted nor a Sangguniang Bayan Endorsement concerning the current operation of INC whose MPSA has expired in September 2018 according to the Mines and Geosciences Bureau;

**WHEREAS**, the Local Government Unit of Brooke's Point, was not consulted when the Mineral Production Sharing Agreement (MPSA) of INC was renewed or extended by the DENR in 2020, this is an affront to LGU autonomy to decide what industries or projects shall be accepted in her territorial jurisdiction.

**WHEREFORE**, be it resolved as it is hereby resolved urging His Excellency President Ferdinand R. Marcos, Jr. thru Denr Secretary Ma. Antonia Yulo-Loyzaga to investigate why Ipilan Nickel Corporation (INC) allowed to operate despite the absence of mandatory requirements from other government agencies namely: without CP, Without PAMB Clearance and how its MPSA was renewed or extended without the endorsement of the Local Government Unit of this municipality.

**NOW THEREFORE**, on motion of Councilor Jonathan Z. Lagrada, duly seconded by Coun. Sarah Jane C. Abon, Be it;

**RESOLVED**, as it is hereby resolved to urge His Excellency President Ferdinand R. Marcos, Jr. thru Denr Secretary Ma. Antonia Yulo-Loyzaga to investigate why Ipilan Nickel Corporation (INC) is allowed to operate despite the absence of mandatory requirements from other government agencies namely: without CP, Without PAMB Clearance and how its MPSA was renewed or extended without the endorsement of the Local Government Unit of this municipality.

**RESOLVED FINALLY**, to furnish copies of this Resolution to all concerned agencies or offices for their information and ready reference.

**UNANIMOUSLY CARRIED.**

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**ADOPTED** during the 128<sup>th</sup> Regular Session held on September 12, 2022 Legislative Building, Sangguniang Bay. Session Hall, Brooke's Point, Palawan at with the **AFFIRMATIVE VOTES** of Coun. Sarah Jane C. Abon; Coun. Richard Balean; Coun. Ezekiel E. Rodriguez; Coun. Nathan Sam O. Lacanilao; Coun. Jonathan Z. Lagrada; Coun. Arturo B. Ferrar; Coun. Victoriano B. Colili; Coun. Hayati B. Dugasan; Coun. Jimart M. Naingue and Coun. Nerelia P. Pacaldo

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**I HEREBY CERTIFY** to the approval of the foregoing resolution.

  
**RAZUL T. BOLLOSO**  
*Secretary to the Sanggunian*

Attested by:

  
**ATTY. MARY JEAN D. FELICIANO**  
*Municipal Vice Mayor/Presiding Officer*

Approved by:

  
**CESAREO R. BENEDITO, JR.**  
*Municipal Mayor*





**RESOLUTION NO. 2022-74**

*Authored by: Hon. Victoriano B. Colili*

*Chairman, Committee on Environmental Protection and Natural Resources, Housing and Land use*

**A RESOLUTION REITERATING THE RESOLUTION NO.2015-119 "ENTITLED A RESOLUTION REQUESTING THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES-MINES AND GEOSCIENCE BUREAU (DENR-MGB) FOR THE CONDUCT OF INVESTIGATION ON THE APPROPRIATENESS OF THE MINING AREAS CLAIMED BY IPILAN NICKEL CORPORATION, MACRO ASIA AND LEBACH IN THE MUNICIPALITY OF BROOKE'S POINT, PALAWAN AND TO RECALL ANY PERMITS ISSUED THEREBY DEFERRING ANY OPERATIONS OF THE SAID THREE MINING COMPANIES WHILE THE ISSUES HAVE NOT BEEN SETTLED**

**WHEREAS**, Section 16 of the Local Government Code provides that every local government unit shall exercise the powers expressly granted, those necessarily implied therefrom, as well as powers necessary, appropriate, or incidental for its efficient and effective governance, and those which are essential to the promotion of the general welfare. Within their respective territorial jurisdictions, local government units shall ensure and support, among other things, the preservation and enrichment of culture, promote health and safety, enhance the right of the people to a balanced ecology, encourage and support the development of appropriate and self-reliant scientific and technological capabilities, improve public morals, enhance economic prosperity and social justice, promote full employment among their residents, maintain peace and order, and preserve the comfort and convenience of their inhabitants;

**WHEREAS**, Palawan is known as the country's last ecological frontier. Its biodiversity and high endemism is known in the world. According to the Forest Management Bureau of the DENR 2013 Forestry Statistics report, of its 1,489,626 total land area of 692,288 hectares are covered with forest. Palawan is known to host a diversified flora and fauna including native birds and native trees endemic to the Philippines makes our bio-diversity rich province important for conservation;

**WHEREAS**, nestled in the southern part of the Palawan Man and Biosphere Reserve is the Mt. Mantalingahan Protected Landscape (MMPL), a protected area by virtue of Presidential Decree 1815 signed on June 23, 2019. It covers a total area of 120,457 hectares within the territorial jurisdiction of the municipalities of Bataraza, Brooke's Point, Española, Rizal and Quezon;

**WHEREAS**, MMPL as a key biodiversity area, it hosts denizens of plants and animals. One of only ten (10) sites of the alliance for Zero Extinction in the Philippines and one of the eleven (11) important bird areas in Palawan;

**WHEREAS**, the preservation of MMPL is enough to ensure the integrity of the ecological processes in this largely forested mountain range which is critical for maintaining biodiversity and providing various ecosystem services that benefits the local communities. These ecosystem services include water, soil conservation, flood control, carbon sequestration, non timber forest products and the high potentials of waterfalls, cover and other potential of tourism. The thirty three (33) watersheds within MMPL are extremely valuable to lowland agricultural economy in the area;

**WHEREAS**, MMPL is home of more than 12,000 families of Palaw'an, hence its protection and conservation is a must and should not be compromised with development specifically resource extractive activities;

**WHEREAS**, a large portion of the upland areas of the fourteen (14) barangays of Brooke's Point are within MMPL;



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