



September 16, 2023

Atty. Danilo U. Uykieng
Director
Mines and Geosciences Bureau
Visayas Ave., Diliman,
Quezon City

Dear Atty. Uykieng:

Filing of Memorandum of Appeal Challenging the CDO of NCIP-MIMAROPA

We confirm that on September 15, 2023, or within the allowable 15-day period,¹ Celestial Nickel Mining Exploration Corporation and Ipilan Nickel Corporation filed their **appeal** to the National Commission on Indigenous Peoples (NCIP) Central Executive Board from the Cease and Desist Order (CDO) issued by the MIMAROPA Regional Office of the NCIP.

Under Chapter IX, Section 68 of R.A. No. 8371,² Rule VIII, Sections 34³ and 35⁴ of the 2018 NCIP Rules of Procedure, Rule IX, Section 4⁵ of NCIP Administrative Order No. 1, Series of 1998, Book VII, Chapter 4, Section 15⁶ and Book VII, Chapter 4, Section 21⁷ of the Administrative Code of 1987, the timely filing of an appeal stays the execution of the CDO and prevents it from attaining finality.

As our esteemed partner in this groundbreaking joint public-private initiative, sanctioned by the administration as a linchpin for propelling sustainable economic

¹ Section 37 of the NCIP Rules on Procedure and Book VII, Chapter 4 of the Administrative Code on Appeal.

² Execution of Decisions, Awards, Orders. - Upon expiration of the period herein provided and no appeal is perfected by any of the contending parties, the Hearing Officer of the NCIP, on its own initiative or upon motion by the prevailing party, shall issue a writ of execution requiring the sheriff or the proper officer to execute final decisions, orders or awards of the Regional Hearing Officer of the NCIP.

³ Finality of Judgment. - A judgment rendered by the Regional Hearing Officer (RHO) shall become final and executory upon the lapse of fifteen (15) days from the receipt of all parties and/or their respective counsel/s of the decision, award, or order denying the motion for reconsideration, and there is no appeal. If the 15th day falls on a Saturday, a Sunday or a Holiday, the last day shall be the next working day.

⁴ Execution of Judgment, Basic Rule - Only judgments, decisions, or final orders that finally dispose of the case shall be the subject of execution as a matter of right.

⁵ same as Section 68 of R.A. 8371 above mentioned

⁶ Finality of Order. - The decision of the agency shall become final and executory fifteen (15) days after the receipt of a copy thereof by the party adversely affected unless within that period an administrative appeal or judicial review, if proper, has been perfected. One motion for reconsideration may be filed, which shall suspend the running of the said period.

⁷ SECTION 21. Effect of Appeal. - The appeal shall stay the decision appealed from unless otherwise provided by law, or the appellate agency directs execution pending appeal, as it may deem just, considering the nature and circumstances of the case.

recovery, we implore your unwavering support to ensure the uninterrupted progress of our meticulously executed mineral operations. These operations are conducted with the utmost diligence, unwavering adherence to the stringent provisions of Republic Act 7942, renowned as the "Philippine Mining Act of 1995," and in full compliance with all regulatory prerequisites, with the anomalous exception of the NCIP's certification precondition, for which we hold a legitimate exemption. Your support in this endeavor not only solidifies our partnership but also fuels the engine of progress for our shared vision of a thriving and sustainable future.

Thank you very much.

Very truly yours,


Atty. Dante R. Bravo
President

Copy furnished:

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