



Republic of the Philippines
Department of Environment and Natural Resources
Provincial Environment and Natural Resources Office
MIMAROPA Region
Bgy. Sta. Monica, Puerto Princesa City, Palawan
E-mail: penropalawan@denr.gov.ph
Telfax No. (048) 433-5638/ (048) 434-8791

June 7, 2023

MEMORANDUM

FOR : The Regional Executive Director
DENR MIMAROPA Region
1515 DENR BY the Bay Building, Roxas Boulevard,
Barangay 668, Ermita, Manila

FROM : The Provincial Environment and
Natural Resources Officer

SUBJECT : **UPDATED COMPLETE STAFF WORK RE: THE PUBLIC
ASSEMBLY/RALLY CONDUCTED BY THE RESIDENTS OF
BROOKE'S POINT, PALAWAN AGAINST THE MINING
OPERATION OF IPILAN NICKEL CORPORATION AT
BARANGAY MAASIN, BROOKE'S POINT, PALAWAN FROM
MARCH 15, 2023 UNTIL THE RALLY DISPERSAL**

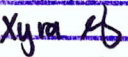
Respectfully forwarded is the memorandum dated May 25, 2023 of CENRO Leonard T. Caluya relative to the aforementioned subject. The report reveals that the public assembly/rally conducted by the residents of Brooke's Point, Palawan against the mining operation of Ipilan Nickel Corporation (INC) was permitted by Municipal Mayor Cesareo R. Benedicto, Jr. under Memorandum Order No. 2023-054 issued dated February 21, 2023, valid from 6:00 AM of February 18 to 10:00 AM of February 21, 2023, in consonance with the provision of Batas Pambansa No. 880 known as the Public Assembly Act of 1985. The said public assembly/rally per request of the said residents represented by Pastor Job Z. Lagrada was further extended up to April 4, 2023, by the municipal mayor.


The Regional Trial Court (RTC) Branch 165 issued a Temporary Restraining Order (TRO) based on Civil Case No. BPT-0040 filed by INC for Damages and Injunctions, with Prayer for Ex-parte 72-hours (with extension) and/or Writ of Preliminary Prohibition and Mandatory Injunction. The court required the concerned protester to vacate the property of the corporation and to remove all obstruction, structures, or barricade that they have placed thereon and to enjoin them from stopping, apprehending, searching, obstructing or even approaching all of the vehicles and individuals making use of the Main Haul Roads. Consequently, a Show Cause Order was issued by the same court against the group of Pastor Lagrada directing the latter to provide the required explanation to avoid being cited in contempt of Court for disobeying the TRO, however, no one accepted the said order.

Further, six protesters were arrested on April 14, 2023 during the confrontation between the protester/rallyist and the security personnel/forces of the corporation in front of the company's office at Barangay Maasin, Brooke's Point, Palawan.

For information, record and further instruction on the matter.


FELIZARDO B. CAYATOC

| | |
|--------------------|--|
| DENR-PENRO PALAWAN | |
| RELEASED | |
| THROUGH E-MAIL | |
| EMAILED TO: | RED cc: MGB |
| E-MAILED BY: | Xyma  |
| DATE: | 07 JUN 2023 |
| TIME: | 3:39 pm |

DENR-PALAWAN
PENRO-RECORDS
RELEASED
By: 
Date: 08 JUN 2023 CN 22-1613



May 25, 2023

**DENR PENRO
PALAWAN RECORDS
RECEIVED**

BY: [Signature]
DATE: 06-06-2023 13:5158

MEMORANDUM

FOR : The Regional Executive Director
DENR MIMAROPA Region
1515 DENR By the Bay Buiding, Roxas Boulevard,
Barangay 668, Ermita, Manila

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

FROM : The Community Environment and
Natural Resources Officer

SUBJECT : **UPDATED COMPLETED STAFF WORK RE: THE PUBLIC
ASSEMBLY/RALLY CONDUCTED BY THE RESIDENTS OF
BROOKE'S POINT, PALAWAN AGAINST THE MINING
OPERATION OF IPILAN NICKEL CORPORATION AT
BARANGAY MAASIN, BROOKE'S POINT, PALAWAN FROM
MARCH 15, 2023 UNTIL THE RALLY DISPERSAL**

I. FACTUAL BACKGROUND

16 February 2023 - Pursuant to Batas Pambansa No. 880 or the Public Assembly Act of 1985, Hon. Cesareo R. Benedito, Jr., Municipal Mayor/Local Chief Executive (LCE) of the Municipal LGU of Brooke's Point, Palawan issued:

1. Memorandum Order No. 2023-054 addressed to Pastor Job Z. Lagrada granting Permit to Conduct Public Assembly/Rally from Maasin Crossing (provincial road going to Sitio Panay) down to the approach of Tagdidili Bridge, Purok 5, Barangay Maasin, Brooke's Point, Palawan valid from 6:00 AM of February 18 to 10:00 AM of February 21, 2023. Said Memorandum Order also indicated that it shall be Pastor Lagrada's duty and responsibility to take all reasonable measures and steps to the end that the public assembly shall be conducted peacefully.

P-

2. Memorandum Order No. 2023-055 with subject "Strict Enforcement of Batas Pambansa Blg. 880, Otherwise known as the Public Assembly Act of 1985" addressed to PMAJ Raffy C. Esperida, Chief of Police, Brooke's Point Municipal Police Station and The Punong Barangay and Barangay Officials of Barangay Maasin, Brooke's Point, Palawan informing them re: the conduct of the Public Assembly/Rally and likewise ordering them to ensure that the provisions of Batas Pambansa 880 are strictly enforced within their respective territorial jurisdiction.

Extensions:

- **February 21 to February 28, 2023 (1st Extension)**
- **February 28 to March 7, 2023 (2nd Extension)**
- **March 7 to March 14, 2023 (3rd Extension)**
- **March 14 to March 21, 2023 (4th Extension)**
- **March 21, 2023 to March 28, 2023 (5th Extension)**
- **March 28, 2023 to April 4, 2023 (6th Extension)**

10 March 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.

13 March 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.

- The anti-mining protesters refused to accept the Temporary Restraining Order (TRO) served by Sheriff IV Clodualdo V. Levita.

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II. CHRONOLOGY OF RELATED EVENTS AND ACTIONS TAKEN

The Monitoring and Enforcement Section of CENRO Brooke's Point have been tasked to facilitate the conduct of continuous monitoring for the duration of the Public Assembly/Rally wherein the following activities/events took place from March 15, 2023 until the dispersal of the protesters/rallyist.

- 15 March 2023 - CENRO Brooke's Point submitted a Completed Staff Work (CSW) re: the subject Public Assembly/Rally as of March 15, 2023 to the Regional Office thru the PENRO Palawan. Advance copy of which was sent thru email. *(Proof of submission of CSW hereto attached marked as "Annex A")*
- 20 March 2023 - Mayor Cesareo R. Benedito, Jr. issued Memorandum Order No. 2023-087 with subject "Notice of Violation/Notice to Stop" addressed to Mr. Alex C. Arabis - OIC, Resident Mine Manager of Ipilan Nickel Corporation reiterating the Mayor's previous Order to stop all operations of the company effective immediately due to lack of Business/Mayor's Permit, otherwise the Municipal LGU will immediately seek a Court Temporary Restraining Order against Mr. Arabis and any accomplices.
- Mayor Benedito likewise issued on the same date Memorandum Order Nos. 2023-089 and 2023-090 addressed to Pastor Job Z. Lagrada and PMaj Raffy Esperida, Chief of Police, Brooke's Point Municipal Police Station and the Punong Barangay and Officials of Barangay Maasin, Brooke's Point, Palawan respectively re: Extension of Permit to conduct Public Assembly/Rally within public property or at the Road Right-of-Way of Highway from Maasin Crossing down to the approach of Tagdidili Bridge, Purok 5, Barangay Maasin, Brooke's Point, Palawan until March 28, 2023.
- (Copies of the Memorandum Orders attached marked as Annex B.1, B.2 and B.3 respectively)*
- 27 March 2023 - The subject public assembly/rally has again been extended until April 4, 2023 per Memorandum Order No. 2023-094 issued by Hon. Cesareo R. Benedito, Jr., Municipal Mayor of Brooke's Point, Palawan. *(Copy attached marked as Annex C)*
- 28 March 2023 - The Regional Trial Court Branch 165 issued a Resolution re: Civil Case No. BPT-0040 granting Ipilan Nickel Corporation's prayer for the issuance of a *WRIT OF PRELIMINARY PROHIBITORY AND MANDATORY INJUNCTION*. Accordingly, upon plaintiffs filing of

A.

the INJUNCTION BOND in the amount of ONE MILLION PESOS (Php 1,000,000.00) conditioned on the plaintiff's paying all damages, the defendants may sustain by reason of this INJUNCTION in case the Court should finally decide that the plaintiff is not entitled thereto, let a WRIT OF PRELIMINARY PROHIBITORY AND MANDATORY INJUNCTION issue requiring the defendants **PASTOR JOB Z. LAGRADA, DOMINADOR MAGDALUYO, MARCELO PULMONES AND BERNIE JONTILANO** and all those claiming rights under them to vacate the property of **IPILAN NICKEL CORPORATION** and to remove any and all obstruction, structures or barricade that they have placed thereon and to enjoin the said defendants from stopping, apprehending, searching, obstructing, or even approaching any and all of the vehicles and individuals making use of the Main Haul Roads to make their way from the mining pit to the causeway and *vice-versa* until further Orders from this Court."

In addition, the Court likewise ordered for the issuance of a Show Cause Order against Pastor Job Z. Lagrada, Dominador Magdaluyo, Marcelo Pulmones and Bernie Jontilano directing them to explain within 72 hours from receipt hereof why they should not be cited for indirect contempt of court for disobeying the Temporary Restraining Order (TRO) issued by the Court.

(Copy attached marked as Annex D)

31 March 2023

- CENRO Brooke's Point submitted Status Report to PENRO Palawan re: the subject Public Assembly/Rally. Advance copy of which was sent thru email.

3 April 2023

- Per the news update posted by 103.1 Brigada News FM - Palawan on its Facebook Page, a representative from the Regional Trial Court Branch 165 served the Writ of Preliminary Prohibitory and Mandatory Injunction for Pastor Job Z. Lagrada, Dominador Magdaluyo, Marcelo Pulmones and Bernie Jontilano and all those claiming rights under them. The Show Cause Order was also served directing Pastor Job Z. Lagrada, Dominador Magdaluyo, Marcelo Pulmones and Bernie Jontilano to provide explanation within 72 hours from receipt for disobeying the Temporary Restraining Order (TRO) issued by the Court. Said individuals must provide the required explanation to avoid being cited in contempt of Court. However, according to the sheriff, no one accepted the said Show Cause Order.

(Source: <https://www.facebook.com/brigadanewsfpalawan/posts/pfbid02hRMLfs7fMU8ii8tKdmH2z3d8uyBYFCvotyyF9LeY9V23pztmj6pJ2UPuVevhmqsl>) (Copy attached marked as Annex E)

J.

- 14 April 2023 - A confrontation between the protesters/rallyist and the security personnel/forces of Ipilan Nickel Corporation took place in front of the company's office at Barangay Maasin, Brooke's Point, Palawan which resulted to the dispersal of the anti-mining rally including the arrest of six of the protesters.
- 18 April 2023 - In a news report posted by Palawan News, Bishop Socrates Mesiona of the Apostolic Vicariate of Puerto Princesa (AVPP) and Bishop Broderick Pabillo of the Apostolic Vicariate of Taytay (AVT) in a joint statement released Monday (15 April 2023), accused the Ipilan Nickel Corporation of violently dispersing the rallyists gathered outside its compound on Friday, April 14, and making an illegal arrest of six of the protesters. Likewise, the Catholic Church in Palawan called on the national government to "permanently close" Ipilan Nickel operations in Brooke's Point, Palawan.
- On the other hand, it is also mentioned in the said news report that *"In a separate interview with Palawan News, PNP Brooke's Point chief P/Maj. Raffy Esperida claimed that the rallyists were illegally gathered outside the area allowed by their permit from the mayor's office. He said that while there was indeed a "confrontation" between the company's security forces and the rallyists, the dispersal was "generally peaceful." Meanwhile, the Palawan News has also sought a statement on the incident from Ipilan Nickel Corporation but has yet to receive a reply.*
(Source: <https://palawan-news.com/catholic-church-denounces-anti-mining-rally-dispersal-demands-closure-of-ipilan-nickel/>) (Copy attached marked as Annex F)
- 19 April 2023 - As reported by Palawan News, *"The Sangguniang Bayan (SB) of Brooke's Point demanded the relief of the town's police commander P/Maj. Raffy Esperida, citing his alleged negligence in the violent dispersal and detention of anti-mining demonstrators in Brgy. Maasin last Friday, April 14"*
(Source: <https://palawan-news.com/brookes-point-seeks-relief-of-police-chief-following-anti-mining-rally-dispersal/>) (Copy attached marked as Annex G)
- 20 April 2023 - In another news report posted by Palawan News, it was stated that Ipilan Nickel Corporation had claimed that the confrontation between the anti-mining rallyists and their security forces in front of the company's office in Brgy. Maasin, Brooke's Point on April 14 was provoked by the protesters. In addition, the mining company pointed out in a statement that the police and their own security personnel behaved "with restraint" as they were clearing the entrance road to their facility.
(Source: <https://palawan-news.com/ipilan-nickel-claims-confrontation-was-provoked-by-anti-mining-groups/>) (Copy attached marked as Annex H)

Photo documentations













Prepared by:

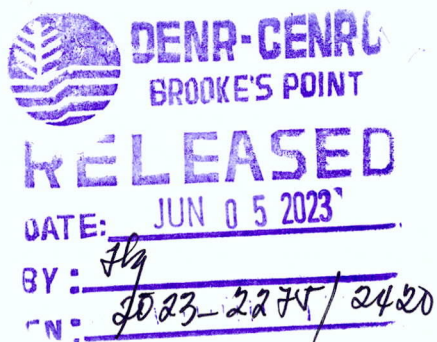
R. Mitra
ROSEVILLE I. MITRA
Forest Technician II

Checked and verified by:

[Signature]
JOSEBITO A. EYALA
F-III/Deputy CENRO/Chief, MES

Attested by:

[Signature]
LEONARD T. CALUYA
CENRO



CSW re' the public assembly / rally conducted by the residents of Brooke's Point, Palawan against the mining operation of Ipllan Nickel Corporation at Barangay Maasin, Brooke's Point, Palawan as of March 15, 2023

3 messages

R4B CENRO BrookesPoint <cenrobrookespoint@denr.gov.ph>

Thu, Mar 16, 2023 at 11:41 AM

To: **R4B PENRO Palawan** <penropalawan@denr.gov.ph>, **DENR Mimaropa Region** <mimaroparegion@denr.gov.ph>, rscdgmimaropa@gmail.com

 **CSW PUBLIC ASSEMBLY RALLY AGAINST INC.pdf**
2177K

R4B PENRO Palawan <penropalawan@denr.gov.ph>

Thu, Mar 16, 2023 at 1:07 PM

To: **R4B CENRO BrookesPoint** <cenrobrookespoint@denr.gov.ph>

Dear Sir/Madam:

Good day!

This is to acknowledge our receipt of your email.

Thank you.

Yours truly,

FELIZARDO B. CAYATOC
Provincial Environment
and Natural Resources Officer

.....
DENR-PENRO Palawan
Bgy. Sta. Monica
Puerto Princesa City
5300 Palawan
PHILIPPINES

Email: penropalawan@denr.gov.ph
Website: www.denrpalawan.tk

Telephone Numbers:
Office of the PENRO +63 (48) 434-8791
Information Desk +63 (48) 433-5638
Planning Office +63 (48) 433-2050
Cashier's Office +63 (48) 433-1391
.....

On Thu, Mar 16, 2023 at 11:41 AM **R4B CENRO BrookesPoint** <cenrobrookespoint@denr.gov.ph> wrote:

DENR Mimaropa Region <mimaroparegion@denr.gov.ph>

Thu, Mar 16, 2023 at 2:24 PM

To: **R4B CENRO BrookesPoint** <cenrobrookespoint@denr.gov.ph>, **ARDTS MIMAROPA** <ardts.mimaropa@gmail.com>

Good day!

This is to acknowledge receipt of your email.

Your concern was immediately forwarded to the **Office of the Assistant Regional Director for Technical Services** for review and appropriate action.

For other inquiries/follow-ups, you may reach them directly at their email address:
ardts.mimaropa@gmail.com

Please also be informed that your concern has been assigned with Document Tracking Number **E-2023-105435**.

To track the status of your concern, please provide the number above for ease of reference.

Thank you and keep safe.

ROBERT T. PANTI
Database Management Officer
Records Section - DENR MIMAROPA

[Quoted text hidden]



Republic of the Philippines
Department of Environment and Natural Resources
MIMAROPA Region
PROVINCIAL ENVIRONMENT AND NATURAL RESOURCES OFFICE
Bgy. Sta. Monica, Puerto Princesa City, Palawan
Telfax No. (048) 434 - 8791
Email Add: penropalawan@denr.gov.ph

March 20, 2023

MEMORANDUM

FOR : The Regional Executive Director
DENR MIMAROPA Region
1515 DENR By The Bay Building, Roxas Boulevard,
Barangay 668, Ermita, Manila

FROM : Provincial Environment and
Natural Resources Officer

SUBJECT : **COMPLETED STAFF WORK RE: THE PUBLIC
ASSEMBLY/RALLY CONDUCTED BY THE RESIDENTS OF
BROOKE'S POINT, PALAWAN AGAINST THE MINING
OPERATIONS OF IPILAN NICKEL CORPORATION AT
BARANGAY MAASIN, BROOKE'S POINT, PALAWAN AS OF
MARCH 15, 2023**

Forwarded is a copy of memorandum report dated 15 March 2023 of CENRO Brooke's Point in CSW format regarding the event that transpired relative to the above cited subject.

For information, record and reference.


FELIZARDO B. CAYATOC

DENR-PALAWAN
PENRO-RECORDS
RELEASED
By 
Date 22 MAR 2023 23-743

RGT/EMU
Doc No 2023-2365



Republic of the Philippines
Province of Palawan
MUNICIPALITY OF BROOKE'S POINT
Office of the Municipal Mayor

Email Address: brookespointmayorsoffice@gmail.com

ANNEX B.1

MEMORANDUM ORDER

No. 2023-087

TO : **Mr. ALEX C. ARABIS**
Resident Mine Manager
Ipilan Nickel Corporation
Bgy. Maasin, Brooke's Point, Palawan

SUBJECT : **NOTICE OF VIOLATION/NOTICE TO STOP**

DATE : **MARCH 20, 2023**

Section 3A-02 of the Administrative Provisions of Sangguniang Bayan Ordinance No. 2020-34 or the Revised Revenue Code of the Municipality of Brooke's Point, Palawan, provides that:

"No Business or Trade Undertaking can be lawfully begun or pursued in this municipality without the corresponding Mayor's Permit".


This local government unit, through the undersigned, had already directed Ipilan Nickel Corporation (INC) to stop its operations due to lack of Business/Mayor's Permit.

Non-adherence to the issued Order of the undersigned is contrary to law as provided in Section 444 of the Republic Act No. 7160 otherwise known as the Local Government Code of 1991: the Powers, Duties, Functions and Compensation of the Chief Executive. Paragraph (b)(2) further provides that:

"For efficient, effective and economical governance the purpose of which is the general welfare of the municipality and its inhabitants pursuant to Section 16 of this Code, the municipal mayor shall enforce all laws and ordinances relative to the governance of the municipality and the exercise of its corporate powers provided for under Section 22 of this Code implement all approved policies, programs, projects, services and activities of the municipality."

In view thereof, the undersigned is reiterating his order to stop all your operations effective immediately. If your operations persist, we will immediately seek a court temporary restraining order against you and any accomplices in this matter.

For strict compliance.


CESAREO R. BENEDITO, JR.
Municipal Mayor



SPECIAL DISTINCTION
4 YEARS AWARDEE
2015 * 2016 * 2017 * 2022
passed all areas

Cecille Comm23



Republic of the Philippines
Province of Palawan
MUNICIPALITY OF BROOKE'S POINT
Office of the Municipal Mayor

Email Address: brookespointmayorsoffice@gmail.com

MEMORANDUM ORDER

No. **2023-089**

TO : PASTOR JOB Z. LAGRADA
Brooke's Point, Palawan

SUBJECT : EXTENSION OF PERMIT TO CONDUCT PUBLIC ASSEMBLY/RALLY

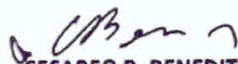
DATE : MARCH 20, 2023

Pursuant to Batas Pambansa Blg. 880 or the Public Assembly Act of 1985 ensures the free exercises of the people's right to hold a public assembly and to petition the government. So as not to abridge your freedom or your right, the undersigned has to act on your request for extension.

In view thereof, your request to extend the validity of your permit to conduct public assembly/rally within the public property or at the Road Right-of-Way of Highway from Maasin Crossing down to the approach of Tagdidili Bridge, Purok 5, Bgy. Maasin, this municipality, until March 28, 2023 (Tuesday) is hereby granted.

This is also to reiterate that it shall be your duty and responsibility to take all reasonable measures and steps to the end that the intended public assembly shall be conducted peacefully.

Please be guided accordingly.


GESAREO R. BENEDITO, JR.
Municipal Mayor



SPECIAL DISTINCTION
4 YEARS AWARDEE
2015 * 2016 * 2017 * 2022
passed all areas



Republic of the Philippines
Province of Palawan
MUNICIPALITY OF BROOKE'S POINT
Office of the Municipal Mayor

Email Address: brookespointmayorsoffice@gmail.com

MEMORANDUM ORDER

No. 2023-090

TO : PMAJ RAFFY C ESPERIDA
Chief of Police
Brooke's Point Municipal Police Station

The PUNONG BARANGAY AND BARANGAY OFFICIALS
Barangay Maasin
Brooke's Point, Palawan

SUBJECT : EXTENSION OF PERMIT TO CONDUCT PUBLIC ASSEMBLY/RALLY

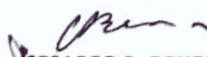
DATE : MARCH 20, 2023

Pursuant to Batas Pambansa Blg. 880 or the Public Assembly Act of 1985 ensures the free exercises of the people's right to hold a public assembly and to petition the government. So as not to abridge their freedom or right, the undersigned has to act on their request for extension until March 28, 2023 (Tuesday).

Pursuant to powers vested in me under Republic Act 8551 otherwise known as the Philippine National Police Reform and Reorganization Act of 1998, Brooke's Point Municipal Police Station is hereby ordered to **STRICTLY ENFORCE** the provisions of Batas Pambansa Blg. 880 or the Public Assembly Act of 1985.

The Punong Barangay and Barangay Officials of Barangay Maasin are likewise ordered to ensure that the provisions of BP 880 are strictly enforced within their respective territorial jurisdiction.

For strict compliance.


CESAREO R. BENEDITO, JR.
Municipal Mayor

Cecilia Comm23



SPECIAL DISTINCTION
4 YEARS AWARDEE
2015 * 2016 * 2017 * 2022
passed all areas



Republic of the Philippines
Province of Palawan
MUNICIPALITY OF BROOKE'S POINT
Office of the Municipal Mayor

Email Address: brookespointmunicipaloffice@gmail.com

ANNEX C

MEMORANDUM ORDER

No. 2023-094

TO: **PASTOR JOB Z. LAGRADA**
Brooke's Point, Palawan

SUBJECT: **EXTENSION OF PERMIT TO CONDUCT PUBLIC ASSEMBLY/RALLY**


DATE: **MARCH 27, 2023**


Pursuant to Batas Pambansa Blg. 880 or the Public Assembly Act of 1985 ensures the free exercises of the people's right to hold a public assembly and to petition the government. So as not to abridge your freedom or your right, the undersigned has to act on your request for extension.

In view thereof, your request to extend the validity of your permit to conduct public assembly/rally within the public property or at the Road Right-of-Way of Highway from Maasin Crossing down to the approach of Tagdidili Bridge, Purok 5, Bgy. Maasin, this municipality, until April 04, 2023 (Tuesday) is hereby granted.

This is also to reiterate that it shall be your duty and responsibility to take all reasonable measures and steps to the end that the intended public assembly shall be conducted peacefully.

Please be guided accordingly.


CESAREO R. BENEDITO, JR.
Municipal Mayor


Norman Bueño
03-28-2023



SPECIAL DISTINCTION

4 YEARS AWARDEE
2015 * 2016 * 2017 * 2022
passed all areas

ANNEX D

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 NICKEL CORPORATION, As represented
by Engr. Carlo A. Matilac, Alex C.
Arabis and/or Siguion Reyna
Montecillo & Ongsiako Law
Offices,

Plaintiff,

-versus-

**PASTOR JOB Z. LAGRADA,
DOMINADOR MAGDALUYO,
MARCELO PULMONES &
BERNIE JONTILANO** and/or all
other persons claiming rights
under them and occupying the
property of IPILAN NICKEL
CORPORATION,

Defendants.

x-----x

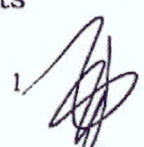
CIVIL CASE NO. BPT-0040

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

RESOLUTION

For resolution of the Court is the application of plaintiff IPILAN NICKEL CORPORATION ("INC") for the issuance of an interim relief of *WRIT OF PRELIMINARY PROHIBITORY AND MANDATORY INJUNCTION* against the defendants' Pastor Job Z. Lagrada, Dominador Magdaluyo, Marcelo Pulmones and/or all other persons claiming rights under them and occupying the property of IPILAN NICKEL CORPORATION ("INC").

Notably, the Court issued twenty (20) days *TEMPORARY RESTRAINING ORDER (TRO)* after a summary hearing on March 10, 2023 and set the application for preliminary prohibitory and mandatory injunction initial hearing on March 17, 2023. Summons together with a copy of the Complaint and its annexes were personally and duly served on co-defendants

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Marcelo Polmones and Dominador Magdaluyo on March 9, 2023 as per *Sheriff's Return (Notice of Summary Hearing & Summons dated March 9, 2023)*. Co-defendant Pastor Job Z. Lagrada represented by their private counsel Atty. Julius M. Concepcion who filed a *Formal Entry of Appearance* in behalf of defendants' Lagrada, Magdaluyo and Pulmones on March 27, 2023 voluntarily appeared before the Court during the hearing on March 17, 2023. At the outset, it bears stressing that the Court never issued a seventy two (72) hours *EX-PARTE TEMPORARY RESTRAINING ORDER (TRO)* against the above-named defendants.¹

During the hearings on preliminary prohibitory and mandatory injunction held on March 17 & 27, 2023 at 2:00 pm., the plaintiff IPILAN NICKEL CORPORATION (INC) save from adopting *in toto* the previous testimonies of their two (2) witnesses² on the propriety of issuance of TRO presented four (4) more witnesses, namely: PABLITO REFUERZO JR., NASRAN M. EMIK, WILFRED B. BARDON & MICHAEL AVILA BACASER to prove its entitlement to the relief being sought in their *Complaint for Damages & Injunction With Prayer for 72 hour TRO (with extension) and/or Writ of Preliminary Prohibitory & Mandatory Injunction*.

Testimony of PABLITO REFUERZO JR. First witness Pablito Refuerzo Jr. who testified by way of *Judicial Affidavit* recounted how the defendant's staged a rally at the Main Haul Road which started on February 18, 2023. Witness narrated how the rallyists set up barricades and/or other structures at the Main Haul Road of the INC premises. He testified on all relevant events during the defendant's *Anti-Mining Rally* from February 18, 2023 onwards. He also authenticated and identified certain documents attached to the *Judicial Affidavit*.³

Counsel for the defendants Atty. Julius M. Concepcion waived the right to cross examine the plaintiff's witness.

Testimony of NASRAN M. EMIK Second witness Nasran M. Emik testified as to the presence of co-defendant Marcelo Polmones at the Main Haul Road of INC premises throughout the *Anti-Mining Rally*. Witness Emik identified the photographs depicting the participation of Marcelo Polmones during the said rally.⁴

¹ Opposition to the Extension of the 72 HOUR TRO filed on March 10, 2023 by Defendants Dominador Magdaluyo and Marcelo Polmones

² Engr. Richard L. Natad & Engr. Segundo A. Villanueva

³ Exhibits "K" & "L" as stated in his *Judicial Affidavit*

⁴ Exhibits "M" to "M-2" as stated in his *Judicial Affidavit*

Atty. Julius M. Concepcion opts not to cross examine the plaintiff's witness anymore.

Testimony of SG WILFRED B. BARDON For his part, witness SG Wilfred B. Bardon averred by way of Judicial Affidavit that co-defendant Dominador Magdaluyo actively participated and joined during the *Anti-Mining Rally* which commenced on February 18, 2023 and throughout the rally. He authenticated and identified certain photographs depicting the presence of Dominador Magdaluyo during the demonstration.⁵

There being no cross examination questions asked by Atty. Julius M. Concepcion, the testimony of witness Bardon is deemed terminated.

Testimony of MICHAEL AVILA BACASER Witness Michael Avila Bacaser, an *Information, Education and Communication Officer* of Ipilan Nickel Corporation (INC) testified by way of Judicial Affidavit and narrated that his tasks and duties include the handling of internal and external correspondence of the company; acting as a liaison officer of the company as well as conducting information and education campaigns relating to responsible mining. Witness further testified that he was tasked by his superiors to witness and document the Sheriff's service of the Temporary Restraining Order (TRO) issued by Branch 165 of the Regional Trial Court of Brooke's Point, Palawan on March 10, 2023. He personally saw that the service of the TRO was made by Sheriff Clodualdo V. Levita of Branch 165 of the RTC of Brooke's Point.

Witness recounted how the Sheriff was standing in the middle of the rallyists, who were occupying the premises owned by INC, and where the barricades were set up. He personally took a video recording of the Sheriff's service of the TRO on March 13, 2023 through his cellular phone, which video recording shows exactly what transpired during the service, and plays for fourteen (14) minutes and thirty-seven (37) seconds. He then uploaded the video recording from his cellular phone to his personal Google Drive account, an online and free cloud-based storage service enabling users to store and access files online. After uploading the video recording to his Google Drive account, witness then shared the said video with his superiors. When his superiors saw the video recording, witness was instructed to transfer and save it to a Universal Serial Bus (USB) Flash Drive for record keeping.

⁵ Exhibits "N" to "N-1"



Witness then downloaded the video recording from his personal Google Drive account to his personal computer. Thereafter, the witness transferred and save the video recording from his personal computer to a Universal Serial Bus (USB) Flash Drive. In the course of his direct testimony, witness identified in the process the USB Flash Drive containing a video recording entitled "20230313_15594" as Exhibit "Q", the PNP Memorandum with Subject "Service of Temporary Restraining Order (TRO) marked as Exhibit "S". The witness played each part of the video recording from the title "20230313_155944 and from the beginning timestamp "6:47" until the title "20230313-155944" from the timestamp "13:38" to "14:25".

Thereafter, witness Michael Avila Bacaser was propounded questions during cross examination, redirect examination and re-cross examination.

Upon completion of the testimony of witness Michael Avila Bacaser, Atty. Christopher Capul made an oral formal of the plaintiff's documentary exhibits. Taking into account the oral *Comment/Objection* of defendants' counsel Atty. Julius M. Concepcion, the Court RULED to admit Exhibits "A", "B", "I", "J", "K", "L" & "L series", "M" to "M-2", "N" to "N-1", "O" to "O-4", "Q", "S" for whatever nature and purpose/purposes for which they have been formally offered subject to the appreciation of this Court as to their materiality, relevancy, evidentiary weight and probative value.

With the presentation of all its witnesses and the formal offer of documentary exhibits, the plaintiff IPILAN NICKEL CORPORATION (INC) is deemed to have rested its case on its application for issuance of Writ of Preliminary Prohibitory and Mandatory Injunction.

Testimony of BERNIE JONTILANO Defendants' witness Bernie Jontilano testified *in part* that on February 18, 2023, he went to the area where the defendants and other people started to hold a rally only that same day. He personally saw that Ipilan Nickel Corporation (INC) has already built a barricade made of barbed wires across its Main Haul Road which leads to the national highway and manned it with security guards. Witness narrated that the INC's hauling trucks were not able to pass through its main haul road to the highway because of its very own barbed wire barricade across the said main haul road. INC's trucks instead had free and open access to the sea via an old public barangay road near the property of one Mr. Bautista branching from INC's guard post and barricade on its right side



and another barangay road parallel to plaintiff's Main Haul Road in New Panay on its left side. Witness also identified the photographs of the barricade made of barbed wires across its Main Haul Road which he took using his cellphone and printer KYOCERA ECOSYS M5521 and marked as Exhibits "1", "2", "3" & "4".

Thereafter, cross examination, redirect examination and re-cross examination were asked of the witness.

After the conclusion of the testimony of witness Bernie Jontilano, Atty. Julius M. Concepcion proffered orally the defendants' documentary exhibits consisting of Exhibits "1", "2", "3" & "4" which after taking into consideration the oral Comment/Objection of the plaintiff's counsel Atty. Capul, the Court admitted all the defendants' documents for whatever nature and purpose/purposes for which they have been formally offered. Having presented its lone witness in the person of Bernie Jontilano and upon formally offering its documentary evidence, the defendants are deemed to have rested their case and submit the propriety of the issuance of Writ of Preliminary Injunction for resolution of this Court.

THE COURT'S RULING

After an assiduous evaluation of the verified application and hearing the arguments raised by both parties, this Court is persuaded that there exist *prima facie* evidence to convert the *TEMPORARY RESTRAINING ORDER (TRO)* issued on March 10, 2023 in favor of *IPILAN NICKEL CORPORATION (INC)* to *WRIT OF PRELIMINARY PROHIBITORY AND MANDATORY INJUNCTION* if only to prevent actual or threatened acts by the defendants, until the merits of this case can be heard.

Rule 58, Section 3 of the 1997 Rules of Civil Procedure identifies the instances when a Writ of Preliminary Injunction may be issued:

Section 3. Grounds for issuance of preliminary injunction.-A preliminary injunction may be granted when it is established:

- (a) That the applicant is entitled to the relief demanded, and the whole or part of such relief

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consists in restraining the commission or continuance of the act or acts complained of, or in requiring the performance of an act or acts either for a limited period or perpetually;

(b) That the commission, continuance or non-performance of the act or acts complained of during the litigation would probably work injustice to the applicant;

(c) That a party, court, agency or a person is doing, threatening, or is attempting to do, or is procuring or suffering to be done some act or acts probably in violation of the rights of the applicant respecting the subject of the action or proceeding, and tending to render the judgment ineffectual.

In the case of *DPWH v. City Advertising Ventures Corporation*⁶, citing the case of *Marquez v. Sanchez*⁷, the Supreme Court summarized, the requisites of preliminary injunction whether mandatory or prohibitory are the following:

(1) The applicant have a clear and unmistakable right; that is right in esse;


(2) There is material and substantial invasion of such right;

(3) There is an urgent need for the writ to prevent irreparable injury to the applicant; and

(4) No other ordinary, speedy, and adequate remedy exists to prevent the infliction of irreparable injury.

In satisfying these requisites, parties applying for a writ of preliminary injunction need not set out their claims by complete

⁶ G.R. No. 182944 dated November 9, 2016
⁷ 544 Phil 507 (2007)

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and conclusive evidence. *Prima facie* evidence suffices as held in the case of *Republic v. Evangelista*⁸:

"It is crystal clear at the hearing for the issuance of a writ of preliminary injunction, mere prima facie evidence is needed to establish the applicant's rights or interests in the subject matter of the main action. It is not required that the applicant should conclusively show that there was a violation of his rights as this issue will still be fully litigated in the main case. Thus, an applicant for a writ is required only to show that he has an ostensible right to the final relief prayed for. (Emphasis, supplied)

Under the preceding factual circumstances, the Court believes that the plaintiff had satisfied the standards for the issuance of a Writ of Preliminary Injunction at this early stage of the proceeding *vis-à-vis* the defendants who are not considered public functionaries.

Foremost, the plaintiff IPILAN NICKEL CORPORATION has actual and existing right as Contractor of the Government under MINERAL PRODUCTION SHARING AGREEMENT (MPSA) which remains in force and valid until April 10, 2025 to conduct mining operation in the approved Contract area in Brooke's Point, Palawan and as legitimate property owner of a parcel of land which forms part of its *Main Haul Road* under Transfer Certificate of Title No. T-7007 and purchased from its original owner Helen M. Alferez as evidenced by a Deed of Absolute Sale dated 8 November 2016. INC therefore had in its favor property right, of which it cannot be deprived without due process by the rallyists.

Secondly, there is material and substantial invasion of such rights as Contractor of the Government under an existing MPSA and as property owner by the defendants which continuously impede and obstruct the free flow of trade and commerce as well as the ingress and egress on plaintiff's Main Haul Road. It is worth mentioning that while the demonstrators have obtained Mayors Permit to hold rallies and demonstrations at the Main Haul Road of the plaintiff, the record is barren of evidence that defendants have obtained the consent of the

⁸ 504 Phil 115, 123(2005)

7 

owner of private property IPILAN NICKEL CORPORATION when they occupied and held mass actions on such parcel of land as mandated by the Public Assembly Act of 1985.⁹ Additionally, without prejudging the main case, the defendants who may be considered mobs or trespassers at this juncture are not *bona fide* employees of the Office of the Municipal Mayor of Brooke's Point, Palawan or the Municipal Environment and Natural Resource Office (MENRO) who should implement the necessary CLOSURE ORDER if indeed INC failed to obtain the requisite Mayors Permit in the operation of its business.

Third, there is a sense of urgency to issue the Writ of Preliminary Injunction to prevent irreparable injury to the applicant in view of the incessant threats from the demonstrators who continuously held rallies and block the ingress and egress of the plaintiff's Main Haul Road despite the issuance of Temporary Restraining Order (TRO) by this Court as testified to by witness Michael Avila Bacaser, the video of the service of TRO by Court Sheriff IV Clodualdo V. Levita and the Service of Temporary Restraining Order (TRO) Report dated 14 March 2023 issued by the Ground Commander and Chief of Police P/Major Raffy Esperida. The open defiance of the rallyists on the service of twenty (20) days Temporary Restraining Order (TRO) left the plaintiff IPILAN NICKEL CORPORATION (INC) with no justifiable recourse but to seek Writ of Preliminary Injunction from this Court.

Lastly, there can be no other ordinary, speedy and adequate remedy to prevent the infliction of the irreparable injury to the business reputation and goodwill of IPILAN NICKEL CORPORATION as no national government agency or LGU office had seriously considered implementing the Court's restraining order as it stands now.

IN VIEW OF THE FOREGOING, the plaintiff's prayer for the issuance of a **WRIT OF PRELIMINARY PROHIBITORY AND MANDATORY INJUNCTION** is **GRANTED**. Accordingly, upon plaintiff's filing of the INJUNCTION BOND in the amount of ONE MILLION PESOS (Php 1,000,000.00) conditioned on the plaintiff's paying all damages, the defendants may sustain by reason of this INJUNCTION in case the Court should finally decide that the plaintiff is not entitled thereto, let a WRIT OF PRELIMINARY PROHIBITORY AND MANDATORY INJUNCTION issue requiring the defendants **PASTOR JOB Z. LAGRADA**,

⁹ Section 4 Permit when required and when not required-A written permit shall be required for any person or persons to organize and hold a public assembly in a public place. However, no permit shall be required if the public assembly shall be done or made in a freedom park duly established by law or ordinance or in private property, in which case only the consent of the owner or the one entitled to its legal possession is required.xxxxx

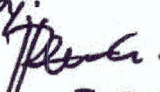
DOMINADOR MAGDALUYO, MARCELO PULMONES & BERNIE JONTILANO and all those claiming rights under them to vacate the property of **IPILAN NICKEL CORPORATION** and to remove any and all obstruction, structures or barricade that they have placed thereon and to enjoin the said defendants from stopping, apprehending, searching, obstructing, or even approaching any and all of the vehicles and individuals making use of the Main Haul Roads to make their way from the mining pit to the causeway and *vice-versa* until further Orders from this Court.

Meanwhile, in the light of the testimony of Michael Avila Bacaser, the video of the Service of the Temporary Restraining Order (TRO) by Court Sheriff IV Clodualdo V. Levita and the Service of Temporary Restraining Order Report dated March 14, 2023 submitted by P/Major Raffy Esperida, let a **SHOW CAUSE ORDER** be issued against defendants **PASTOR JOB Z. LAGRADA, DOMINADOR MAGDALUYO, MARCELO PULMONES & BERNIE JONTILANO** directing them to explain within SEVENTY TWO (72) HOURS from receipt hereof why they should not be cited for indirect contempt of court for disobeying the Temporary Restraining Order (TRO) issued by this Court on March 10, 2023.

In the meantime, let the hearing on the main case for **INJUNCTION** be set on April 14, 2023 at 2:00 o'clock in the afternoon. Let copy of this Resolution be served upon the defendants at the expense of the plaintiff through Court Sheriff IV **CLODUALDO V. LEVITA** of this Court. Furnish a copy of this Resolution to the Office of the Mayor of Brooke's Point, Palawan, **HONORABLE CESAREO R. BENEDITO JR. & SECRETARY BENJAMIN C. ABALOS JR.** of the Department of the Interior and Local Government (DILG) for their information and guidance.

IT IS SO ORDERED.

Given this 28th day of March 2023. Tubtub, Brooke's Point, Palawan.

Received by:

Atty. Reeno E. Febrero
March 28, 2023


RAMON CHITO R. MENDOZA
Presiding Judge

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 NICKEL
CORPORATION, As
represented by Engr. Carlo A.
Matilac, Alex C. Arabis and/or
Siguion Reyna Montecillo &
Ongsiako Law Offices,
Plaintiff,

-versus-

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

x-----x

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

**WRIT OF PRELIMINARY PROHIBITORY
AND MANDATORY INJUNCTION**

TO:

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

GREETINGS:

WHEREAS, on March 28, 2023, an Order was issued, the dispositive portion of which reads as follows:

"IN VIEW OF THE FOREGOING, the plaintiff's prayer for the issuance of a **WRIT OF PRELIMINARY PROHIBITORY AND MANDATORY INJUNCTION** is **GRANTED**. Accordingly, upon plaintiff's filing of the INJUNCTION BOND in the amount of ONE MILLION PESOS (Php 1,000,000.00) conditioned on the plaintiff's paying all damages, the defendants may sustain by reason of this INJUNCTION in case the Court should finally decide that the plaintiff is not entitled thereto, let a WRIT OF PRELIMINARY PROHIBITORY AND MANDATORY INJUNCTION issue requiring the defendants **PASTOR JOB Z. LAGRADA, DOMINADOR MAGDALUYO & MARCELO PULMONES & BERNIE JONTILANO** and all those claiming rights under them to vacate the property of **IPILAN NICKEL CORPORATION** and to remove any and all obstruction, structures or barricade that they have placed thereon and to enjoin the said defendants from stopping, apprehending, searching, obstructing, or even approaching any and all of the vehicles and individuals making use of the Main Haul Roads to make their way from the mining pit to the causeway and *vice-versa* until further Orders from this Court."

WHEREAS, on March 28, 2023, the Court NOTED/APPROVED/ACCEPTED Preliminary Injunction Bond deposited by plaintiff/payor **IPILAN NICKEL CORPORATION ("INC")** on March 28, 2023 under Official Receipt (OR) No. 8970117 D in the amount of **FIVE HUNDRED THOUSAND PESOS (Php500,000.00)** with a total amount of **ONE MILLION PESOS (Php 1,000,000.00)**¹.

¹ Under O.R. No. 8970115 D dated March 10, 2023 and O.R. No. 8970117 D dated March 28, 2023

WITNESS MY HAND AND SEAL, this 28th of March, 2023
in Brooke's Point, Palawan.

Received by:

Atty. Reeno E. Febrero
March 28, 2023

RAMON CHITO R. MENDOZA
Presiding Judge

Copy furnished:

- 1. PLAINTIFF IPILAN NICKEL CORPORATION**
Penthouse, Platinum Tower, Asean Avenue cor. Fuentes Street, Aseana,
Parañaque City through counsel
SIGUION REYNA, MONTECILLO & ONGSIAKO
4th & 6th Floors, BDO Towers Paseo, 8741 Paseo de Roxas, Makati City
- 2. ATTY. JULIUS M. CONCEPCION**
Counsel for the Defendants
#25 Lomboy Street, San Jose, Puerto Princesa City, Palawan
- 3. DEFENDANT PASTOR JOB Z. LAGRADA**
Proper 1, Brgy. Ipilan, Brooke's Point, Palawan
- 4. DEFENDANT DOMINADOR MAGDALUYO**
Purok 6, Sitio New Panay, Brgy. Maasin, Brooke's, Point, Palawan
- 5. DEFENDANT MARCELO POLMONES**
Purok 4, Brgy. Mambalot, Brooke's Point, Palawan
- 6. DEFENDANT BERNIE JONTILANO**
Purok 5, Brgy. Calasaguen, Brooke's Point, Palawan
- 7. DEFENDANT BERNIE JONTILANO**
Purok 5, Brgy. Calasaguen, Brooke's Point, Palawan
- 8. P/MAJ. RAFFY C. ESPERIDA**
Chief of Police, Brooke's Point Municipal Police Station
Brgy. Pangobilan, Brooke's Point, Palawan
- 9. HON. CESAREO R. BENEDITO JR.**
Municipal Mayor, Brooke's Point, Palawan
Municipal Hall, Brgy. Poblacion II, Brooke's Point, Palawan
- 10. SEC. BENJAMIN C. ABALOS JR.**
Department of the Interior and Local Government
DILG NAPOLCOM Center, EDSA corner Quezon Avenue,
Quezon City, Metro Manila

rm/ece/jpj



ANNEX E



103.1 Brigada News FM - Palawan

April 3 · 🌐

NEWS UPDATE: ANTI - MINING ADVOCATES SA BROOKES POINT, BINIGYAN NG 72 ORAS PARA IPALIWANAG KUNG BAKIT HINDI SINUNOD ANG INIHAIN NA TRO

Mayroon lamang 72 oras ang mga Anti-Mining Group at advocates para magpaliwanag sa korte kung bakit hindi nila sinunod ang nilalaman ng Temporary Restraining Order (TRO) sa kanila noong buwan ng Marso.

Bandang alas-otso ng umaga kanina ay inihain ng kinatawan ng Regional Trial Court Branch 165 ang writ of preliminary, prohibitory and mandatory injunction para kina Pastor Job Lagrada, Dominador Magdaluyo, Marcelo Pulmones Bernie Jontillano at iba pang tumututol sa pagmimina.

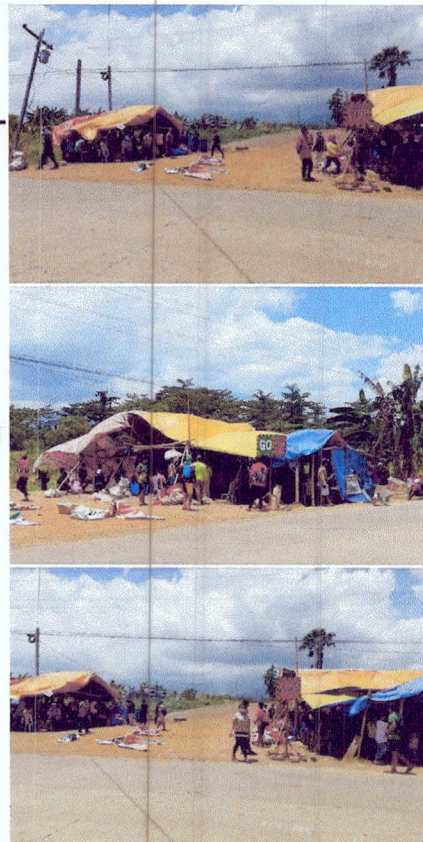
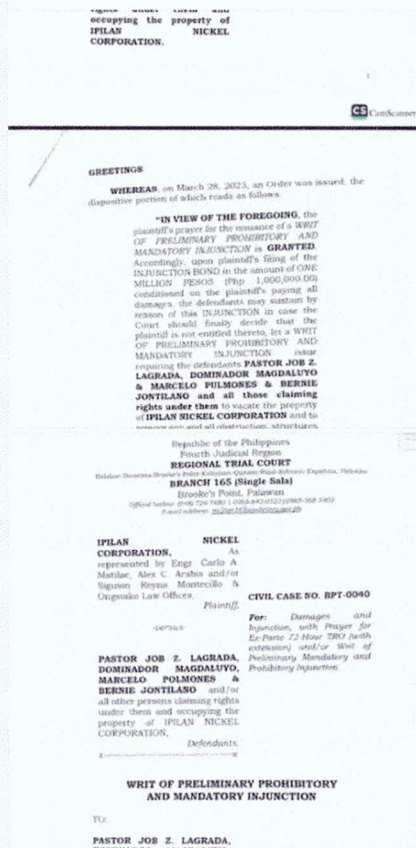
Kinakailangan umangon magpaliwanag ng mga ito sa korte upang hindi ma- cite in contempt.

Buwan ng Marso nang isilbi ng isang Sheriff ang Temporary Restraining Order (TRO) sa mga raliyesta subalit hindi ito pormal o maayos na tinanggap at kanina ay wala rin umangon tumanggap ng ibinabang show cause order, ayon sa sheriff.

Sa inahaing TRO noong Marso, ipinag-utos sa mga raliyesta na dapat na nilang itigil ang ginagawang pagharang, pagbabarikada sa daanan ng Ipilan Nickel na siyang dahilan para maapektuhan ang operasyon ng minahan.

Gayunpaman, sa panayam ng Brigada sa ilang nasa Hauling Road ng Ipilan Nickel sa Baranggay Maasin, iginiit nilang hindi nila ititigil ang ipinaglalaman vs. INC.

See Translation



125

137 24

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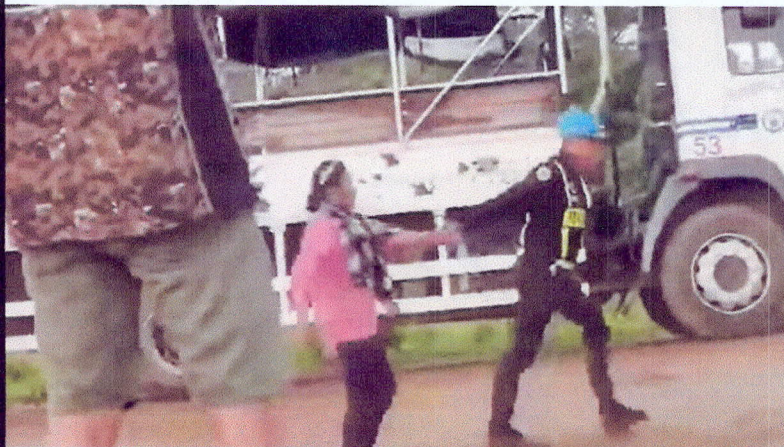
PALAWAN NEWS

ANNEX F

[Home](#) [ENVIRONMENT](#) Catholic church denounces anti-mining rally dispersal, demands closure of Ipilan Nickel

ENVIRONMENT

Catholic church denounces anti-mining rally dispersal, demands closure of Ipilan Nickel

By **Elmer Badilla** - April 18, 2023 179

During the dispersal of the picket on April 14 in Brgy. Ipilan, Brooke's Point, an Ipilan Nickel Corporation security guard is seen in a video holding a female protester he is detaining. | Screenshot from S De Cruz video

The Catholic church in Palawan on Monday accused Ipilan Mining Corporation (INC), which operates in Brooke's Point, of instigating violence against a group of local protesters camped out outside its premises, and called on the national government to "permanently close" the company's operations.

In a joint statement released Monday, Bishop Socrates Mesiona of the Apostolic Vicariate of Puerto Princesa (AVPP) and Bishop Broderick Pabillo of the Apostolic Vicariate of Taytay (AVT) accused the mining company of violently dispersing the rallyists gathered outside its compound on Friday, April 14, and making an illegal arrest of six of the protesters.

The church leaders also blasted the local Philippine National Police (PNP) for not intervening to pacify the situation as its uniformed officers allegedly simply watched while company security guards and employees stormed the protesters.

"We are deeply saddened and strongly condemn the violent dispersal and unlawful arrests conducted last Friday, April 14, against peaceful rallyists by close to a hundred private security guards of Ipilan Nickel Corporation in Brooke's Point, backed up by a contingent of 30 PNP police force who silently watched and abetted them," Bishops Mesiona and Pabillo stated.



Bishop Socrates Mesiona (left) of the Apostolic Vicariate of Puerto Princesa and Bishop Broderick Pabillo (right) of the Apostolic Vicariate of Taytay. | Photo from AVPP

Six of the protesters were randomly arrested by the group and hauled to the police station for the filing of charges. Rally organizer Job Lagrada told Palawan News that the complaint was summarily dismissed by the prosecution office in Puerto Princesa City for lacking evidence.

In their statement, Mesiona and Pabillo called on the national government to "permanently close" Iplan Nickel operations in Brooke's Point, citing the company's lack of a mayor's permit to operate and its action against the rallyists.

"The peaceful rallyists have consistently obtained valid permits to rally in the exercise of their constitutional rights to publicly assemble. During the rallies, they have expressed their legitimate demand for Iplan Nickel Corporation to immediately stop its mining operations after its Mayor's Permit to Operate had expired since February 1, 2023 and the Office of the Mayor had issued a Cease and Desist Order against it," they stated.

"Rather than fully complying with the rule of law, Iplan Nickel Corporation acted in blatant defiance of the law by continuously operating its mine. Worse, the company took the law into its own hands by deploying its large private security force in violently dispersing the peaceful rallyists. Some were beaten up, injured and unlawfully arrested in plain sight and with silent support of the PNP law officers ironically sworn to uphold the law and maintain peace and order, without fear or favor," they added.

The protesters, consisting of local residents, have been picketing the company for over two months and have been camping out at a roadside outside the company gate with a permit issued by the local government unit of Brooke's Point, which is also critical of its operations.

The church leaders accused the mining company of being responsible for environmental degradation in the area, causing livelihood losses and "massive flooding" in Brooke's Point.

They called on the Provincial Prosecutors to "dismiss immediately all trumped-up charges against the peaceful rallyists" and hold accountable the company responsible for the violent incident. They also demanded legal action against "the PNP officers who conspired to conduct the violent dispersal and unlawful arrests."

PNP statement in the incident

In a separate interview with Palawan News, PNP Brooke's Point chief P/Maj. Raffy Esperida claimed that the rallyists were illegally gathered outside the area allowed by their permit from the mayor's office. He said that while there was indeed a "confrontation" between the company's security forces and the rallyists, the dispersal was "generally peaceful."

"Nandoon po ang kapulisan. Sa tatlong beses na dialogue na naisagawa ko sa mga nagrarily bilang ground commander, nakumbinsi naman po natin sila na lisanin ang lugar na pinagsagawaan nila ng rally dahil hindi na ito sakop ng lugar na nakasaad sa kanilang permit to rally," Esperida said.

"Nagkaroon ng confrontation between security guards and rallyista, pero natigil naman yun kasunod ng dialogue at umalis na din sila ng tahimik. Pumasok ang truck sakay ang mga nagrarily, at humarang sa mga hauling ng truck. Kagandahan lang din naagapan natin, at nahinto ang gulo, di kalaunan umalis ang mga rallyista," he added.

Rallyists belie PNP statement, question their inaction

The anti-mining groups belied the statement made by the police chief.

According to the protesters, the only chance that Esperida addressed them was when he announced through a megaphone that they were given 10 minutes to disperse.

"Wala pong dialogue na nangyari. Sa katunayan nasa malayo lang sila nanonood. Yung mga security sa kanila pa nga humihingi ng instruction," one of the protesters said.

"Nakikita na nila sa harapan nila na may kinukuyog na mga tao. Mga matatanda. Mga babae tapos wala man lang silang ginawa," Tamsi said.

No response from Iplan Nickel

Palawan News has sought a statement on the incident from Iplan Nickel Corporation but has yet to receive a reply.

About Post Author



Elmer Badilla

[See author's posts](#)

PALAWAN NEWS

ANNEX G

Home | PUERTO PRINCESA CITY | News | Features | Brooke's Point seeks relief of police chief following anti-mining rally dispersal

POLITICS & GOVERNANCE MUNICIPAL NEWS

Brooke's Point seeks relief of police chief following anti-mining rally dispersal

By Elmer Badilla - April 19, 2023 90

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The municipal building of Brooke's Point. | Palawan News file photo

The Sangguniang Bayan (SB) of Brooke's Point demanded the relief of the town's police commander, citing his alleged negligence in the violent dispersal and detention of anti-mining demonstrators in Brgy. Maasin last Friday, April 14.

During the council's regular session on Tuesday, April 18, SB member Vic Colili, in a resolution, called for Palawan Police Provincial Office (PPPO) acting director P/Col. Jeffrey Fernandez to recall Brooke's Point Municipal Police Station (MPS) chief P/Maj. Raffy Esperida.

Colili said Esperida was there when Ipihan Nickel Corporation security personnel stormed the anti-mining protesters and let the violence occur. He accused Esperida of neglecting to defend the activists' rights and acting in the mining company's best interests.

The SB was divided on the resolution, with six members voting in favor and five voting against it.

The Save Palawan Movement (SPM) applauded the legislation and demanded that Esperida be held accountable.

"We welcome this resolution from the Sangguniang Bayan of Brooke's Point. It may be recalled from news reports and personal accounts of our community partners on the ground that the police officers present stood silently as Ipihan Nickel Corporation's security forces manhandled six of those barricading in protest of the mining company's continued operations in Brooke's Point. We call for accountability over these officers' apparent neglect of duty and over the brazen disregard for the local residents' human rights," they said in a statement.

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PALAWAN POLICE PROVINCIAL OFFICE (PPPO) ACTING DIRECTOR P/Col. JEFFREY FERNANDEZ SAVE PALAWAN MOVEMENT (SPM)

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ENVIRONMENT

Ipilan Nickel claims confrontation was "provoked" by anti-mining groups

By Palawan News - April 20, 2023 184

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Ipilan Nickel Corporation claimed that the confrontation between the anti-mining rallyists and their security forces in front of their office in Brgy. Maasin, Brooke's Point on April 14 was provoked by the protesters.

The mining company pointed out in a statement that the police and their own security personnel behaved "with restraint" as they were clearing the entrance road to their facility.

"Despite a court order to desist from obstructing the haul road and erecting structures on INC's private property, the trespassers persisted in their brazen acts of defiance, illegally driving a government truck in the middle of the company's passageway and seriously wounding the company's security personnel with rocks and improvised pepper sprays," Ipilan Nickel claimed.

"While some perpetrators may have been restrained, nobody was beaten up. In the face of this lawlessness, the police and the security personnel displayed utmost restraint and avoided violent confrontations," it added.

Ipilan Nickel said that while it is standing firm with communities in Brooke's Point as a "beacon of hope" to usher sustainable development while protecting the environment, it continues to face "a relentless campaign of harassment, disinformation, and false accusations from a small but vociferous group of anarchist protesters, backed by politicians and organizations that seek to stymie legitimate economic activities supportive of the Philippine Development Plan."

It asserted that the demonstrators, which it classified as "extremists", do not represent the opinions of the company's majority of progressive-minded townspeople, farmers, and indigenous peoples, whom it serves.

"Instead, they seek to manipulate facts and whip up public sentiment against the truth, peace, and economic recovery," the mining company said.

According to Ipilan Nickel, cases have already been lodged against those who violated the law by infringing on the rights of those who placed their trust in the government-mandated mineral project.

Anti-mining groups had earlier insisted that their rally was within the areas allowed by the permit accorded to them by the local government.

"May common point yung dating barangay road at yung hauling road nila. Hindi naman ibig sabihin na nagpatayo sila ng kalsada eh sa kanila na ang buong kalsada. Daanan yan," said one of the rally organizers Job Lagrada.

The local protesters also maintained that the security forces blocked the truck while the rallyists were still unloading.

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