



July 04, 2023

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**Dr. Marie Grace T. Pascua, CESO III**  
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National Commission on Indigenous Peoples  
MIMAROPA Region IV-B  
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EDSA, Cor. P. Tuazon Ave.,  
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***Re: Demand for Rectification of Unjust Suspension Order and  
Public Apology***

Dear Director Pascua:

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.<sup>1</sup>

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<sup>1</sup> Sec. 1, Article 3, 1987 Philippine Constitution in relation to *Saunar v. Executive Secretary Ermita*, G.R. No. 186502, December 13, 2017.

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,<sup>2</sup> 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,<sup>3</sup> 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.

Very truly yours,

  
Dennis R. Manalo

  
Angelo Fernando L. Sangalang

**Copy furnished:**

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<sup>2</sup> Cf. Sections 68 and 66, Revised Guidelines on Free and Prior Informed Consent and Related Processes of 2012, April 13, 2012.

<sup>3</sup> NCIP Administrative Order No. 1 s 2018 Rules of Procedure.

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