Court of Appeals upholds NCIP, thumbs down MicroAsia's Palawan mining bid

by **Leonard Postrado**
May 4, 2015

Share 37 Tweet 3 Share 0 Email 0 Share 76

The Court of Appeals (CA) has thumbed down the bid of Lucio Tan-owned MacroAsia Corporation to conduct mining operation covering 1,113.98 hectares located at Sitio Linao, Brooke's Point, Palawan.

In an 18-page decision penned by Associate Justice Danton Bueser, the CA's Special Sixteenth Division upheld the validity of the resolution issued by the National Commission on Indigenous Peoples (NCIP) denying MacroAsia's application for issuance of a certification precondition necessary for the latter to proceed with the extraction activities at Brooke's Point.

The appellate court agreed with the NCIP that "exploration" and "mining operation and development" are separate activities, although related, that must undergo separate processes.

"By failure to conduct a separate field (tests) based on investigation on the part of MacroAsia prior to the extraction stage of its mining operation, the NCIP, thus, correctly denied MacroAsia's application for issuance of certification precondition," the CA ruled.

Concurring with the ruling were Associate Justices Apolinario Bruselas, Jr. and Edwin Sorongon.

It can be recalled that on December 1, 2005, a Mineral Production Sharing Agreement (MPSA) was executed between the Department of Environment and Natural Resources and MacroAsia covering barangays Maasin, Mambalot and Ipilan.

The primary purpose of the sharing agreement was "to provide for the national exploration, development and commercial utilization of certain nickel, chromite, iron and other associated mineral deposits existing within the contract area.

The NCIP subsequently issued a compliance certificate in favor of MacroAsia.

In 2006, MacroAsia proceeded with the mining exploration activities and discovered and identified more than 80 million tons of nickel laterite deposits.

Thus, the mining firm applied for permits, licenses and clearances for the next phase of the mining cycle, which is extraction activities.

MacroAsia also had to secure the certification precondition for NCIP aside from the Environmental Compliance Certificate (ECC).

On April 28, 2010, the NCIP Free and Prior Informed Consent (FPIC) Team recommended the issuance of the certification for precondition noting the overwhelming approval of the Palawan tribes and the directly affected areas of the mining operations.

However, despite the findings of the FPIC Team as well as the concurrence of the NCIP Validation Team, the NCIP en banc denied MacroAsia's application for certification for pre-condtion.

The NCIP noted that despite compliance by MacroAsia with the legal requirement in connection with its application for certification for precondition, such compliance was inadequate and insufficient.

In affirming the NCIP's decision, the CA held that "MacroAsia's position that the NCIP did not take into account the findings and recommendations of its subordinates in assessing Macro Asia's compliance of the requirements paving the way for the denial of the latter's application for mining operation, does not hold water."

"At any rate, Macro Asia's admission that no new investigation was conducted to determine the extent

Related Posts:

- SC upholds decision vs 3 mining firms
- Malaysia top court upholds Anwar Ibrahim's sodomy...
- SC affirms ruling vs 3 foreign mining firms
- SC denies Rappler's request for SALNs
- CA upholds 'pyramiding queen's' guilty sentence

of the affected area on their proposed operation for the extraction of the mineral deposits they discovered during the exploration stage, gives more reason for this Court to deny the present petition," the CA added.

From Around the Web

Exceptional luxury properties and real estate insights from
Mansion Global

15 Of Major League Baseball's Hottest Wives
LOLWOT LISTS

Thinking about retiring in another country?
AllAnalytics

Eight Exotic Superfoods to Boost Your Immune System - For Dummies
Dummies.com

How to Not Purchase Plastic Water Bottles When You Travel
Greenbuilder

The Game That Got Millions Of Fans On The Day Of Its Release. A
Plarium

Recommended by outbrain

Manila Bulletin News
Crowdynews

picture perfect
A SPECIAL LIFESTYLE SECTION

MBClassifiedJOBS.com
Your window to endless opportunities
sign u

Tempo
NEWS IN A FLASH
THE NATION'S FASTEST GROWING NEWSPAPER

Balita
Ang nangungunang pahayagang tagalo na bansa

Copyright © 2015 mb.com.ph | Philippine News. All rights reserved