



March 13, 2023

MEMORANDUM

FOR : The Provincial Environment and
Natural Resources Officer
Sta. Monica, Puerto Princesa City

FROM : The Community Environment and
Natural Resources Officer

SUBJECT : **STATUS REPORT RE: PUBLIC ASSEMBLY/PROTEST
RALLY CONDUCTED BY RESIDENTS OF BROOKE'S
POINT AGAINST THE MINING OPERATION OF IPILAN
NICKEL CORPORATION AT BARANGAY MAASIN,
BROOKE'S POINT, PALAWAN AS OF MARCH 14, 2023**

This pertains to the on-going public assembly/rally of the residents from the different barangays in the Municipality of Brooke's Point, Palawan composed of different community sectors (e.g Youth, Women and others) with their spokesperson Pastor Job Z. Lagrada along the National Highway of Purok 5, Barangay Maasin, Brooke's Point, Palawan, in front of the Office of Ipilan Nickel Corporation (INC) and along the Satellite Hauling Road of the company.

Relative thereto, per monitoring conducted by this Office from March 7, 2023 to date, it is informed that the following events/activities transpired:

1. March 7, 2023 – a mass was held by Bishop Socrates Mesiona in the area attended by the participants of the public assembly/rally. The mass was also attended by Vice Mayor Atty. Mary Jean D. Feliciano and ten (10) parish priests from other parish churches.

*(Source: Municipal Information Office - LGU Brooke's Point Official Facebook Page
https://m.facebook.com/story.php?story_fbid=pfbid023kzszVcabQ7GTKs5ozF1WCAJ4rErrdTihEi169uaMcuokxD2U8teunCqVFax6gMxl&id=100064411162819&mibextid=Nif5oz)*

2. March 10, 2023 – RTC Branch 165 Presiding Judge Ramon Chito Mendoza signed and issued a 20-day Temporary Restraining Order (TRO) based from Civil Case No. BPT-0040 for Damages and Injunction, with Prayer for Ex-parte 72-hour TRO (with extension) and/or Writ of Preliminary Mandatory and Prohibitory Injunction, filed by Ipilan Nickel Corporation (INC) against Pastor Job Z. Lagrada, Dominador Magdaluyo, Marcelo Palmones and/or all other persons claiming rights under them and occupying the property of INC

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3. March 13, 2023 – Sheriff IV Clodualdo V. Levita from the Office of the Executive Judge, Regional Trial Court, Branch 165 sent a Notice/Communication addressed to PMAJ Raffy C. Esperida, Chief of Police, PNP Municipal Police Station, Brooke's Point, Palawan requesting for the presence of sufficient PNP Personnel on March 13, 2023 at 1:00 in the afternoon, the day that Sheriff Levita will personally serve the copies of the TRO to the concerned defendants.

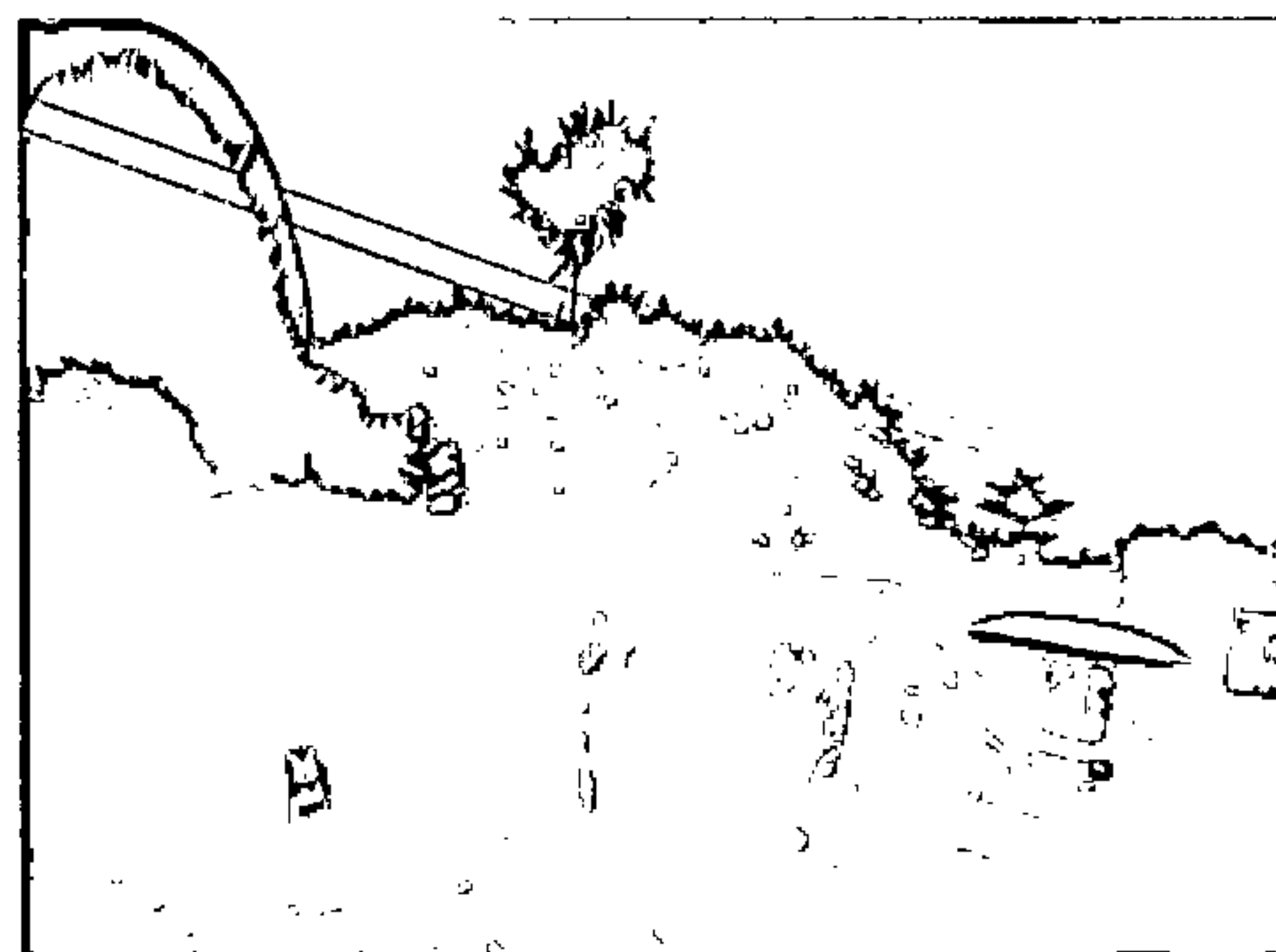
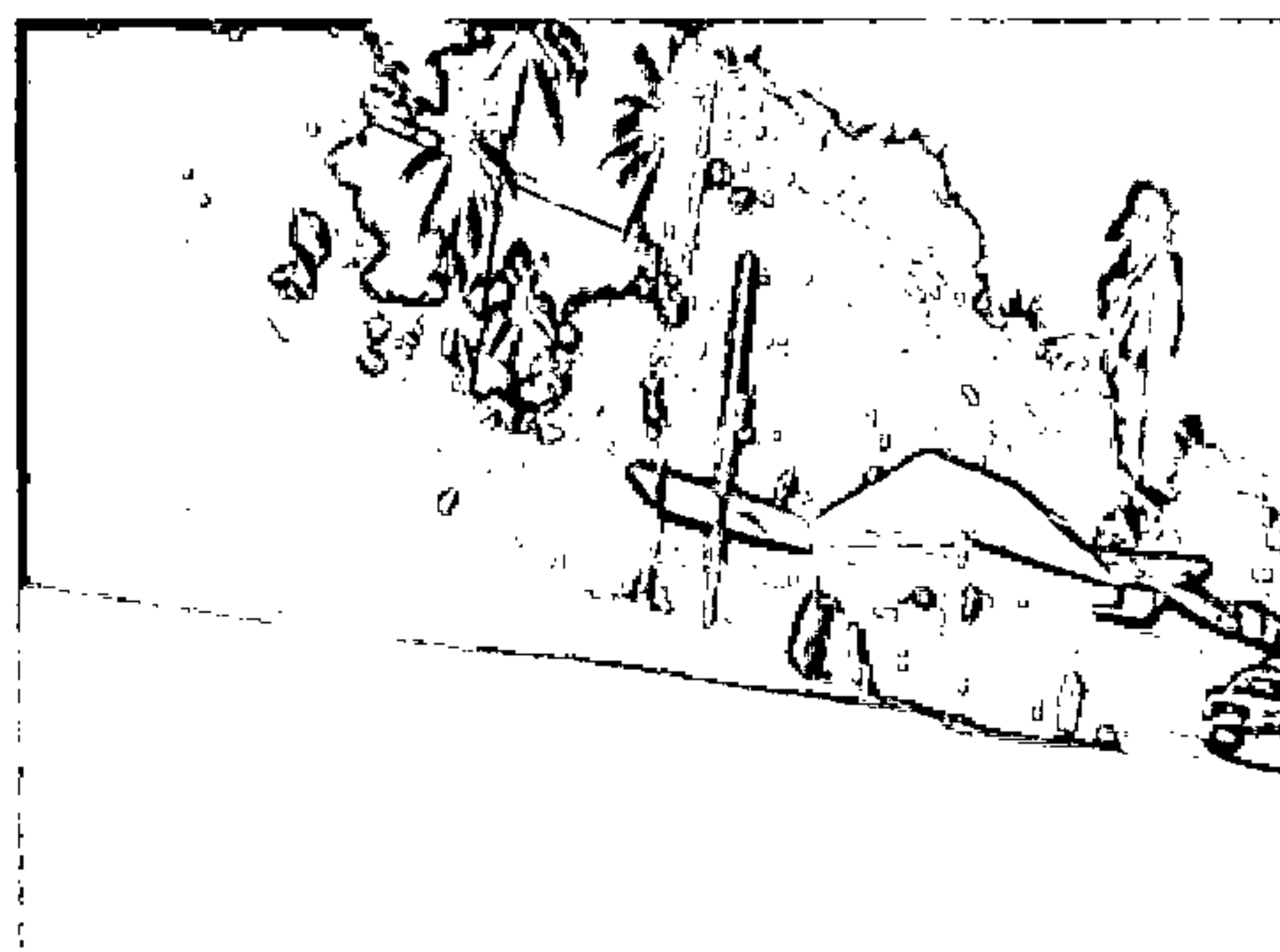
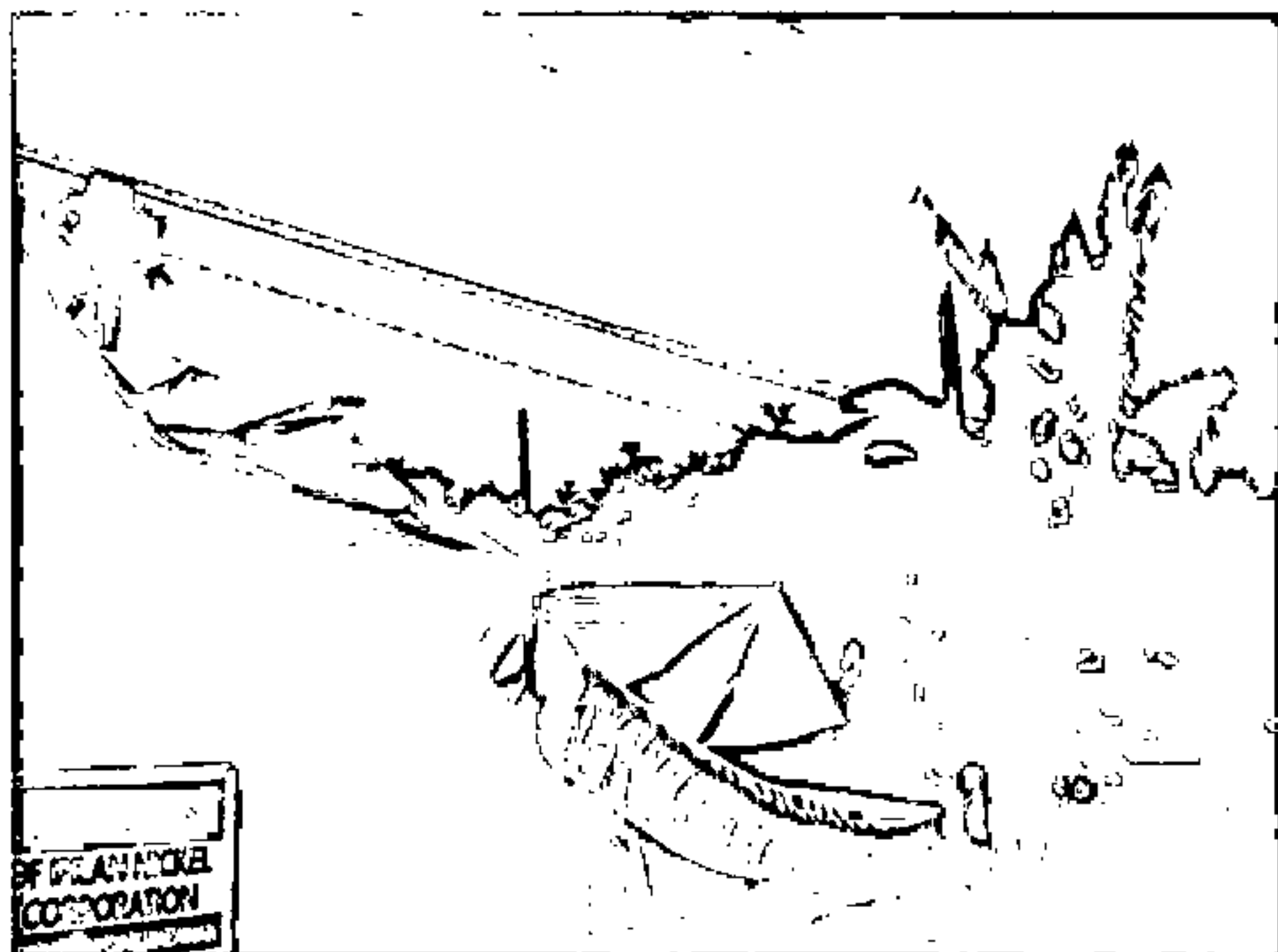
Attached herewith are copies of Temporary Restraining Order and the Notice/Communication addressed to PMAJ Esperida for ready reference.

For your information and record.


LEONARD T. CALUYA

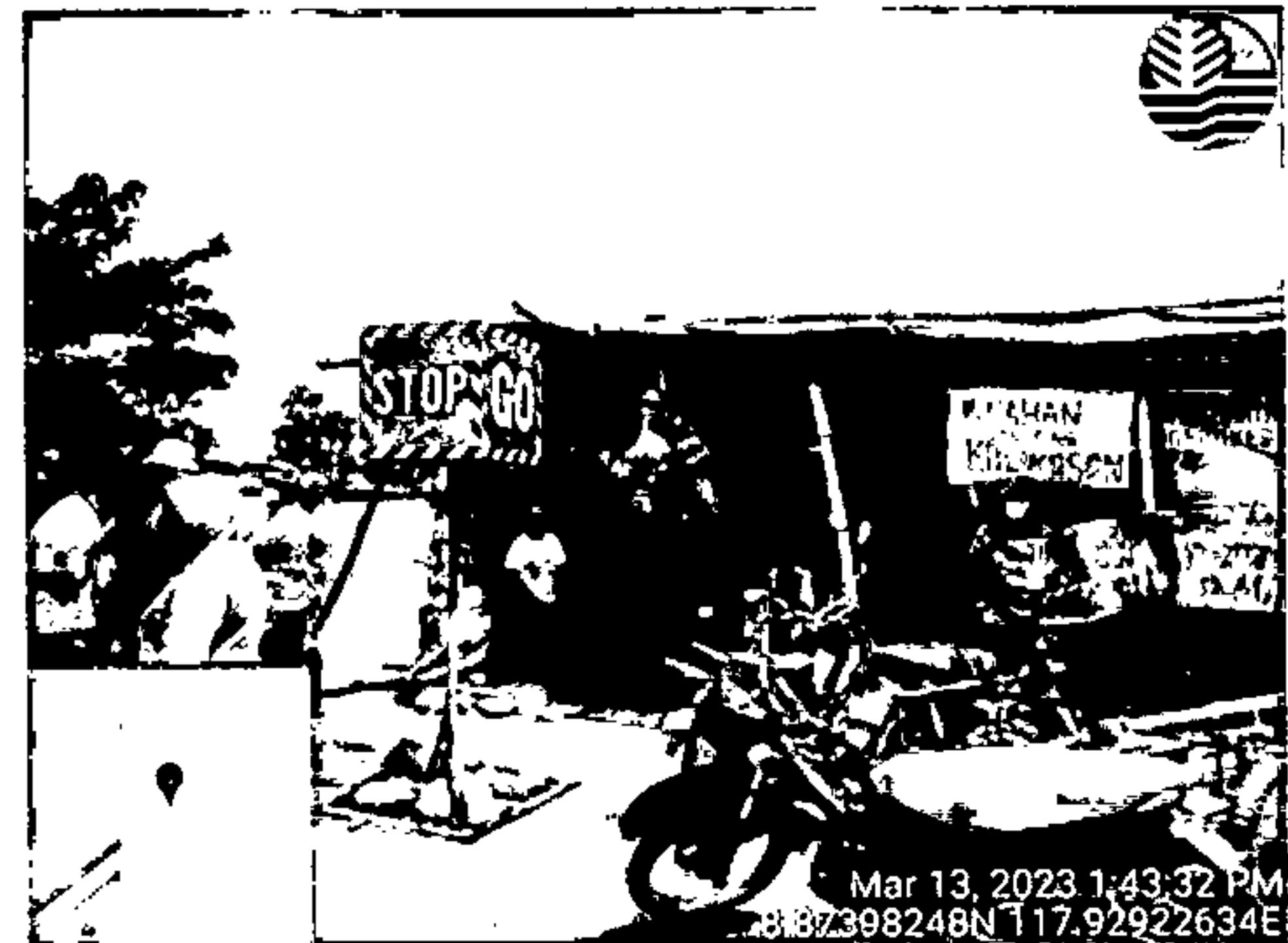


Photo documentation re: On-going Public Assembly/Rally of Residents Of Brooke's Point, Palawan against the Mining Operation of Ipilan Nickel Corporation



Rodriguez St. Poblacion District I, Brooke's Point Palawan 5305
Mobile Phone: Globe: 0917-502-8961
Email: cenrobrookespoint@denr.gov.ph

Photo documentation re: On-going Public Assembly/Rally of Residents Of Brooke's Point, Palawan against the Mining Operation of Ipilan Nickel Corporation



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Republic of the Philippines
Fourth Judicial Region
REGIONAL TRIAL COURT

Balabac-Bataraza-Brooke's Point-Kalayaan-Quezon-Rizal-Sofronio Española, Palawan

BRANCH 165 (Single Sala)

Brooke's Point, Palawan

Official hotline: (048) 726-3480 | 0965-843-0123 | 0985-368-5903

E-mail address: rtc2bpt165@judiciary.gov.ph

IPILAN
CORPORATION,

NICKEL

Plaintiff,

CIVIL CASE NO. BPT-0040

-versus-

*For: Damages and
Injunction, with Prayer for
Ex-Parte 72-Hour TRO (with
extension) and/or Writ of
Preliminary Mandatory and
Prohibitory Injunction*

PASTOR JOB Z. LAGRADA,
DOMINADOR MAGDALUYO,
MARCELO POLMONES,
and/or all other persons
claiming rights under them and
occupying the property of
IPILAN NICKEL CORPORATION,
Defendants.

X-----X

O R D E R

When this case was called for hearing on March 10, 2023 at around 2:00pm for the purpose of the propriety of the issuance of Temporary Restraining Order (TRO), Atty.'s Christopher Capul, Mary Louise Inguillo and Reeno Febrero appeared as counsel for the petitioner Ipilan Nickel Mining Corporation (INC). Defendants Dominador Magdaluyo and Marcelo Polmones likewise appeared without any counsel.

During the hearing for issuance of TRO, Atty. Christopher Capul presented to the witness stand first witness Engr. Richard L. Natad a Geodetic Engineer by profession, who testified by way of Judicial Affidavit and who finished and concluded his direct testimony and in the process identified the following documentary evidence, to wit: the Transfer Certificate of Title (TCT) No T-7007 of the property owned by Ipilan Nickel Mining Corporation (INC) as Exhibit "A" the Location of the Map of the Barricade Established by the Defendants as Exhibit "J"; the PRC ID of the witness as

Exhibit "I"; and the Deed of Absolute Sale as Exhibit "B". Witness testified *in part* that when he did the plot and overlay he found out that the rallyists are occupying a portion of INC's property and have set up barricades at both sides of its Main Haul Road abutting the National Highway.¹

Next to be presented as witness for the plaintiff is Engr. Segundo Villanueva who also testified by way of Judicial Affidavit and who was able to conclude and finish his direct testimony and identified the following documents marked as Exhibit "A" the TCT No. T-7007; the Deed of Absolute Sale marked as Exhibit "B"; the PRC ID of the witness marked as Exhibit "I"; the Location of the Map of the Barricades Established by the Rallyists as Exhibit "J"; and the Photos marked as Exhibit "O" to O-4. Engr. Segundo Villanueva also testified that as a result of the constructed barricades and shelters upon INC's Main Haul Road which blocked the ingress and egress of the INC's premises the mining company experienced tremendous opportunity losses. He further testified that INC's relation with its contractor has been negatively affected. Due to the misinformation being spread by the defendants, witness testified that INC's goodwill has been and continues to be damaged.²

The defendants Dominador Magdaluyo and Marcelo Polmones actively participated during the entire proceedings by making statements and asking questions from the petitioner's witnesses.

Thereafter, Atty. Christopher Capul made an oral formal offer evidence and taking into account the oral comments/objections of the defendants, the Court RULES to admit all of the documentary evidence for whatever nature and purpose/purposes for which they have been offered.

After weighing the arguments and issues raised by both parties including the verified petition filed by the plaintiff and the Judicial Affidavits attached thereto, this Court finds and so holds that the matter is of extreme urgency and the applicant Ipilan Nickel Mining Corporation (INC) will suffer grave injustice and irreparable injury if this Court will not issue a Temporary Restraining Order (TRO) in its favor.

Accordingly, this Court hereby resolves to issue a Temporary Restraining Order (TRO) for a period of twenty days

¹ Judicial Affidavit of Engr. Richard Natad dated March 08, 2023

² Judicial Affidavit of Engr. Segundo Villanueva dated March 08, 2023

(20) unless sooner lifted prohibiting and enjoining the defendants Dominador Magdaluyo and Marcelo Polmones and/or all other persons claiming rights under them and presently occupying the property of Ipilan Nickel Mining Corporation (INC) from stopping, apprehending, searching, obstructing or even approaching in and all the vehicles of individuals making use of access roads including the main whole roads, the barangay roads parallel to main whole road and access road in Sitio Panay going to INC or mine camp and to make their way to the mine pit and *vice versa* upon posting a bond to answer for the damages which the defendants may suffer by reason of the Temporary Restraining Order (TRO) if the Court should finally decide that plaintiff Ipilan Nickel Mining Corporation (INC) is not entitled thereto in the amount of **Five Hundred Thousand Pesos (Php500,000.00)**, payable to this Court within three (3) days from notice hereof.

Failure to post the same within the aforesaid period will result to the withdrawal or lifting of the Temporary Restraining Order (TRO). Meanwhile, let the hearing on propriety on the Issuance of *Writ of Preliminary Injunction* proceed on March 17, 2023 at 2:00 o'clock in the afternoon.

Notwithstanding that the parties have been notified in open court, the Court Sheriff IV Clodualdo V. Levita is hereby **DIRECTED** to personally serve copies of this Order to the petitioner Ipilan Nickel Mining Corporation (INC), the defendants Dominador Magdaluyo and Marcelo Polmones as well as all other persons claiming rights under them and occupying the property of Ipilan Nickel Corporation (INC) for information and guidance.

IT IS SO ORDERED.

Given in open court this 10th day of March, 2023 at New Justice Hall, Barangay Tubtub, Brooke's Point, Palawan.

RAMON CHITO R. MENDOZA
Presiding Judge

Copy furnished:

1. SIGUION REYNA, MONTECILLO AND ONGSIKO
c/o Atty. Christopher Capul
2. Defendants
3. File

RCRM/ece/rbm

Received by:
[Signature]
Atty. Reen E. Febrero
March 10, 2023 7:30pm ³

Republic of the Philippines
REGIONAL TRIAL COURT
Fourth Judicial Region
Branch 165 (Single Sala)
Balabac-Butaraza-Brooke's Point-Kalaynan-Quezon-Rizal-Sofronio Española
Brooke's Point, Palawan

OFFICE OF THE EXECUTIVE JUDGE

IPILAN NICKEL CORPORATION, Civil Case No. BPT-0040

Plaintiff, For: Damages & Injunction

versus

with Prayer for 72-Hour TRO

w/ extension) and/or Writ of

PASTOR JOB Z. LAGRADA, Preliminary Mandatory and

DOMINADOR MAGDALUYO, Prohibitory Injunction

MARCELO POLMONES, and/or

all other persons claiming rights

under them and occupying the

property of IPILAN NICKEL

CORPORATION,

Defendants.

X-----X

March 13, 2023

TO: PMAJ. RAFFY C. ESPERIDA

Chief of Police

Municipal Police Station

Brooke's Point, Palawan

GREETINGS!

Sir:

In view of the Temporary Restraining Order (TRO) issued on March 10, 2023, by Honorable Ramon Chito R. Mendoza, Executive Judge and Presiding Judge, Branch 165, Regional Trial Court, Brooke's Point, Palawan, in the above-entitled case, the undersigned Sheriff hereby respectfully requests the presence of sufficient PNP Personnel on March 13, 2023 at 1:00 in the afternoon, the day that the undersigned will personally serve the copies of the TRO to the aforementioned defendants in this case.

Your prompt action on this request will be highly appreciated.

Thank you very much and God Bless.

Respectfully yours,



Clodualdo V. Levita

Sheriff IV