



**JOINT PETITION  
OFFICES OF THE GOVERNORS  
PROVINCE OF ORIENTAL MINDORO  
PROVINCE OF OCCIDENTAL MINDORO**



19 January 2011

**HONORABLE RAMON J. P. PAJE**  
Secretary  
Department of Environment and Natural Resources  
Visayas Avenue, Diliman, Quezon City

Fax Number (02) 920-4301

Attention : **LEO L. JASARENO**  
Acting Director, Mines and Geosciences Bureau

**JUAN MIGUEL T. CUNA**  
OIC-Director, Environmental Management Bureau

Subject : Cancellation of ECC-CO-0904-007-2721 issued to Intex Resources for the Nickel Mining Project in the Provinces of Oriental and Occidental Mindoro and Revocation of MPSAs related to the Mindoro Nickel Project

References : Letter dated 04 January 2012 of MGB Director Jasareno to the President of Aglubang Mining Corporation

Investigation Report December 2011 pursuant to DENR Special Order No. 2009-921

Dear **SECRETARY PAJE** :

Greetings of peace and goodwill from the island of Mindoro !

As elected local government officials of Oriental and Occidental Mindoro, we salute and appreciate the recognition of the Local Government Code of 1991 by the DENR as expressed in the letter dated 04 January 2012 of Director Jasareno of the Mines and Geosciences Bureau to the Aglubang Mining Corporation where the former reminded the corporation to “ensure that the approval of the Local Government Units concerned is secured before any mining activities are undertaken in the aforesaid contract areas” covered by MPSA Nos. 167-00-IV, 277-2009-IVB, and 341-2010-IVB. The letter, likewise, emphasized that “social acceptability is a must for every mining project.”

With the issuance of the above cited letter, allow us to point out that DENR Special Order No. 2009-921 dated 27 November 2009 **temporarily revoked** ECC-CO-0904-007-2721

issued to Intex Resources Philippines, Incorporated, for the Mindoro Nickel Project in the Provinces of Oriental and Occidental Mindoro “pending completion of a thorough and impartial investigation that will validate all the allegations” pertaining to the application. **It goes without saying that the Nickel Project, to date, has no environmental clearance to proceed as ordered by the DENR itself.**

Moreover, during the presentation of the Investigation Report pursuant to DENR Special Order 2009-921 last 16 December 2011, it was similarly agreed that EMB will send a letter to Intex Resources Philippines, Inc., and/or Aglubang Mining Corporation, ordering the proponent to stop all activities related to the mining application on the ground that the ECC of the Mindoro Nickel Project is temporarily revoked effective 27 November 2009. We have not heard any information nor received any copy of the concrete action on such matter discussed. We hope the proponent and the EMB do not continue to disregard the ECC revocation order from the DENR office itself and the existing mining moratorium ordinances in Mindoro.

In connection with the letter dated 04 January 2012 from MGB and to the temporary revocation of the ECC of the Mindoro Nickel Project, we are attaching the Investigation Report of December 2011, pursuant to the above DENR Special Order 2009-921, to support our petition for :

A. the **cancellation of ECC-CO-0904-007-2721** issued to Intex Resources Philippines, Incorporated, for the Mindoro Nickel Project on the following grounds (Investigation Report 2011)

- The project lacks social acceptability as unequivocally expressed by the 25-year moratorium ordinances and the issuance of cease-and-desist orders against scoping and public consultation/hearing.
- EIA process is not consistent with Section 70 of the Philippine Mining Act of 1995 and Section 27 of the Local Government Code of 1991 which require prior consultation and approval by the sanggunian concerned.
- EIA Review Committee recommended denial of the ECC.
- Consultation in the ancestral domain area was limited only to the SADAKI and KABILOGAN Mangyan organizations and not from the organizations of Alangan and Tadyawan Mangyan tribe.
- Implication and ramification of the location of the Mindoro Nickel Project, an environmentally critical project in a critical watershed area, were not adequately considered during the EIA process.

B. the **permanent revocation of the MPSAs** related to the Mindoro Nickel Project on the following grounds

- The mining project may not be implemented due to the opposition by the local government units concerned and lack of valid written agreements with all the groups on indigenous peoples in the area (Alvarez 2001).
- The MPSA does not consider Section 70 of the Mining Act of 1995 and Section 27 of the Local Government Code of 1991 which both require prior approval by

the sanggunian concerned before any project or program is implemented (Investigation Report 2011).

- Lack of social acceptability of and opposition by the LGUs against the Mindoro Nickel Project as unequivocally expressed by the enactment of the 25-year moratorium ordinances (Investigation Report 2011; Alvarez 2001).
- There is substantial breach of the MPSA due to the failure of Aglubang to file a Declaration of Mining Project Feasibility during the exploration period (Alvarez 2001).
- The MPSA is traversed by two active earthquake faults (Alvarez 2001).
- The MPSA covers a project area within the **critical watershed** of Mag-asawang Tubig River (Investigation Report 2011).
- The FPICs for the Project, as required by IPRA of 1997, were obtained through questionable means considering that the areas covered by the MPSAs are **within the ancestral domain** of the indigenous cultural communities, the Mangyans (Alvarez 2001; Investigation Report 2011; OECD Report 2011).
- Mining operations will result to the irreversible destruction of the watershed, negation of the role of the watershed as a natural life support ecosystem, and loss of ninety-nine percent of ore as mining wastes (Investigation Report 2011).

We believe the Investigation Report of December 2011, pursuant to a DENR Special Order, as supported by other documents, has sufficiently addressed and supported our petition.

With the foregoing, we thus request for appropriate actions on our petition specifically by immediately canceling the ECC of the Mindoro Nickel Project and permanently revoking the MPSAs related to the mining project in Mindoro.

Thank you and more power!

With you in the service of the Mindorens and the Filipino people,

**ALFONSO V. UMALI, JR.**  
Governor  
Province of Oriental Mindoro

**JOSEPHINE Y. RAMIREZ-SATO**  
Governor  
Province of Occidental Mindoro

Cc : *Sec. Neric Acosta, Presidential Adviser for Environmental Protection*  
*Sec. Elisea Gozun, Presidential Adviser for Climate Change*