
Demand for Rectification of Unjust Suspension Order and Public Apology

1 message

Judd Yonder Reyes <jlreyes@gfni.com.ph>

Mon, Jul 10, 2023 at 11:07 PM

To: region4b@ncip.gov.ph

Cc: ado@ncip.gov.ph, oed@ncip.gov.ph, jijontilla@gmail.com, mimaroparegion@denr.gov.ph, MGB-MIMAROPA <mines_4b@yahoo.com>

July 04, 2023

Dr. Marie Grace T. Pascua, CESO III

Regional Director

National Commission on Indigenous Peoples

MIMAROPA Region IV-B

3/F Argo Building, 514,

EDSA, Cor. P. Tuazon Ave.,

Quezon City, 1100 Metro Manila

Dear Director Pascua:

Demand for Rectification of Unjust Suspension Order and Public Apology

We write for Ipilan Nickel Corporation (INC) and respond to your letter dated June 27, 2023 (the "Letter"). The Letter directs INC to comment on the complaints filed by the Pala'wan ICCs/IPs of Brgys. Barong-barong, Ipilan, Calasaguen, Aribungos, Mambalot and Maasin, Brooke's Point, Palawan.

INC protests the intent and timing of the Letter. It is deeply troubling that your request for comment was issued almost a week after your Suspension Order, dated June 20, 2023, against the FPIC process of INC had already gained widespread attention through news outlets and online platforms. The rapid dissemination of an unfavorable directive exposed INC to public mockery and served as fodder for idle talk.

Despite the Suspension Order being widely circulated, INC was neither formally provided a copy nor given sufficient opportunity to present its perspective. The unilateral issuance of the Suspension Order raises serious concerns of bad faith. It indicates that your office has solely engaged with the alleged complainants, uncritically accepting their claims and prematurely forming judgments before establishing a validating team. This evident bias against INC leaves no room for doubt that your office's actions are aimed at tarnishing its reputation and undermining the credibility of the FPIC process, which, though completed, has been unnecessarily delayed within your office.

Administrative due process entails providing individuals with a fair and reasonable opportunity to be heard and to present their side. However, your belated request for comment and ex-parte issuance of Suspension Order are not only violative of this fundamental principle. They also run afoul of NCIP Administrative Order No. 3 Series of 2012, which explicitly outlines the procedure for resolving FPIC-related complaints and prohibits suspending the FPIC process pending the resolution of administrative complaints. Furthermore, they contradict Section 19, Rule VIII of the NCIP Rules of Procedure, which mandates Regional Hearing Offices to instruct respondents to respond to complaints, schedule case conferences, and conduct hearings before rendering judgments or issuing orders. As the head of an office, you are expected to be the first to uphold the NCIP rules. Unfortunately, you have chosen to disregard them entirely.

Due to the significant injury caused to INC's reputation and your manifest partiality, we are considering legal actions to protect our client's interests, including breaches of the Code of Ethical Standards for Public Officers and violations of the Anti-Graft and Corrupt Practices Act. INC strongly urges you to issue a public apology in the same manner, form, and level of circulation you took when you disseminated the Suspension Order within five days of receiving this letter to rectify your egregious act. Failure to comply with this demand will leave INC with no choice but to pursue all available legal remedies and actions against you and your office.

We trust that you will treat this matter with the utmost urgency and seriousness it deserves.

Sincerely,

Atty. Dennis P. Manalo

Atty. Angelo Fernando L. Sangalang

Copy furnished:

Atty. Caesar M. Ortega
Ancestral Domain Office Director/ Executive Director
National Commission on Indigenous Peoples
6/F and 7/F, Sunnymede IT Center,
[1614 Quezon Ave., Diliman](#) 1103
Quezon City, Philippines.

Atty. Jansen Jontila
NCIP Provincial Officer
National Commission on Indigenous Peoples
MIMAROPA Region IV-B
National Highway, Brgy. Santa Monica, Puerto Princesa City

Atty. Marlon Bosantog
Director
Legal Affairs Office
6th Floor Sunnymede IT Center,
[1614 Quezon Avenue, Quezon City](#)

Lormelyn E. Claudio, CESO IV
Regional Executive Director
DENR IV-B Regional Executive Director
DENR by the Bay 1515 L&S Bldg., Roxas Blvd.,
Manila

Engr. Glenn Marcelo C. Noble
Regional Director for MGB -MIMAROPA Region
7th floor, 1515 DENR by the Bay Bldg.,
Roxas Boulevard, Brgy. 668, Ermita, Manila

Judd Yonder L. Reyes | Paralegal

Legal and Regulatory Affairs Department

Global Ferronickel Holdings, Inc.

Penthouse, Platinum Tower, Asean Avenue corner

Fuentes St., Aseana, Parañaque City

Email: jreyes@gfni.com.ph | CP No.: 09274931935



LETTER DATED 04 JULY 2023 (1).pdf

127K