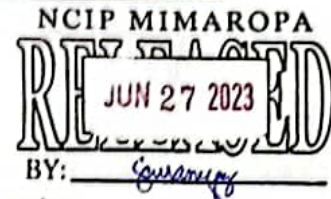




Republic of the Philippines
Office of the President
NATIONAL COMMISSION ON INDIGENOUS PEOPLES
MIMAROPA Regional Office
3rd Floor, Argo Bldg., Edsa Corner P. Tuazon, Cubao, Quezon City
Telephone no. 840-391-98 | Email Address: region4b@ncip.gov.ph

MEMORANDUM ORDER NO. 208-2023
Series of 2023



TO : **THE FPIC TEAM**
Per Work Order no. 05-2022-013 series of 2022

ATTY. JANSEN I. JONTILA	- Team Leader
MR. RICARDO O. SANGA	- Member
ENGR. MARK GREGGY Q. MECLON	- Member
MS. AUREA V. ABADILLA	- Member
MR. DIAHALO D. DULDULA	- Member

FROM : **THE REGIONAL DIRECTOR**

SUBJECT : **LIFTING OF THE TEMPORARY SUSPENSION OF THE FREE AND PRIOR INFORMED CONSENT PROCESS OF IPILAN NICKEL CORPORATION / CELESTIAL NICKEL MINING EXPLORATION CORPORATION PENDING THE INVESTIGATION OF ITS ALLEGED VIOLATIONS OF NCIP ADMINISTRATIVE ORDER NO. 3, SERIES OF 2012**

DATE: **27 JUNE 2023**

References as attached:

1. Memorandum Order no. 203-2023 series of 2023: Temporary Suspension of the Free and Prior Informed Consent Process of Ipihan Nickel Corporation / Celestial Nickel Mining Exploration Corporation Pending the Investigation of its Alleged Violations of NCIP Administrative Order No. 3, Series Of 2012;
2. Letter to Atty Dante R. Bravo, President, Ipihan Nickel Corporation dated June 27, 2023 re Endorsement of the complaints of the ICCs/IPs of Brgys. Barong-Barong, Ipihan, Calasaguen, Aribungos, Maasin and Mambalot (BICAMM) all in the Municipality of Brooke's Point, Palawan against the Ipihan Nickel Corporation/ Celestial Nickel Mining Exploration Corporation (INC/CNMEC).

The above references are issued based on Section 68 of the NCIP Administrative Order No 3, series of 2012.

In this regard, the previously issued temporary suspension of the FPIC process of the Ipihan Nickel Mining Corporation thru Memorandum Order no 203-2023 series of 2023 issued 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 the Ipihan Nickel Corporation/Celestial Nickel Mining Exploration Corporation.

For information and guidance.

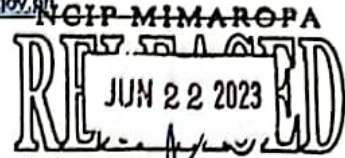

DR. MARIE GRACE T. PASCUA, CESO III

Cc:
Ancestral Domains Office
Legal Affairs Office
DENR-MGB MIMAROPA
BICAMM Pala'wan ICCs/IPs
Ipihan Nickel Mining Corporation
Celestial Nickel Mining Exploration Corporation
TMSD
File/Records



Republic of the Philippines
Office of the President
NATIONAL COMMISSION ON INDIGENOUS PEOPLES
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3rd Floor, Argo Bldg., Edsa Corner P, Tunzon, Cubao, Quezon City
Telephone no. 840-391-88 | Email Address: region4b@ncip.gov.ph

MEMORANDUM ORDER NO. 2016-2023
Series of 2023



TO : THE FPIC TEAM
Per Work Order no. 05-2022-013 series of 2022

BY:

ATTY. JANSEN I. JONTILA	- Team Leader
MR. RICARDO O. SANGA	- Member
ENGR. MARK GREGGY Q. MECLON	- Member
MS. AUREA V. ABADILLA	- Member
MR. DIAHALO D. DULDULA	- Member

FROM : THE REGIONAL DIRECTOR

SUBJECT : TEMPORARY SUSPENSION OF THE FREE AND PRIOR INFORMED CONSENT PROCESS OF IPILAN NICKEL CORPORATION / CELESTIAL NICKEL MINING EXPLORATION CORPORATION PENDING THE INVESTIGATION OF ITS ALLEGED VIOLATIONS OF NCIP ADMINISTRATIVE ORDER NO. 3, SERIES OF 2012

DATE: 20 JUNE 2023

References

1. Letter dated June 14, 2023 addressed to Chairperson Allen A. Capuyan thru NCIP MIMAROPA Regional Director Marie Grace T. Pascua stating the three (3) violations of the Ipilan Nickel Corporation and the four (4) kahilingan of the Pala'wan ICCs of BICAMM, signed by BICAMM IPDO Pangulo Julhadi Titte and Pangalawang Pangulo Renila Dulay;
2. Letter dated June 18, 2023 addressed to Chairperson Allen A. Capuyan thru NCIP MIMAROPA Regional Director Marie Grace T. Pascua on the endorsement of salaysay of the members of the Pala'wan ICCs/IPs of BICAMM on the alleged bribery of the INC on paying P 300.00 pesos to sign a resolution, and the re-endorsement of the four (4) requests for the Commission En Banc and Chairperson Allen Capuyan;

In response to the above complaints raised by the Pala'wan Indigenous Cultural Communities/Indigenous Peoples (ICCs/IPs) of the BICAMM (Barongbarong, Ipilan, Calasaguen, Aribungos, Mambalot, Maasin) Ancestral Domain of Brooke's Point, Palawan, the free and prior informed consent process of Ipilan Nickel Corporation and Celestial Nickel Mining Exploration Corporation (INC/CNMEC) relative to its mineral production sharing agreement is hereby **SUSPENDED AND DEFERRED** pending the investigation of the issues subject of this complaint in accordance to Sections 66 of AO 3, series of 2012 or the Revised Guidelines on FPIC and related processes of 2012.

This deferment is done to prevent irreparable injury to the Pala'wan ICCs/IPs pursuant to the alleged violations and prohibited acts under Section 65.

Moreover, Memorandum Order No. 203-2023 series of 2023 dated June 20, 2023 is issued to the FPIC team transmitting complaints of the BICAMM Pala'wan ICCs/IPs to the FPIC team for their reference to respond within period provided based on Section 68 of the AO 3 series of 2012.

A validation team was likewise constituted for this purpose and directed to communicate with the appellant party to verify the documents submitted relative to the allegations sought to be addressed and submit to this office a report within ten (10) working days the result of the validation activity.

For your reference and appropriate action.



DR. MARIE GRACE T. PASCUA, CESO III

Cc:

Ancestral Domains Office

Legal Affairs Office

DENR-MGB MIMAROPA

BICAMM Pala'wan ICCs/IPs

Ipilan Nickel Mining Corporation

Celestial Nickel Mining Exploration Corporation

TMSD

File/Records



June 27, 2023

ATTY. DANTE R. BRAVO

President

Ipilan Nickel Corporation

Penthouse, Platinum Tower,

Asean Ave. cor. Fuentes St., Aseana City,

Parañaque City



Dear **ATTY. BRAVO**:

This has reference to the complaints of the Pala'wan ICCs/IPs of Brgys Barong-barong, Ipilan, Calasaguen, Aribungos, Mambalot and Maasin all in the Municipality of Brooke's Point, Palawan received by this office regarding the CP application for the renewal of the CNMEC/INC Mineral Production Sharing Agreement (MPSA) with MPSA No. 017-93-IV as Amended-2000.

Said complaints are attached, to wit:

1. Resolusyon na nagdedeklara ng Pagbawi ng Lagda at Pagpapawalang-bisa sa Memorandum of Agreement na Nilagdaan ng mga Kinatawan ng Pamayanang Katutubong Pala'wan at Ipilan Nickel Corporation/Celestial Nickel Mining Corporation (INC/CNMEC);
2. Letter dated June 14, 2023 addressed to Chairperson Allen A. Capuyan thru NCIP MIMAROPA Regional Director Marie Grace T. Pascua stating the three (3) violations of the Ipilan Nickel Corporation and the four (4) kahilingan of the Pala'wan ICCs of BICAMM, signed by BICAMM IPDO Pangulo Julhadi Titte and Pangalawang Pangulo Renila Dulay;
3. Letter dated June 18, 2023 addressed to Chairperson Allen A. Capuyan thru NCIP MIMAROPA Regional Director Marie Grace T. Pascua on the endorsement of salaysay of the members of the Pala'wan ICCs/IPs of BICAMM on the alleged bribery of the INC on paying P 300.00 pesos to sign a resolution, and the re-endorsement of the four (4) requests for the Commission En Banc and Chairperson Allen Capuyan.

As stated in Section 68 of the NCIP AO no 3 series of 2012:

Prior to the endorsement of the FPIC application to the Ancestral Domains Office (ADO), or issuance by the Regional Director of the NO, all complaints involving irregularities in the implementation of this Guidelines, including commission of any of the prohibited acts shall be filed with the concerned Regional Director, copy furnished the FBI/FPIC Team leader. Within ten (10) days from receipt of the complaint, the FBI/FPIC Team shall submit its answer thereto. The complaint shall be resolved by the Regional Director within ten (10) days from receipt of the answer or expiration of the period for filing thereof. The resolution shall address the irregularity or in case of commission of prohibited acts, recommend to the Commission to impose appropriate sanctions.

With reference to the aforementioned section, we have endorsed the said complaints to the FPIC team thru Memorandum Order no. 203-2023 series of 2023 for their response.

With this, in order to provide an avenue for clarification and explanation from your end, we are requesting for your comments on the said complaints. And as such, we are also giving you ten (10) working days to respond on the said issues for the evaluation of this office as basis for appropriate actions to be done.

For your information and reference.

Very truly yours,


Dr. MARIE GRACE T. PASCUA, CESO III
Regional Director

Cc:

Ancestral Domains Office
Legal Affairs Office
DENR-MGB MIMAROPA
BICAMM Pala'wan ICCs/IPs
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