



Office of the President
PRESIDENTIAL ACTION CENTER
Malacañang, Manila

17 March 2023

Secretary MA. ANTONIA YULO-LOYZAGA
Department of Environment and Natural Resources
Visayas Ave., Diliman
1101 Quezon City

Thru: HEA JOSE JOAQUIN YULO LOYZAGA

Madam:


Respectfully forwarding the attached letter dated 22 February 2023, with enclosures, addressed to the Office of the President, for appropriate action, consistent with existing laws, rules and regulations on the matter, from **Mr. ROY T. GUANTERO, et al.**, Brgy. Mabalot, Purok 5, Brooke's Point, Palawan, seeking Presidential intercession relative to issues and concerns which, as stated therein, may be best coordinated/addressed by that Office.

A reply direct to the party/ies concerned, copy furnished the Center, citing **PACE Code No. PM-GDP-03-01-2023-035**, will be highly appreciated. Expeditious action is requested in accordance with the provisions of Republic Act No. 11032, otherwise known as the Ease of Doing Business and Efficient Government Service Delivery Act of 2018 as implemented and enforced by the **Anti-Red Tape Authority**. Please be reminded that failure to timely respond to the public's concern shall be ground for administrative sanctions under existing laws and regulations.

Our cordial regards.

Very truly yours,

JAIME LLAGUNO MABILIN
Director IV

Encl.:a/s
Cc: party/ies concerned
/dave 

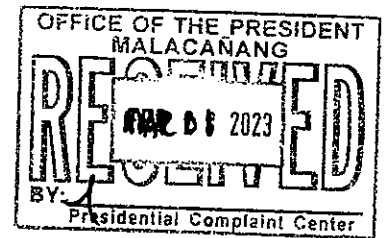
Note: Enclosure forwarded to agency thru mail

IMPORTANT

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ORIGINAL

Republic of the Philippines
PRESIDENTIAL COMPLAINT CENTER
OFFICE OF THE PRESIDENT
Bahay Ugnayan, JP Laurel St.
Malacañang, Manila



**ROY T. GUANTERO AND BERNARD
G. BELLONES,**

Complainants,

-versus-

**IPILAN NICKEL CORPORATION
(Ipilan) AND PALAWAN COUNCIL
FOR SUSTAINABLE DEVELOPMENT
(PCSD),**

Case No.

Respondents.

x-----x

For: Cancellation and
Revocation of IPILAN
NICKEL CORPORATION'S
SEP Clearance illegally
issued by the PCSD

VERY URGENT MOTION TO RESOLVE COMPLAINT

ROY T. GUANTERO AND BERNARD G. BELLONES, unto this
Honorable Office, most respectfully states that:

1. On October 27, 2022, we filed a Complaint before this
Office for the immediate cancellation of Ipilan Nickel Corporation's
SEP Clearance illegally issued by the PCSD.

2. To date, there has been no action on our Complaint.

3. Just recently, the flooding and inundation of the town of
Brooke's Point Palawan had claimed many lives and destroyed
properties all because of the illegal mining operation of Ipilan Nickel
Corporation. The LGU of Brooke's Point had in fact denied the
Business Permit application of Ipilan Nickel Mining Corporation
because of the various violations of law committed by the
corporation.

4. At present, it is operating without a validly issued
Business Permit and is forcing its way to continue its business in
violation and utter disrespect to the powers of the LGU.

5. Human barricades have already been set in Brooke's
Point to stop the environmental damage being caused by Ipilan and
it is hight time that the Office of the President act as well. Ipilan

was ordered to stop its operations on February 6, 2023 by the LGU OF NARRA but the same was left unheeded. It has no tree cutting permit of permit from the Philippine Ports Authority for the construction of the port and causeway.

6. We have also brought to the attention of the Office of the President the fact that its operations are within a Protected Landscape which is a prohibited area for mining. Mount Mantalingahan-Pulot Range was granted protected area status in 2009 and Ipilan continues to conduct illegal mining operations therein.

7. Not only us, but the people of Brooke's Point have spoken as shown in the attached photos (**Annex A**) showing human barricades to stop illegal mining operations.

8. The Office of the President should act fast and should submit to the will of the people. Even the Bishop of Palawan had joined the protest. Attached as **Annexes B series** are the news articles on the present situation in Brooke's Point. Moreover, various anti mining and indigenous groups have joined the calls for the permanent stoppage of Ipilan's illegal mining operation.

9. The Moreover, Office of the Sangguniang Bayan of the Brooke's had issued several resolutions stating blatant violations of Ipilan addressed to the Honorable Government Offices, including to the Honorable President. Attached as **Annexes C Series** are the following Resolutions issued by said Sangguniang Bayan:

Resolution No. 2022-73, A Resolution requesting the National Commission on Indigenous Peoples (NCIP) Commission En Banc thru Regional Director Marie Grace T. Pascua to conduct a separate free, prior and informed consent (FPIC) process to among Indigeneous Cultural Communities (ICCs)/Indigenous Peoples (IPs) who actually reside in the uplands of the impact barangays of Ipilan Nickel Corporation, Macroasia and Lebach Mining covered by Mining Activities specifically located in Barangay Aribungos Barong-Barong, Ipilan, Mambalot, Maasin and Calasaguen in the Municipality of Brooke's Point, Palawan

(In this Resolution, the actual IPs in the affected areas were not included in the FPIC process)

Resolution No. 2022-74, A Resolution reiterating the Resolution No. 2015-119 "Entitled a Resolution requesting the Department of Environment and Natural Resources-Mines and Geoscience Bureau (DENR-MGB) for the conduct of investigation on the appropriateness of the mining areas claimed by Ipilan Nickel

Corporation, Macro Asia and Lebach in the Municipality of Brooke's Point, Palawan **and to recall any permits issued thereby deferring any operations of the said three mining companies while the issues have not been settled.** (emphasis supplied)

Resolution No. 2022-103, A Resolution urging His Excellency President Ferdinand R. Marcos, Jr .thru DENR Secretary Ma. Antonia Yulo-Loyzaga to investigate **why Ipilan Nickel Corporation (INC) is allowed to operate despite the absence of Mandatory Requirements from other government agencies namely: without CP, without PAMB Clearance and how its MPSA was renewed or extended without the endorsement of the Local Government Unit of this Municipality.** (emphasis supplied)

Resolution No. 2022-114, A Resolution strongly urging Palawan Council for Sustainable Development (PCSD) **to recall/revoke the reinstated SEP clearance issued to Ipilan Nickel Corporation.** (emphasis supplied)

10. As the LGU and the constituents of Brooke's Point have spoken, the Office of the President ought to listen and act on their protests. Otherwise, it might be too late if another typhoon or heavy rain would hit the municipality and claim more lives and properties. The Office of the President should be at the forefront in protecting the environment from imminent disaster due to illegal mining operations.


11. After all, Ipilan is merely a contractor of the State and it is the State who ultimately has the right over the natural resources and may choose to withdraw the permits it had given if it is detrimental to national interests.

PRAYER

WHEREFORE, in light of all the foregoing considerations, Complainants respectfully pray of this Honorable Office to immediately resolve this Complaint and issue a ruling that:

1. The SEP Clearance granted to INC be revoked;
2. The INC be directed to immediately stop its mining operations;
3. Other reliefs just and equitable are likewise prayed for.

February 22, 2023.



ROY T. GUANTERO

Complainant

Contact Number:

Address: Brgy. Mabalot
Purok 5, Brooke's Point
Palawan



BERNARD G. BELLONES



Complainant



Contact Number:

Address: Brgy. Maasin,
Brooke's Point Palawan

ANNEX "A"







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CLIMATE AND ENVIRONMENT

Following Sibuyanons' lead, Brooke's Point folk set up barricade vs mining

Gaea Katreena Cabico - Philstar.com
February 21, 2023 | 8:30am



Residents of Brooke's Point in Palawan protest the operations of Ipilan Nickel Corporation, which is seen to threaten indigenous peoples' lands and livelihoods.

Alyansa Tigil Mina



MANILA, Philippines — Inspired by the fight of Sibuyanons against mineral extraction, residents of Brooke's Point in Palawan also set up a barricade to stop the mining activities that threaten their livelihoods and way of life.

Brooke's Point residents on Saturday put up a barricade, demanding that Ipilan Nickel Corporation (INC) halt its mining operations in the southern Palawan town.

RELATED STORIES

For Palawan IPs, nickel mining is a threat to the community's survival

Residents will continue barricading until the operations of the mining firm are stopped, local youth leader Mamilmar Dubria told **Philstar.com** in a phone call on Monday.



Dubria said they were inspired by the fight of Sibuyan Island residents whose resistance to the mining exploration activities of Altai Philippines Mining Corporation (APMC) highlighted the dangers that mining pose to the environment and host communities.

After successfully thwarting the activities of APMC on the island, Sibuyanons want the government to revoke the mining firm's exploration permit and its Mineral Production Sharing Agreement.

Dubria added the residents of Brooke's Point were also motivated by members of indigenous Dumagat-Remontado communities in Rizal and Quezon province who are currently marching to Malacañang to plead with President Ferdinand "Bongbong" Marcos Jr. to stop the construction of Kaliwa Dam.



The China-funded project is expected to address the lack of water in Metro Manila at the expense of indigenous communities living in the Sierra Madre mountain range.

“We saw that other communities and indigenous peoples were able to take action to oppose destructive activities. So we thought: why not do the same in Brooke’s Point? Let’s show that residents of Brooke’s Point don’t like mining,” Dubria, a member of indigenous Pala’wan community, said in Filipino.

Threat to forest, agriculture

The Pala’wan community opposes the operations of INC because the extraction of nickel ore puts the forests — where they rely on for food and livelihoods — at serious risk.



The project area of INC straddles the Mount Mantalingahan-Pulot Range, which was granted protected area status in 2009. It has high floral and faunal diversity and endemism, and is considered sacred by Pala'wans.

"Forests and mountains are linked to our lives. We believe that the forest is at the heart of indigenous peoples. We consider the forest as our market, our pharmacy," Dubria said.

Mining activities may also hurt the status of Brooke's Point as Palawan's "food basket."

Pala'wans opposed to mining earlier said that the process of getting the consent of communities for INC's operations was full of irregularities.



‘Illegal ops’

INC was ordered to stop its operations on February 6 after it was discovered that the mining company has no mayor’s permit for 2023, according to Brooke’s Point Vice Mayor Jean Feliciano.

Alyansa Tigil Mina national coordinator Jaybee Garganera also said that INC has no tree-cutting permit and no permit from the Philippine Ports Authority for the construction of the port and causeway.

“Ipilan Nickel is in effect undermining the local autonomy of the local government and clearly violating the law,” Garganera said.

In the case of Sibuyan, the Department of Environment and Natural Resources ordered APMC to stop the construction and operations of its causeway, and the transportation of nickel ore.



Residents of Brooke's Point are hoping the government will heed their demand to immediately stop mineral extraction in their town.

"We are hoping that the president and senators who support indigenous peoples and the environment will listen to our concerns and stop the mining activities in the town," Dubria said.

READ: DENR orders APMC to halt transport of nickel ore, causeway ops in Sibuyan

Palawan bishop backs protest against mining in Brooke's Point

By CBCP News - February 21, 2023 - 5:01 PM

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Environmental groups staged a protest against mining at Brookes Point in Palawa on Saturday, Febr. 18, 2023 (Alyansa Tigil Mina/Facebook)

Bishop Socrates Mesiona of Puerto Princesa is backing up an ongoing protest against an open-pit nickel mining project in Palawan province's southern town of Brooke's Point.

The bishop on Sunday visited a barricade in the area to hear demonstrators who have been demanding that Ipilan Nickel Mining Corp. (INC) stop its operations over supposed lack of necessary permits.

"Palaweños, for many years, lived decently in peace until mining companies came... their lives have been disturbed," Mesiona said.



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He also said that the "terrifying" flooding that inundated the town's several villages last January "is still fresh in their memory and they know that there is no guarantee that it will not happen again."

"That's why they are convinced that they have to do something to mitigate any similar incident in the future," Mesiona added.

≡ **interaksyon**

The prelate rallied behind the residents who, according to him, just want to assert their rights and protect their environment from the large-scale mining project.

Earlier this month, Misiona held a dialogue with the townspeople to hear their sentiments on the matter and other environment-related issues.

Residents set up barricades in front of the mining firm's main office and operations area in the village of Maasin since INC continues to operate despite an order by the town's mayor to halt operations.

The town's chief executive Cesareo Benedito Jr on Feb. 6 ordered the mining company to stop operations after it was discovered that the it has no mayor's permit for 2023.

Jaybee Garganera, national coordinator of Alyansa Tigil Mina, claimed that INC also has no permits to cut down trees and construct a port and causeway.

"Hence, their operations are illegal," Garganera said. "Ipilan Nickel is in effect, undermining the autonomy of the local government and clearly violating the law."

Home > The Nation > Brooke's Point, Palawan flooded anew; almost 2,000 families evacuated



Brooke's Point, Palawan flooded anew; almost 2,000 families evacuated

January 5, 2023 | 7:24 pm



BROOKES POINT MUNICIPAL INFORMATION OFFICE



ALMOST 2,000 families in Brooke's Point, still reeling from flash floods due to rains in late December, have been evacuated as of Thursday morning due to renewed flooding triggered by strong downpour from a low pressure area.



The town, located in the southern part of Palawan, was declared under a month-long state of calamity on Dec. 27 due to rains from a shear line.

This week's rains affected 17 of the town's 18 villages, according to the municipal information office, citing reports from the local disaster management office.

There were 1,971 families in the 17 barangays who were moved to 32 evacuation centers, the information office said.

As of 11 a.m. Thursday, it said six villages were still isolated due to flooding and several road sections that were not passable.



Emergency teams from the Palawan provincial government and other towns such as neighboring Bataraza and El Nido in the north were deployed to assist in the response operations, according to the Brooke's Point local government.

During the late December flooding, 753 families were evacuated, including 16 whose houses were destroyed.

The coastal town of Brooke's Point is categorized as a first class municipality with a population of almost 74,000 as of the 2020 census.

State weather agency PAGASA, in its bulletin as of 10 a.m. Thursday, said the low pressure area (LPA) was located 185 kilometers west-northwest of Coron, Palawan.

"This weather disturbance remains less likely to develop into a tropical depression within the next 24 hours," PAGASA said.

However, the LPA and the northeast monsoon were expected to bring moderate to intense rains over Bicol region and the provinces of Quezon and Aurora.

Light to moderate with some heavy downpours were expected over the following areas: Metro Manila; the regions of Calabarzon and Mimaropa, which covers Palawan; and the Visayas islands in central Philippines. — MSJ



Home / Local News / Luzon / Palawan /
ILANG MAMAMAYAN NG BROOKE’S POINT,
NAGSAGAWA NG KILOS-PROTESTA LABAN SA ISANG
MINAHAN – SB COLILI

BNFM Palawan

LOCAL NEWS PALAWAN

ILANG MAMAMAYAN NG
BROOKE’S POINT,
NAGSAGAWA NG KILOS-
PROTESTA LABAN SA ISANG
MINAHAN – SB COLILI

February 18, 2023 / BNFM Palawan

Dinaan umano sa kilos-protesta o rally ng ilang mamamayan sa Bayan ng Brooke’s Point ang pagkadismaya sa patuloy na pag-operate ng Ipilam Nickel Corporation (INC) sa kabila na walang kaukulang permit mula sa lokal na pamahalaan.

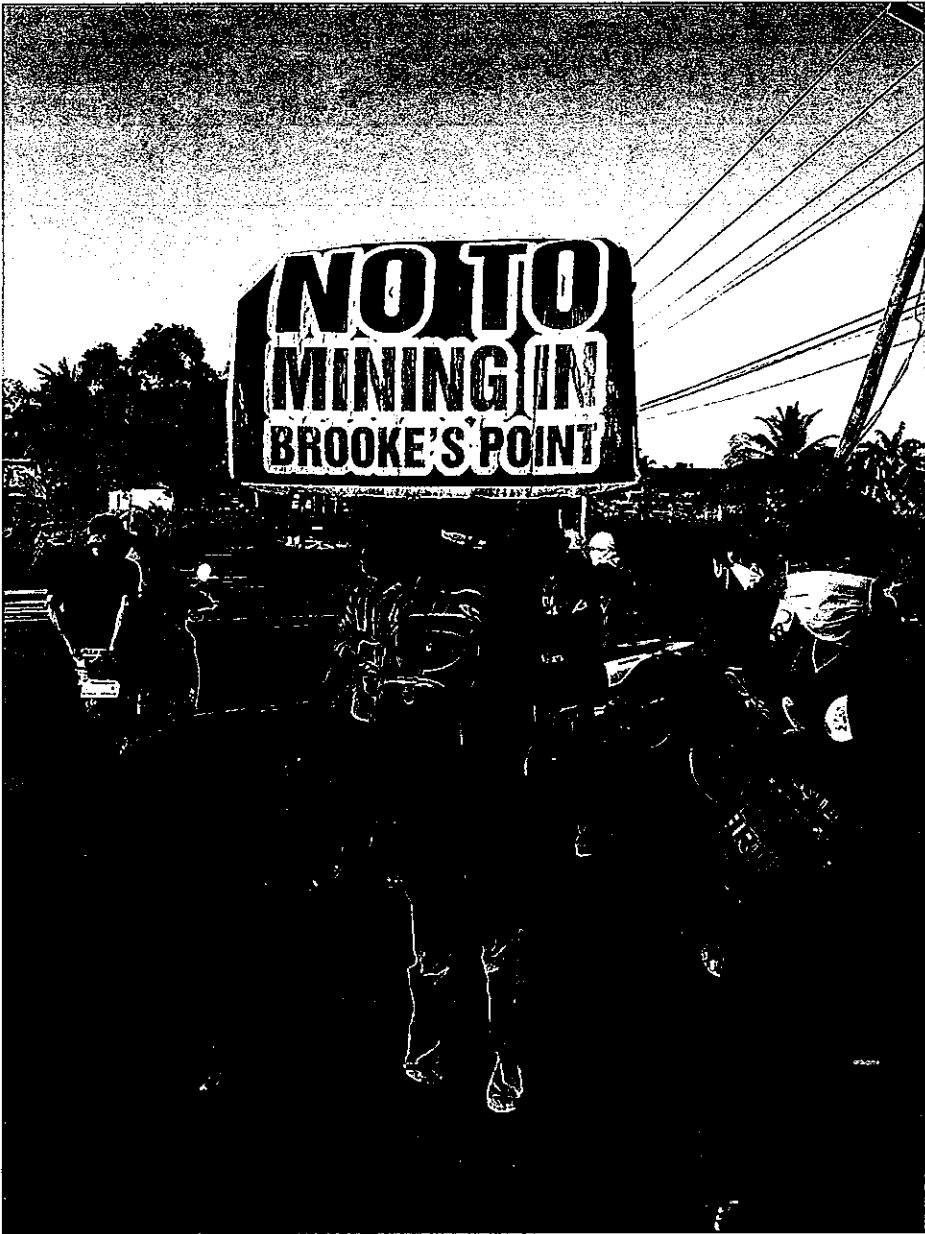


Ayon kay Sangguniang Bayan Victoriano Colili, umaalma ang ilang mga residente sa animo'y hindi makatwiran na pagpapatupad ng batas dahil kapag sila walang permit sa maliliit na negosyo ay hindi pinapayagan mag-operate at ipinapasara habang ang minahan naman ay patuloy sa operasyon sa kabila na paso na ang Mayor' Permit.

"Sabi nga ng mga mamamayan natin sa Brooke's Point, "bakit kami, kahit topdown lang na tricycle hinuhuli nyo [at] hindi pinapayagan makapagbyahe kapag walang Mayor's Permit at walang plaka at kaming mga maliliit na nagtitinda sa tabuan, hindi lang makapag-renew ng Mayor's Permit ay nilalagyan ninyo ng temporary closed...bakit itong Ipilan Nickel Corporation sa kabila na wala silang renewed Mayor's Permit ay patuloy ang kanilang operation?" saad ni SB Victoriano Colili.

Dagdag pa ng opisyal, ang LGU Brooke's Point ay sumulat na sa Ipilan Nickel Corporation na humihiling na huminto muna habang hindi pa nakakakuha ng bagong permit. Subalit hanggang ngayon umano ay hindi ito pinapansin ng minahan.

Dahil rito ay naniniwala umano ang taong bayan na nilalapastangan ng kompanya ang ipinapatupad na batas partikular na ang lokal na pamahalaan, kaya nagsagawa ang mga ito ng kilos-protesta ngayong araw.



ANNEX "C"



Republic of the Philippines
Province of Palawan
Municipality of Brooke's Point
OFFICE OF THE SANGGUNIANG BAYAN



RESOLUTION NO. 2022-73

*Approved by the Sangguniang Bayan
Chairman: Committee on Environment, Agriculture and Fisheries Services, and other members*

A RESOLUTION REQUESTING THE NATIONAL COMMISSION ON INDIGENOUS PEOPLES (NCIP) COMMISSION EN BANC THRU REGIONAL DIRECTOR MARIE GRACE T. PASCUA TO CONDUCT A SEPARATE FREE, PRIOR AND INFORMED CONSENT (FPIC) PROCESS TO AMONG INDIGENEOUS CULTURAL COMMUNITIES (ICCs)/INDIGENOUS PEOPLES (IPs) WHO ACTUALLY RESIDE IN THE UPLANDS OF THE IMPACT BARANGAYS OF IPILAN NICKEL CORPORATION, MACROASIA AND LEBACH MINING COVERED BY MINING ACTIVITIES SPECIFICALLY LOCATED IN BARANGAY ARIBUNGOS BARONG-BARONG, IPILAN, MAMBALOT, MAASIN AND CALASAGUEN IN THE MUNICIPALITY OF BROOKE'S POINT, PALAWAN

WHEREAS, pursuant to NCIP Administrative Order No. 3 series of 2012, The Revised Guidelines on Free and Prior Informed Consent (FPIC) and Related Processes of 2012, the FPIC shall support and actualize the exercise by ICCs/IPs of their rights to ancestral domains, social justice, and human rights, as well as self-governance and empowerment; through their native socio-political organizations, the ICC/IPs will principally take part in the decision-making processes and without following the procedure outline by law and these guidelines, no concession, license, permission or lease, production-sharing agreement, or other undertakings impacting ancestral domains may be given or renewed;

WHEREAS, pursuant to NCIP Administrative Order No. 01 series of 2020, Rules on Delineation and recognition of Ancestral Domains and Ancestral Lands of 2020 and Other Processes, the NCIP must first certify that the affected area does not overlap with any ancestral domain, the community consent, and other involved parties must consult with each other in order to conduct ground verification and the Survey Plan must be confirmed by the community;

WHEREAS, it was observed during Community Consultative Assembly (CCA) conducted in the Impact Barangays that the IPs who were attending the CCA are the lowlanders specifically the Bagobos instead of those IPs who actually reside in the mountains that will be directly impacted by the mining operation;

WHEREAS, the IPs residing in the mountains where the mining operation is located are the highlanders specifically the Ibaloi, Ilocos, and other indigenous groups who are not represented in the CCA;

WHEREAS, IP Panimusan differs from the way of life of the IP in the mountains. The former are the IP who have converted to Islam Religion or they are the offspring of intermarriage between an IP and a muslim from Mapun, Tawi-tawi or other parts of Mindanao;

WHEREAS, most IPs who live in the mountains are nomadic and still practice their ancient customs and traditions. They consider the Panglima as their traditional leader;

WHEREAS, the Panimusan are the IPs who live in the lowlands and adopted the customs and tradition of the muslim. There was no Panglima among them and do not consider themselves Palaw'an until the arrival of the mining companies in Brooke's Point sometime in 2005. When the Panglima or the traditional IP leaders refused to cooperate with the mining companies, the appointment of chieftains among the Panimusan has commenced;

WHEREAS, a great injustice is being committed with the ongoing CCA, because the Panimusan and not the Palawan IP who live in the mountains are the ones being consulted. The Panimusan has no regard even if the mountains will be excavated and flattened, they do not reside there anyway and their means of subsistence will not be affected;

WHEREAS, in order to redress the grievances of the IPs from the uplands whose future is now in the hands of the Panimusan who will not be directly impacted by mining operations, a separate FPIC process is requested to be conducted among the IP communities in the mountains;

WHEREAS, it was observed by a lot of IPs during CCA the partiality of NCIP Personnel towards the Panimusan while the complaints from upland IPs are often ignored;

NOW THEREFORE, on motion of Councilor Victoriano B. Colili, duly seconded by the Body, be it;

RESOLVED, as it is hereby resolved to **REQUEST THE NATIONAL COMMISSION ON INDIGENOUS PEOPLES (NCIP) COMMISSION EN BANC THRU REGIONAL DIRECTOR MARIE GRACE T. PASCUA TO CONDUCT A SEPARATE FREE, PRIOR AND INFORMED CONSENT (FPIC) PROCESS TO BONAFIDE INHABITANTS IN THE UPLAND ANCESTRAL DOMAIN OF THE PALAWAN TRIBE IN BARANGAY ARIBUNGOS BARONG-BARONG, IPILAN, MAMBALOT, MAASIN AND CALASAGUEN IN THE MUNICIPALITY OF BROOKE'S POINT, PALAWAN.**

RESOLVED FINALLY, to furnish copies of this Resolution to DENR, Office of the President; Senator Robin Padilla and Senator Raffy Tulfo.

CARRIED:

ADOPTED during the 122nd Regular Session held on July 25, 2022 at Legislative Building, Sangguniang Bayan Session Hall, Brooke's Point, Palawan with the **AFFIRMATIVE VOTES** of Coun. Sarah Jane C. Abon, Coun. Richard R. Balcan, Coun. Ezeel E. Rodriguez, Coun. Jonathan Z. Lagrada, Coun. Victoriano B. Colili, Coun. Jimart M. Nalique and Coun. Nercia P. Pacaldo

I HEREBY CERTIFY to the approval of the foregoing resolution.

RAZUL T. DOLLOSO
Secretary to the Sanggunian

Attested by:

ATTY. MARY JEAN D. FELICIANO
Municipal Vice Mayor/Presiding Officer

Approved by:

CESAREO R. BENEDITO, JR.
Mayor



Republic of the Philippines
Province of Palawan
Municipality of Brooke's Point
OFFICE OF THE SANGGUNIANG BAYAN



RESOLUTION NO. 2022-74

Authored by: Hon. Victoriano B. Colili

Chairman, Committee on Environmental Protection and Natural Resources, Housing and Land use

A RESOLUTION REITERATING THE RESOLUTION NO.2015-119 "ENTITLED A RESOLUTION REQUESTING THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES-MINES AND GEOSCIENCE BUREAU (DENR-MGB) FOR THE CONDUCT OF INVESTIGATION ON THE APPROPRIATENESS OF THE MINING AREAS CLAIMED BY IPILAN NICKEL CORPORATION, MACRO ASIA AND LEBACH IN THE MUNICIPALITY OF BROOKE'S POINT, PALAWAN AND TO RECALL ANY PERMITS ISSUED THEREBY DEFERRING ANY OPERATIONS OF THE SAID THREE MINING COMPANIES WHILE THE ISSUES HAVE NOT BEEN SETTLED

WHEREAS, Section 16 of the Local Government Code provides that every local government unit shall exercise the powers expressly granted, those necessarily implied therefrom, as well as powers necessary, appropriate, or incidental for its efficient and effective governance, and those which are essential to the promotion of the general welfare. Within their respective territorial jurisdictions, local government units shall ensure and support, among other things, the preservation and enrichment of culture, promote health and safety, enhance the right of the people to a balanced ecology, encourage and support the development of appropriate and self-reliant scientific and technological capabilities, improve public morals, enhance economic prosperity and social justice, promote full employment among their residents, maintain peace and order, and preserve the comfort and convenience of their inhabitants;

WHEREAS, Palawan is known as the country's last ecological frontier. Its biodiversity and high endemism is known in the world. According to the Forest Management Bureau of the DENR 2013 Forestry Statistics report, of its 1,489,626 total land area of 692,288 hectares are covered with forest. Palawan is known to host a diversified flora and fauna including native birds and native trees endemic to the Philippines makes our bio-diversity rich province important for conservation;

WHEREAS, nestled in the southern part of the Palawan Man and Biosphere Reserve is the Mt. Mantalingahan Protected Landscape (MMPL), a protected area by virtue of Presidential Decree 1815 signed on June 23, 2019. It covers a total area of 120,457 hectares within the territorial jurisdiction of the municipalities of Bataraza, Brooke's Point, Española, Rizal and Quezon;

WHEREAS, MMPL as a key biodiversity area, it hosts denizens of plants and animals. One of only ten (10) sites of the alliance for Zero Extinction in the Philippines and one of the eleven (11) important bird areas in Palawan;

WHEREAS, the preservation of MMPL is enough to ensure the integrity of the ecological processes in this largely forested mountain range which is critical for maintaining biodiversity and providing various ecosystem services that benefits the local communities. These ecosystem services include water, soil conservation, flood control, carbon sequestration, non timber forest products and the high potentials of waterfalls, cover and other potential of tourism. The thirty three (33) watersheds within MMPL are extremely valuable to lowland agricultural economy in the area;

WHEREAS, MMPL is home of more than 12,000 families of Palawan, hence its protection and conservation is a goal and should not be compromised with development especially tourism and agriculture;

WHEREAS, a large portion of the forest areas of the fourteen (14) barangays of Brooke's Point are within MMPL;

WHEREAS, the areas covered by the Mineral Production Sharing Agreement (MPSA) OF Macroasia, Ipilan Nickel and Lebach Mining overlap with MMPL;

WHEREAS, several bodies of water, namely: Sabsaban, Pangatleban, Ipilan, Filantropiya and Maasin rivers are the source of 3 irrigation dams that provide a stable supply of water to more or less Three Thousand (3,000) hectares of rice lands in Five (5) Barangays namely: Calasaguen, Maasin, Mambalot, Barongbarong, and Ipilan;

WHEREAS, open pit mining necessitates the cutting of the trees in order to extract the minerals. This will adversely impact the water supply of the aforesaid irrigations. Likewise denuded forest will result in flashfloods and landslides that will endanger not just the agricultural crops and animals but human lives as well;

WHEREAS, the areas covered by the said MPSA are classified as Forest Zone under the Comprehensive Land Use Plan (CLUP) and Forest Land Use Plan (FLUP) of this municipality;

WHEREAS, the MPSA of the said mining companies likewise overlap with the core zone and declared watershed of the Municipality of Brooke's Point;

WHEREAS, the permit given by the DENR through MGB to conduct mining operations within the municipality's declared forest zone undermines the local autonomy of Brooke's Point;

WHEREAS, this august body received several complaints from Indigenous People, farmers, fisherfolks and residents of the impact barangays concerning the impending operation of the aforesaid mining companies;

WHEREAS, there is a need to re-evaluate /investigate the appropriateness of mining operations within Brooke's Point territorial jurisdiction to avoid possible environmental disaster and the potential loss of livelihood of the IP, farmers and fisherfolks;

NOW THEREFORE on motion of Councilor Victoriano B. Colill, duly seconded by the Body, be it;

RESOLVE, as it is hereby resolved TO REQUEST THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES MINES AND GEOSCIENCE BUREAU FOR THE CONDUCT OF INVESTIGATION ON THE APPROPRIATENESS OF THE MINING AREAS CLAIMED BY IPILAN NICKEL CORPORATION, MACRO ASIA AND LEBACH IN THE MUNICIPALITY OF BROOKES POINT, PALAWAN AND TO RECALL ANY PERMITS ISSUED THEREBY DEFERRING ANY OPERATIONS OF THE SAID THREE MINING COMPANIES WHILE THE ISSUES HAVE NOT BEEN SETTLED.

RESOLVED FINALLY, to furnish copies of this resolution the DENR Central Office thru Secretary Antonia Yulo-Loyzaga, DENR-MGB Central Office thru Director Atty. Wilfredo G. Moncaro and DENR-MGB-Region-IVB thru Regional Director Glenn Marcos C. Noble and to all concerned agencies/offices for their information and appropriate action.

CARRIED:

[illegible]



Republic of the Philippines
Province of Palawan
Municipality of Brooke's Point



OFFICE OF THE SANGGUNIANG BAYAN

RESOLUTION NO. 2022-103

Authored by: Hon. Jonathan Z. Lagrada

Chairman: Committee on Agriculture, Foods Security and Cooperative

A RESOLUTION URGING HIS EXCELLENCY PRESIDENT FERDINAND R. MARCOS, JR. THRU DENR SECRETARY MA. ANTONIA YULO-LOYZAGA TO INVESTIGATE WHY IPILAN NICKEL CORPORATION (INC) IS ALLOWED TO OPERATE DESPITE THE ABSENCE OF MANDATORY REQUIREMENTS FROM OTHER GOVERNMENT AGENCIES NAMELY: WITHOUT CP, WITHOUT PAMB CLEARANCE AND HOW ITS MPSA WAS RENEWED OR EXTENDED WITHOUT THE ENDORSEMENT OF THE LOCAL GOVERNMENT UNIT OF THIS MUNICIPALITY

WHEREAS, his Excellency President Ferdinand R. Marcos, Jr. on his first SONA emphatically declared,

"Companies who exploit our natural resources must follow the law. We all have the responsibility to preserve this Earth, for we are but custodians, and we will pass on this great treasure to future generation.

There is no question that the preservation of the environment is the preservation of life.

If we cannot mitigate climate change, all our plans for the economy, all our plans for our future will be for naught."

WHEREAS, Ipilan Nickel Corporation has been operating in Barangay Maasin, Brooke's Point, Palawan without compliance with some mandatory requirements; namely: Certificate Precondition from NCIP, Clearance from Protected Area Management Board (PAMB) of the Mt. Mantalingahan Protected Landscape (MMPL) and the mandatory public consultation and social acceptability as provided for in the Local Government Code;

WHEREAS, during the hearing of the Sangguniang Bayan by the Committee of the Whole, it was admitted by the National Commission of Indigenous People (NCIP) that INC as of this date has no Certificate Precondition on its ongoing operations;

WHEREAS, a large portion of upland areas of Barangay Maasin is within Mt. Mantalingahan Protected Landscape and there is a portion that overlaps with the mining claims of INC; hence, a PAMB Clearance must be secured first before INC can operate, however, up to this date the INC has already excavated thousands of tons of minerals from our mountains, there was no PAMB clearance issued to it nor was there any indication that INC has applied to secure a clearance from the PAMB;

WHEREAS, Section 26 and Section 27 of the Republic Act 7160 state that the Duty of National Government Agencies in the Maintenance of Ecological Balance- It shall be the duty of every national agency or government-owned or controlled corporation authorizing or involved in the planning and implementation of any project or program that may cause pollution, climatic change, depletion of non-renewable resources, loss of crop land, rangeland, or forest cover, and extinction of animal or plant species, to consult with the local government units, nongovernmental organizations, and other sectors concerned and explain the goals and objectives of project or program, its impact upon the people and the community in terms of environmental or ecological balance, and the measures that will be undertaken to prevent or minimize the adverse effects thereof²⁶. Prior Consultation- No project shall be implemented by the government authorities unless the consultation mentioned in Paragraph 2 (a) and 2b hereof are complied with, and prior approval of the Sanggunian concerned is obtained. Required. That complaints in cases where such projects are to be implemented shall not be created unless proper consultation has been provided, in accordance with the provisions of the Constitution

NOTING, no public consultation conducted nor a Sangguniang Bayan Endorsement concerning the extension of INC's MPSA was issued in September 2018 according to the Mines and Geosciences

WHEREAS, the Local Government Unit of Brooke's Point, was not consulted when the Mineral Production Sharing Agreement (MPSA) of INC was renewed or extended by the DENR in 2020, this is an affront to LGU's autonomy to decide what industries or projects shall be accepted in her territorial jurisdiction.

WHEREFORE, be it resolved as it is hereby resolved urging His Excellency President Ferdinand R. Marcos, Jr. thru Denr Secretary Ma. Antonia Yulo-Loyzaga to investigate why Iplan Nickel Corporation (INC) is allowed to operate despite the absence of mandatory requirements from other government agencies namely: without CP, Without PAMB Clearance and how its MPSA was renewed or extended without the endorsement of the Local Government Unit of this municipality.

NOW THEREFORE, on motion of Councilor Jonathan Z. Lagrada, duly seconded by Coun. Sarah Jane C. Abon, Be it;

RESOLVED, as it is hereby resolved to urge His Excellency President Ferdinand R. Marcos, Jr. thru Denr Secretary Ma. Antonia Yulo-Loyzaga to investigate why Iplan Nickel Corporation (INC) is allowed to operate despite the absence of mandatory requirements from other government agencies namely: without CP, Without PAMB Clearance and how its MPSA was renewed or extended without the endorsement of the Local Government Unit of this municipality.

RESOLVED FINALLY, to furnish copies of this Resolution to all concerned agencies or offices for their information and ready reference.

UNANIMOUSLY CARRIED.

ADOPTED during the 128th Regular Session held on September 12, 2022 Legislative Building, Sangguniang Bayan Session Hall, Brooke's Point, Palawan at with the **AFFIRMATIVE VOTES** of Coun. Sarah Jane C. Abon; Coun. Richard R. Balsean; Coun. Ezekiel E. Rodriguez; Coun. Nathan Sam O. Lacanilao; Coun. Jonathan Z. Lagrada; Coun. Arturo B. Ferraris; Coun. Victoriano B. Colili; Coun. Hayati B. Dugasan; Coun. Jimart M. Naingue and Coun. Nerelia P. Pacaldo

I HEREBY CERTIFY to the approval of the foregoing resolution.


RAZULT BOLLOSO
Secretary to the Sanggunian

Attested by:


ATTY. MARY TEAL D. FELICIANO
Municipal Vice Mayor/Presiding Officer

Approved by:


CESARITO R. BENEDITO, JR.
Municipal Mayor



Republic of the Philippines
Province of Palawan
Municipality of Brooke's Point
OFFICE OF THE SANGGUNIANG BAYAN



**EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE SANGGUNIANG BAYAN
HELD ON SEPTEMBER 19, 2022 HELD AT SANGGUNIANG BAYAN SESSION HALL, BROOKE'S POINT
PALAWAN**

PRESENT:

| | |
|------------------------------|-----------------------------------|
| Hon. Mary Jean D. Feliciano | Municipal Vice Mayor |
| Hon. Sarah Jane C. Abon | SB Member |
| Hon. Richard R. Balean | SB Member |
| Hon. Ezekiel E. Rodriguez | SB Member |
| Hon. Nathan Sam O. Lacanilan | SB Member |
| Hon. Jonathan Z. Lagrada | SB Member |
| Hon. Arturo B. Ferraris | SB Member |
| Hon. Victoriano B. Cnlili | SB Member |
| Hon. Singapore S. Juratil | LnB Fed. Pres./SB Member |
| Hon. Jimart M. Naingue | SK Federation President/SB Member |
| Hon. Nerelia P. Pacaldo | IPMR/SB Member |

ON LEAVE:

| | |
|------------------------|-----------|
| Hon. Hayati B. Dugasan | SB Member |
|------------------------|-----------|

ABSENT: NONE

RESOLUTION NO. 2022-114

*Authored by: Hon. Jonathan Z. Lagrada
Chairman, Committee on Agriculture, Foods Security and Cooperative*

A RESOLUTION STRONGLY URGING PALAWAN COUNCIL FOR SUSTAINABLE DEVELOPMENT (PCSD) TO RECALL/REVOKE THE REINSTATED SEP CLEARANCE ISSUED TO IPIILAN NICKEL CORPORATION

WHEREAS, His Excellency, President Ferdinand R. Marcos, Jr. on his first State of the Nation Address (SONA) emphatically declared:

"Companies who exploit our natural resources must follow the law. We all have the responsibility to protect our land for we are but custodians, and we will pass on this great treasure to future generations."

"There is no room for compromise in the preservation of the environment. It is our responsibility."

"We are not just a land of palm trees, although palm is a part of our economy, although palm is not our only source of income."

WHEREAS, the Sangguniang Bayan Resolution No. 2022-114, dated August 24, 2022, regarding the recall/revoke of the reinstated SEP Clearance issued to IPIILAN NICKEL CORPORATION, is a necessary and imperative measure to protect the environment and the people's health, and only issued after the Sangguniang Bayan has received the following requirements, to wit:

1. An LGU Board or Sangguniang Bayan Resolution directing the DENR to recall/revoke the reinstated SEP Clearance issued to IPIILAN NICKEL CORPORATION;
2. A DENR Regional Office (RO) Resolution directing the DENR to recall/revoke the reinstated SEP Clearance issued to IPIILAN NICKEL CORPORATION;

That the Sangguniang Bayan is hereby resolved to:

1. Recall/Revoke the reinstated SEP Clearance issued to IPIILAN NICKEL CORPORATION;

WHEREAS, the Municipal Planning and Development Coordinator Mr. Joie C. Piramide issued a zoning certification dated September 23, 2021 that the Iplan Nickel Corporation located at Sitio New Panay, Barangay Maasin is within the Forest Zone as per this municipality's approved Comprehensive Land Use Plan (CLUP) and Zoning Ordinance No. 09, series of 2015;

WHEREAS, the area where INC is now extracting minerals is within the approved Filantropia watershed of the municipality;

WHEREAS, Barangay Maasin is among the fifteen (15) barangays in Brooke's Point included in Mt. Mantalingahar Protected Landscape (MMPL), as such, any/all developments/projects/programs to be implemented specifically in the uplands must secure a clearance from the Protected Area Management Board (PAMB), however as of this date, no PAMB Clearance was issued to INC.;

WHEREAS, during the said committee of the whole hearing of the Sangguniang Bayan of Brooke's Point, it was admitted by Atty. Jansen of the NCIP that INC is operating without the mandatory Certificate Precondition as provided for in the Indigenous People's Rights Act (IPRA);

WHEREAS, INC is consistently violating environmental laws, other related issuances and regulations, among others, are as follows:

1. Cutting of trees outside the area of its earth balling and cutting permit;
2. More or less fourteen (14) thousand trees identified by the CENRO to be earth balled were cut;
3. The cutting of trees was not supervised by the DENR because for several times, INC refused the entry of DENR personnel and other government agencies, such as LGU, PNP and the Philippine Marines
4. No SEP Clearance was secured for the cutting of trees
5. No public consultation was conducted prior to the cutting of trees;
6. Using unregistered chainsaws in the cutting of several thousand indigenous trees.

WHEREAS, sometime in 2018 Palawan Council for Sustainable Development (PCSD), Local Government Unit of Brooke's Point and Bantay Palawan personnel apprehended INC using unregistered chainsaws in the massive cutting of trees as a consequence three (3) criminal cases against INC's personnel were filed in court;

WHEREAS, two (2) irrigation dams that support more or less three thousand hectares of rice lands will be severely impacted by the extraction of minerals on our watershed;

WHEREAS, the rice sufficiency of Brooke's Point that contributes to the rice requirements of the whole province is now at risk since Barangay Maasin, Mambalat, the host barangays of INC are among the top producers of rice in the municipality;

WHEREAS, since no formal declaration was made, there is no assurance that protected area and core zone are not open to mineral extraction;

WHEREAS, the people of Brooke's Point was surprised that instead of penalizing INC for its continued and willful environmental violations, PCSD even rewarded INC with the reinstatement of its SEP Clearance. This is especially for its failure to comply with environmental violations and other penalties towards mining companies;

WHEREAS, more or less one hundred (100) trees and trees have been destroyed at the start of INC's operation and more or less one hundred (100) trees and trees have been destroyed at the start of INC's operation and more or less one hundred (100) trees and trees have been destroyed at the start of INC's operation;

WHEREAS, the construction of INC's causeway resulted in the permanent destruction of several hectares of lands in Barangay Maasin. Moreover, several hectares of mangroves are likewise permanently destroyed in the construction of its port and this was done without SEP Clearance and ECAN Clearance considering that mangroves are deemed to be core zone. Likewise the livelihood of several of our juvenile lobster catchers is gone permanently and the approved Marine Sanctuary of Brooke's Point which is also in Barangay Maasin is now at risk;

WHEREAS, the reinstatement of INC's SEP Clearance was irregular, because it was issued before the conditions could be accomplished by INC and apparently, one year after its reinstatement, the conditions set forth by this Council remains unfulfilled;


NOW THEREFORE, on motion of Coun. Jonathan Z. Lagrada, duly seconded by the Body be it.

RESOLVED, as it is hereby resolved, strongly urging the Palawan Council for Sustainable Development the recall and revocation of the reinstated SEP Clearance issued to Ipilan Nickel Corporation (INC);

RESOLVED FINALLY, that copies of this resolution be furnished to the following offices of PCSD, NCIP, Office of the Governor, Sanguniang Panlalawigan, Office of the President, Senator Raffy Tulfo, DENR and other concerned offices/agencies.

CARRIED.

I HEREBY CERTIFY to the approval of the foregoing resolution.


RAZUL T. BOLLOSO
Secretary to the Sanggunian

Attested by:


ATTY. MARY JEAN D. FELICIANO
Municipal Vice Mayor/Presiding Officer

Approved by:


CESAR R. BENEDICTO, JR.
Municipal Mayor