



Republic of the Philippines
Department of Environment and Natural Resources
MINES AND GEOSCIENCES BUREAU

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November 29, 2022

Mr. Tulsì Das C. Reyes

President and Chief Operating Officer

Berong Nickel Corporation

3rd Floor, DMCI Homes Corporate Center

1321 Apolinario Street, Bangkal

1233 Makati City

Dear Mr. T.D. C. Reyes:

This refers to the Letter dated October 18, 2022 of Mr. Ramon Manuel R. Briones, Vice President for Operations of Berong Nickel Corporation (BNC), to this Office regarding the intent of BNC *"to include the [2,357 ha] of land [covered by the application for Exploration Permit (EP) denominated as EPA-363-MIMAROPA] in the contract area of [Mineral Production Sharing Agreement (MPSA)] No. 235-2007-IVB."*

In the determination of the documents to be complied with by BNC, this Office takes into consideration the following:

- a. MPSA No. 235-2007-IVB is already under Final Mine Rehabilitation and/or Decommissioning stage.
- b. An authority to verify minerals was issued by this Office to BNC on March 4, 2022 involving the MPSA application denominated as AMA-IVB-147 (now converted into EPA-363-MIMAROPA or EPA-000483-IV).

Thus, the amendment of MPSA No. 235-2007-IVB to include EPA-363-MIMAROPA may be given due course upon compliance with the following requirements:

1. Mines and Geosciences Bureau (MGB) MIMAROPA Region-registered Secretary's Certificate attesting to a Board Resolution authorizing Mr. R.M. R. Briones, the signatory to the October 18, 2022 Letter of Intent, to file the application for amendment of MPSA No. 235-2007-IVB by including EPA-363-MIMAROPA.
2. Location Map/Sketch Plan of the proposed amended MPSA contract area with the consolidated areas marked as separate parcels, i.e., Parcel I for the contract area of MPSA No. 235-2007-IVB, and Parcel II for the applied area under EPA-363-MIMAROPA, using a 1:50,000 National Mapping and Resource Information Authority (NAMRIA) topographic map, with the corresponding geographical coordinates and hectareage, duly prepared, sealed and signed by a deputized Geodetic Engineer.

[Note: Our records show that EPA-363-MIMAROPA covers an area of 2,177.34 hectares only.]

3. Proof/s of payment of Amendment Fee in the amount of Php20.00 per hectare or a fraction thereof but not less than Php25,000.00 pursuant to



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IN SUSTAINING WEALTH CREATION AND IMPROVED QUALITY OF LIFE."**

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Section 1.1.7.a of Department of Environment and Natural Resources (DENR) Administrative Order (DAO) No. 2005-08¹.

4. Proof/s of payment of Conversion Fee of EPA-363-MIMAROPA to MPSA in the amount of PhP100.00 per hectare or a fraction thereof but not less than PhP50,000.00 per conversion pursuant to Section 1.1.5.a of DAO No. 2005-08.
5. MGB MIMAROPA Region-registered Affidavit of Undertaking pursuant to DMO No. 99-10².
6. For the area covered by EPA-363-MIMAROPA:
 - 6.1. Final Exploration Report duly prepared, signed and sealed by a PMRC-accredited Competent Person pursuant to DAO No. 2010-09³.
 - 6.2. Mining Project Feasibility Study (FS) Report.
 - 6.3. Three-Year Development/Utilization Work Program (3YD/UWP) which conforms with the approved FS Report.

[Note: The 3YD/UWP is the implementing program of the FS Report as provided under the pertinent provisions of DENR Memorandum Order (DMO) No. 2004-10⁴. Thus, BNC may submit the 3YD/UWP upon approval of the FS Report by the Technical Committee on Mining Feasibility Studies of this Office.]
 - 6.4. Environmental Compliance Certificate.
 - 6.5. Environmental Protection and Enhancement Program (EPEP) and Final Mine Rehabilitation and/or Decommissioning Plan.
 - 6.6. Social Development and Management Program.
 - 6.7. Care and Maintenance Program.
 - 6.8. Approved Survey Plan/Application for Order of Survey.
 - 6.9. Prior approval or endorsement of the mining project in the form of Resolution or Certification by at least the majority of the *Sanggunian* concerned.
 - 6.10. Proof of payment of evaluation fee for FS Report and EPEP in the amount of PhP20,000.00 each.

¹ Providing for New Fees and Charges for Various Services of the Mines and Geosciences Bureau.

² Guidelines in the Determination of Qualified Persons for Mining Applications and Mining Rights.
³ Providing for the Classification and Reporting Standards of Exploration Results, Mineral Resources and Ore Reserves.

⁴ Procedural Guidelines in the Evaluation of Mining Project Feasibility Studies for the Approval of Declaration of Mining Project Feasibility and Applications for Mineral Processing Permits and Mineral Agreements in the Development or Operating Period.



6.11. Original carpeta of EPA-363-MIMAROPA, which includes the following:

- a. Proof/s of payment of Filing Fee.
- b. Certificate of Environmental Management and Community Relations Record.
- c. Area Status and Clearance.
- d. Proof of payment of Clearance Fee.
- e. Proofs of posting, publication and radio announcement of the pertinent Notice of Application.
- f. Certification from the Panel of Arbitrators concerned as to any adverse claims/protest/opposition.
- g. National Commission on Indigenous Peoples Certification.
- h. Strategic Environment Plan Clearance issued by the Palawan Council for Sustainable Development.
- i. Proof of technical competence to undertake the implementation of the activities under the Work Program in the form of:
 - *Curricula vitae* and track records in mining operations and environmental management; and
 - Sworn statement/employment contract/proof of availed services of the technical person/s who will undertake the implementation of the Work Program.
- j. Proof of financial capability to undertake the implementation of the activities under the Work Program in the form of:
 - Latest audited Financial Statement and/or Annual Report; and
 - Credit lines and/or certification/s of bank guarantee/deposit and/or similar negotiable instruments.

Please submit the said documents to MGB MIMAROPA Region, for initial evaluation.

Thank you.

Very truly yours,


ATTY. WILFREDO G. MONCANO
Director



c.c.: **The Regional Director**
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