



Ipilan Nickel Corporation

September 20, 2023

Ma. Antonia Yulo-Loyzaga
Secretary
Department of Environment and Natural Resources
5 Visayas Ave, Diliman,
Quezon City, 1128

Dear Sec. Yulo-Loyzaga:


Criminal and Administrative Complaints Against NCIP RD Pascua

We would like to inform you that Ipilan Nickel Corporation (Ipilan) filed criminal and administrative complaints against NCIP MIMAROPA Regional Director Dr. Marie Grace T. Pascua (RD Pascua) with the Office of the Ombudsman on September 19, 2023.¹

These complaints concern her recent actions, which we believe violate various laws, including the Anti-Graft and Corrupt Practices Act, the Philippine Mining Act of 1995, the Code of Conduct and Ethical Standards for Public Officials and Employees, and the Ease of Doing Business and Efficient Government Service Delivery Act of 2018. RD Pascua suspended the Free and Prior Informed Consent process through NCIP MIMAROPA Memorandum Order No. 206-2023, disseminated via social media, without notifying us or allowing us to present our side. She also prematurely enforced the Cease and Desist Order issued on August 28, 2023, despite our pending motion for reconsideration, disregarding due process.

Thank you for your commitment to environmental justice under the rule of law.

Sincerely,


Atty. Dante R. Bravo
President

¹ Annex "A".

Copy furnished:

Atty. Ernesto D. Adobo, Jr., CESO I
Undersecretary for Legal and Administration
DENR
5 Visayas Ave, Diliman,
Quezon City, 1128

Dr. Carlos Primo C. David
Undersecretary for Integrated Environmental Science
DENR
5 Visayas Ave, Diliman,
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Atty. Danilo U. Uykieng
Director
Mines and Geosciences Bureau
MBG Compound, North Avenue,
Diliman, Quezon City

Engr. Gilbert C. Gonzales
Director
Environmental Management Bureau
DENR Compound, Visayas Ave.,
Diliman. Quezon City

Engr. Felizardo A. Gacad
Director
Mines and Geosciences Bureau-MIMAROPA
7/F DENR By the Bay Bldg.,
Roxas Blvd., Ermita,
Manila

Mr. Felix S. Mirasol
Regional Executive Director
Department of Environment and Natural Resources-MIMAROPA
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Roxas Blvd., Ermita,
Manila

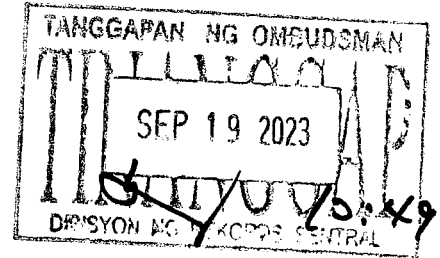
Mr. Joe Amil M. Salino
Regional Director
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6/F 1515 DENR By the Bay Bldg.,
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Atty. Teodoro Jose S. Matta
Executive Director III
PCSD Bldg., Sports Complex Road, Sta.
Monica, Puerto Princesa City,
Palawan, Philippines

Mr. Felizardo B. Cayatoc
Provincial Environment and Natural Resources Officer
DENR PENRO Puerto Princesa City, Palawan
PENR Office, Sta. Monica,
Puerto Princesa City, Palawan

Mr. Leonard T. Caluya
Community Environment and Natural Resource Officer
Brgy. Poblacion,
Brooke's Point, Palawan

Republic of the Philippines)
 Parañaque City) S.S.



COMPLAINT-AFFIDAVIT

I, ENGR. CARLO A. MATILAC, Filipino, of legal age, with office address at the Penthouse, Platinum Tower, Aseana Avenue corner Fuentes Street, Aseana City, Parañaque City 1701, Metro Manila, Philippines, under oath, state:

1. I am the authorized representative of Ipilan Nickel Corporation ("INC" or the "Company"),¹ a domestic corporation engaged in the exploration, production, and exportation of nickel ore in the Philippines.²

2. As its representative, I am filing these **criminal** and **administrative** complaints for violations of Section 3 (e) and (f) of the Republic Act (R.A.) No. 3019, otherwise known as the Anti-Graft and Corrupt Practices Act, Section 107 of R.A. No. 7942 or the Philippine Mining Act of 1995, Section 4 (c) of RA No. 6713 or the "Code of Conduct and Ethical Standards for Public Officials and Employees," Section 21 (e) of the Ease of Doing Business and Efficient Government Service Delivery Act of 2018, as amended, against MARIE GRACE T. PASCUA (or "respondent Pascua"), as Regional Director of the National Commission for the Indigenous Peoples (NCIP)-MIMAROPA Region. *See Annex "M" for address of respondent.*

THE ANTECEDENT FACTS

3. On August 5, 1993, the Philippine Government, through the Department of Environment and Natural Resources (DENR) and Celestial Nickel Mining Exploration Corporation ("CNMEC") entered into a Mineral Production Sharing Agreement (MPSA) No. 017-93-IV covering an area of 2,835 hectares located at Barangays Maasin (Barangay Ipilan was then part of Barangay Maasin), Mambalot, and Calasaguen, Brooke's Point, Palawan.

4. In 1995, Republic Act No. 7942, or the Philippine Mining Act of 1995, took effect.

¹ A copy of INC's Secretary's Certificate dated September 11, 2017, Annex "A."

² A copy of INC's Certificate of Incorporation issued by the Securities and Exchange Commission on July 22, 2005, Annex "B."

87. I respectfully request that respondent Marie Grace T. Pascua be: (i) DISMISSED from office, (ii) PERPETUALLY BARRED from HOLDING any GOVERNMENT POSITION in any capacity,⁴⁶ and that (iii) the corresponding CRIMINAL INFORMATIONs for violations of Section 3 (e) and (f) of R.A. No. 3019, otherwise known as the Anti-Graft and Corrupt Practices Act, Section 107 of R.A. No. 7942 or the Philippine Mining ACT of 1995, Section 4 (c) of R.A. No. 6713 or the "Code of Conduct and Ethical Standards for Public Officials and Employees", Section 21 (e) of the Ease of Doing Business and Efficient Government Service Delivery Act of 2018 be FILED against her with the Sandiganbayan.

88. I reserve my right to amend or supplement this Complaint-Affidavit, and to submit supporting and corroborating statements, affidavits and other pieces of evidence. I also reserve the right to implead additional parties, as additional evidence pertinent to this case may become available.


September 15, 2023, Parañaque City.

⁴⁶ The effect of the order of dismissal from service is without prejudice to the civil liability provided in Section 56 (a) of the Rules on Administrative Cases in the Civil Service, as may be applicable.


ENGR. CARLO A. MATILAC
Complainant-Affiant

SUBSCRIBED AND SWORN to before me on ~~SEP 15 2023~~ of September 2023 in Parañaque City. I hereby certify that I have personally examined the affiant and I am satisfied that he voluntarily executed and understood the contents of his Complaint-Affidavit.

Doc. No. 150 ;
Page No. 31 ;
Book No. I ;
Series of 2023.


ATTY. REMY O. FERRERO
Notary Public for Parañaque City
Notarial Commission No. 339-2023
valid until December 31, 2024
Penthouse, Platinum Tower
Asean Avenue corner Fuentes St.
Aseana, Parañaque City
Roll No. 71237, 06/06/2018
IBP No. 278645, 01/09/2023, Surigao del Norte
PTR No. 3231890, 01/27/2023, Parañaque City
MCLE Compliance No. VII-00055986, 11/12/2021