



Republic of the Philippines
(Republic Act No. 7611)

PALAWAN COUNCIL FOR SUSTAINABLE DEVELOPMENT STAFF

**Excerpts from the Minutes of the 235th PCSD Meeting
Governor's Conference Room, 2/F Capitol Complex
Puerto Princesa City, Palawan
July 27, 2017**

Present:

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| 1. Gov. Jose Ch. Alvarez, Provincial Governor | Chairman |
| 2. Vice Gov. V. Dennis M. Socrates, Sangguniang Panlalawigan | Vice Chairman |
| 3. Dir. Nelson P. Devanadera, Executive Director, PCSDS | Secretary |
| 4. DDG Adoracion M. Navarro, NEDA | Member |
| 5. Atty. Jansen Jontila, NGO Representative | Member |
| 6. Mr. Bobby Castro, Private Sector Representative | Member |

Represented:

- | | |
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| 7. Usec. Ariel T. Cayanan, Department of Agriculture
Represented by Dir. Leo P. Cañeda | Member |
| 8. Hon. Lucena D. Demaala, Pres., League of Municipalities
Represented by Hon. Mary Jean D. Feliciano | Member |
| 9. Hon. Lucilo Bayron, Mayor, Puerto PRincesa City
Represented by Atty. Carlo Gomez | Member |
| 10. LTGEN Raul L. Del Rosario, Commander, WESCOM
Represented by LTC Glenn B Destriza PN (M) | Member |

Absent:

- | | |
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| 11. Usec. Marlo D. Mendoza, Undersecretary, DENR | Member |
| 12. Mr. Dennis M. Sabando, President, Liga ng mga Barangay | Member |
| 13. Atty. Leonor T. Oralde-Quintayo, Chairperson, NCIP, | Member |

PCSD RESOLUTION NO. 17-588

“RECALLING THE SEP CLEARANCE NO. MODP-122110-001 ISSUED TO IPILAN NICKEL CORPORATION FOR THE PROJECT IPILAN NICKEL PROJECT MINING OPERATION AND DEVELOPMENT LOCATED AT BARANGAYS IPILAN, MAMBALOT, MAASIN AND CALASAGUEN, BROOKE’S POINT, PALAWAN”

WHEREAS, Republic Act No. 7611, otherwise known as the Strategic Environmental Plan (SEP) for Palawan, took effect on 19 June 1992 section 6 of which provides that the SEP shall serve as the framework to guide the government agencies concerned in the formulation of plans, programs and projects affecting the environment and natural resources of Palawan;

Vision: Palawan, an innovative and dynamic global center of sustainable development

Mission: PCSDS as the driver of environmental conservation and inclusive development in Palawan, a biosphere reserve and science-for-sustainability site, guided by the Strategic Environmental Plan

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WHEREAS, Section 2 thereof declares the policy of the State to protect, develop and conserve its natural resources towards which, it shall assist and support the implementation of plans, programs and projects formulated to preserve and enhance the environment, and at the same time pursue the socioeconomic development goals of the country; that it shall support and promote the sustainable development goals for the provinces through proper conservation, utilization and development of natural resources to provide optimum yields on a continuing basis;

WHEREAS, this same law provides that the SEP shall have, as its general philosophy, the sustainable development of Palawan, which is the improvement in the quality of life of its people in the present and future generations through the use of complementary activities of development and conservation that protect life-support ecosystems and rehabilitate exploited areas to allow upcoming generations to sustain development growth;

WHEREAS, Sections 7 to 11 of said Act provides for the establishment of an Environmentally Critical Areas Network (ECAN), the main strategy of SEP, which is a graded system of protection and development control over the whole of Palawan, including its tribal lands, forests, mines, agricultural areas, settlement areas, small islands, mangroves, coral reefs, seagrass beds and the surrounding sea;

WHEREAS, Section 9 of RA 7611 provides that the terrestrial component covered by the ECAN shall be divided into different management zones, one of which is the core zone or the area of maximum protection;

WHEREAS, under the same Section, the area of maximum protection or the core zone is described as the zone which shall be fully and strictly protected and maintained free of human disruption; Included in the terrestrial core zone are all types of natural forest which include first growth forest, residual forest and edges of intact forest, areas above one thousand (1,000) meters elevation, peaks of mountains or other areas with very steep gradients, and endangered habitats and habitats of endangered and rare species; Exceptions, however, may be granted to traditional uses of tribal communities of these areas for minimal and soft impact gathering of forest species for ceremonial and medicinal purposes;

WHEREAS, Section 16 of the Republic Act No. 7611 provides that the governance, implementation and policy direction of the SEP shall be exercised by the Palawan Council for Sustainable Development (PCSD);

WHEREAS, to ensure the attainment of the present goals and objectives, the PCSD promulgated on October 24, 2014 the PCSD Administrative Order No. 06, as amended or the Revised Guidelines in the Implementation of SEP Clearance System;

WHEREAS, the above-cited Administrative Order shall apply to all projects being or intended to be implemented in Palawan and shall serve as guide for all government instrumentalities mandated to issue permits, licenses, contracts, or agreements and other similar instruments;

WHEREAS, on December 21, 2010, the Council has issued SEP Clearance No. MODP-122110-001 to Ipilan Nickel Corporation for the project Ipilan Nickel Project Mining Operation and Development located at Barangays Ipilan, Mambalot, Maasin and Calasaguen, Brooke's Point, Palawan;

WHEREAS, on May 17, 2017, a Petition In re: Petition to Recall SEP Clearance issued to Iplan Nickel Corporation, represented by its President Atty. Dante R. Bravo was filed by Atty. Mary Jean D. Feliciano, Municipal Mayor of Brooke's Point, Palawan before the PCSD for Resolution;

WHEREAS, in today's meeting, the Council *en banc* deliberated upon the Petition to Recall SEP Clearance filed by Mayor Feliciano and revisited the SEP Clearance previously issued to Iplan Nickel Corporation;

WHEREAS, the Council *en banc* found that over 80% of the areas covered by Iplan Nickel Corporation's mining claim are classified as core zones;

WHEREAS, after considering the provisions of RA 7611, particularly Section 9, the Council *en banc* concluded that no SEP Clearance should have been issued to Iplan Nickel Corporation as the areas where it operated and continuously operating its projects are considered areas of maximum protection;

WHEREAS, upon thorough discussion as regards the issuance of SEP Clearance in favor of Iplan Nickel Mining Corporation, it was found out that the same is not in accord with the updated and existing ECAN Map (v. 2005) of the Municipality of Brooke's Point, Palawan, which map was approved by the PCSD during the 126th meeting of the PCSD on February 24, 2006;

WHEREAS, the Council *en banc* found the issuance of SEP Clearance to be contrary to the existing PCSD policy and a direct violation of the spirit of the Republic Act No. 7611 which the PCSD is entrusted to implement;

WHEREAS, the Council *en banc* considered that in order to effectively carry out the objectives and policy declared under Republic Act No. 7611, it is only incumbent upon this body to immediately RECALL the SEP clearance previously issued to Iplan Nickel Corporation;

WHEREAS, it has likewise come to the attention of the Council *en banc* that aside from the fact that the SEP Clearance issued to Iplan Nickel Corporation is not in accord with the updated ECAN map (v. 2005) approved by PCSD in 2006, the Iplan Nickel Mining Corporation also failed to secure other necessary permits/ clearances from other concerned agencies, such as permits from the Municipal Government of Brooke's Point;

WHEREAS, the Council *en banc* has also found that Iplan Nickel Corporation failed to take responsible actions when its Environmental Compliance Certificate (ECC) was cancelled by the Department of Environment and Natural Resources (DENR);

WHEREAS, the Council *en banc* sees and is inclined to believe that the above-mentioned acts of Iplan Nickel Corporation is a deliberate failure on the part of the corporation to faithfully heed the requirements necessary for the protection of Palawan's environment and natural resources, particularly in the areas where its project is implemented;

WHEREAS, the Council *en banc* deems it necessary and imperative to forestall the great probability of further environmental degradation and deterioration of natural resources in

areas where the Ipilan Nickel Corporation is operating as the latter's continuous operations have high potentials for significant negative environmental impacts in the Province of Palawan;

WHEREAS, the Council *en banc* adheres to the sentiment expressed by President Rodrigo Duterte during the State of the Nation Address (SONA) on July 24, 2017, wherein he said:

"At this point in my administration, if possible, we shall put a stop to the extraction and exportation of our mineral resources to foreign nations for processing abroad and importing them back to the Philippines in the form of consumer goods at prices twice or thrice the value of the original raw materials foreign corporations pay for them.

In the extraction and utilization of these resources, extreme care must be exercised that we do not recklessly and needlessly harm the environment. Responsible, regulated and sustainable development is what we advocate and require. The protection of the environment must be made a priority ahead of mining and all other activities that adversely affect one way or another. And this policy is non-negotiable.

I sternly warn, I am warning all mining operations and contractors to refrain from the unbridled and irresponsible destruction of our watersheds, forests, and aquatic resources. You have gained much from mining, we only get about 70 billion a year, but you have considerably neglected your responsibility to protect and preserve – and even the tax, it's about five percent – environment for posterity.

I am holding all mining companies and its officials responsible for the full and quick clean-up, restoration [and] rehabilitation of all areas damaged by mining activities, and the extension of all necessary support to the communities that have suffered mining's disastrous effects on their health, livelihood, and environment, among others."

WHEREFORE, in consideration of the foregoing premises and on motion duly seconded, the PCSD *en banc* resolves to immediately recall, as it is hereby RECALLED SEP Clearance No. MODP-122110-001 issued to Ipilan Nickel Corporation for the project Ipilan Nickel Project Mining Operation and Development located at Barangays Ipilan, Mambalot, Maasin And Calasaguen, Brooke's Point, Palawan;

RESOLVED FURTHER, that the Council recommends, as it is hereby RECOMMENDED to the Department of Environment and Natural Resources the issuance of a cease and desist order against the Ipilan Nickel Corporation;


RESOLVED FINALLY, that copies of this resolution be furnished the Ipilan Nickel Corporation, Municipal Government of Brooke's Point, Department of Environment and Natural Resources and concerned agencies and parties for information and guidance;

ADOPTED AND APPROVED this 27th day of July 2017 in Puerto Princesa City, Palawan.

I hereby certify that the above-quoted resolution has been duly adopted by the PCSD on the 27th day of July 2017 at Puerto Princesa City, Palawan.


NELSON P. DEVANADERA
Secretary 

ATTESTED BY:


JOSE CH. ALVAREZ
Chair, PCSD 