

Title: National Commission on Indigenous Peoples (NCIP), et al. vs. Macroasia Corporation

Facts:

- Initial MPSA Issuance:** In December 2005, Macroasia Corporation received Mineral Sharing Production Agreement (MPSA) No. 220-2005-IVB for exploring and developing a mining area in Barangays Ipilan, Mambalot, and Maasin in Brooke's Point, Palawan.
- Application for Certification Precondition:** Macroasia applied for mining development permits, requiring a Certification Precondition from the NCIP, mandating the Free and Prior Informed Consent (FPIC) process among the Pala'wan Indigenous Cultural Communities (ICCs/IPs).
- Initial Compliance:** NCIP issued a Certificate of Compliance on March 17, 2006, to Macroasia, certifying fulfillment of FPIC procedures.
- Further FPIC Processes:** In March 2010, the NCIP Regional Office initiated a new round of FPIC processes due to potential indirect impacts on neighboring Barangays Aribungos and Barong-barong.
- Initial Consent:** On April 21, 2010, Pala'wan ICC/IP leaders signed a Joint Resolution of Consent after FPIC, and a Memorandum of Agreement/Kalatas ng Kasunduan was executed.
- RRT and Validation Team Findings:** The NCIP Regional Review Team (RRT) recommended a reassessment of the FPIC process, especially for indirectly affected areas. In February 2011, a Validation Team supported a Certification Precondition based on completed FPIC processes.
- NCIP En Banc Resolution:** Despite validation team support, the NCIP En Banc denied the Certification Precondition via Resolution No. 001-2012, citing the need for FBI in the indirectly affected barangays.
- Legal Challenge:** Macroasia's motion for reconsideration was denied on February 23, 2012; Macroasia then petitioned the CA (CA G.R. SP. No. 124632).
- CA Decision:** On March 14, 2016, the CA ordered the NCIP to issue a Certification Precondition in favor of Macroasia.
- NCIP Appeal:** NCIP's motion for reconsideration was denied on August 9, 2016, prompting a Petition for Review to the Supreme Court (G.R. No. 226176).
- Assignment of Rights:** Macroasia Corporation assigned its interests in MPSA to Macroasia Mining Corporation in June 2019.
- New FPIC Processes:** In August 2022, Macroasia Mining conducted new FPIC processes in compliance with NCIP's requirements, culminating in IP leaders' consent.

****Issues:****

1. Whether the NCIP appropriately denied the Certification Precondition based on the requirement to conduct FPIC for indirectly affected barangays.
2. Whether Macroasia Corporation complied with the Free and Prior Informed Consent (FPIC) process.
3. Whether the CA's directive to issue a Certification Precondition was proper.

****Court's Decision:****

The Supreme Court approved and adopted a Compromise Agreement between NCIP and Macroasia Mining Corporation. The key points of the agreement include:

1. ****Acknowledgement by Parties****: Validation of recent FPIC processes for directly and indirectly affected areas, confirming the consent of the ICCs/IPs from these areas.
2. ****Obligations****: Macroasia Mining's continued acquisition of necessary permits, adherence to mining laws, and NCIP's oversight and procedural reviews.
3. ****Joint Motion for Judgment****: Parties motioned to dismiss the case with prejudice, acknowledging settlement and resolution of all disputes.

****Doctrine:****

This case reinforces the requirement of conducting comprehensive FPIC processes for both directly and indirectly affected indigenous communities for mining and other development projects. The thorough oversight and validation by NCIP ensure community involvement and consent.

****Class Notes:****

1. ****MPSA Compliance****: Adherence to permitting processes and FPIC in line with Republic Act No. 8371 (Indigenous Peoples' Rights Act of 1997).
2. ****FPIC Requirement****: Free, Prior, and Informed Consent (FPIC) is mandatory for projects affecting IP communities (Sec. 3(g), R.A. 8371).
3. ****Administrative Process****: Bureaucratic steps required in mineral production, especially in securing the Certification Precondition from NCIP.

****Historical Background:****

This case illustrates the evolving regulatory landscape for mining operations in indigenous territories in the Philippines, emphasizing the balancing act between development and protecting indigenous peoples' rights. Historical context includes the tension between economic pursuits and the social/legal obligations towards indigenous communities under the Indigenous Peoples' Rights Act.