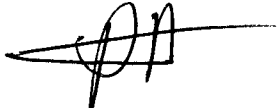
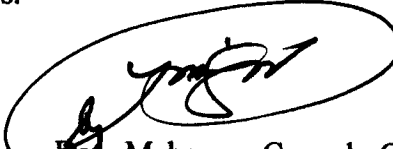



12. Finally, let copies of this Resolution and other supporting documents be furnished to the Office of the President, Office of the Executive Secretary, The Climate Change Commission, Department of Environment and Natural Resources, National Commission on Indigenous Peoples, The World Bank, United Nations, and other concerned agencies directly involved in carbon credits transactions.

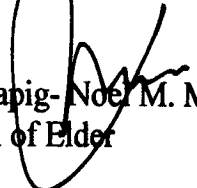
UNANIMOUSLY APPROVED on November 13, 2010 at Purok 6, Kinamlutan, Butuan City, CARAGA Region XIII, Island of Mindanao, Philippines.


  
Datu Panalang Dalomdom  
Council of Elder


  
Datu Mabayaw-Gonzalo Quillano  
Council of Elder

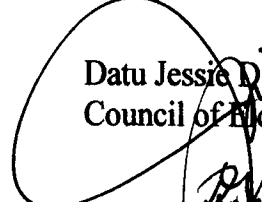
  
Datu Kauyonan-Sergio Espinoza Jr.  
Council of Elder

  
Bae Sandogan-Mina Mantipalan  
Council of Elder


  
Datu Dapig-Noel M. Morta  
Council of Elder

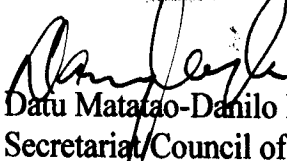
  
Mr. Romito Martizano  
Council of Elder

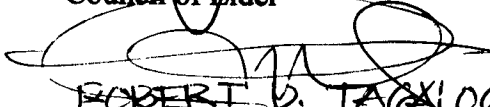
  
Datu Puti-Jose Paragua  
Council of Elder

  
Datu Jessie D. Guinea  
Council of Elder

  
Datu Manhumosay  
Council of Elder

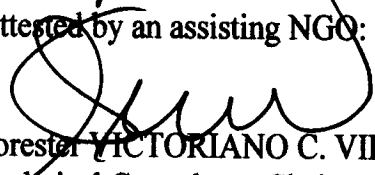
  
Datu Ronald Manhumosay  
Council of Elder

  
Datu Mataao-Danilo Bada  
Secretariat/Council of Elder

  
ROBERT B. TAGALOGON  
BOD

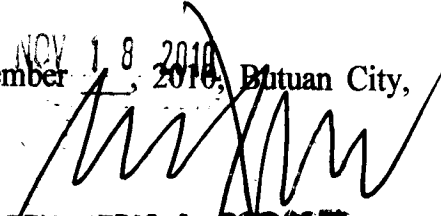
Attested by an assisting NGO:

  
DATU ADRAYAN

  
Forester VICTORIANO C. VIDAL  
Technical Consultant, Chairman and Presiding Officer  
TRICOM

  
TENORIO MONTES  
TENORIO MONTES

SUBSCRIBED AND SWORN to before me this November 13, 2010, Butuan City, CARAGA Region XIII, Island of Mindanao, Philippines.

  
ATTY. NERIO L. ROSALES  
NOTARY PUBLIC  
UNTIL DECEMBER 31, 2011  
PTR NO. 2546505 01/04/2010  
CP NO. 771685 01/04/2010  
ROLL NO. 48804  
TIN 134-939-048

Doc. No.: 143  
Page No.: 29  
Book No.: XL;  
Series of 2010.

*Guillermo Carato*

*CR*

5. Mr. Goldsworthy and Shift2Neutral are dictators in themselves and the MOA is not only one-sided in their favor but also without regard to the welfare of the tribes/TRICOM, to wit:

- a. Proceeds from carbon credits trade are determined by Mr. Goldsworthy and Shift2Neutral where the tribes/TRICOM cannot verify exactly how much are the proceeds;
- b. Proceeds from carbon credits trade equivalent to 50% is the share of Mr. Goldsworthy and Shift2Neutral, which amount will be left in a foreign bank without any knowledge of the tribes/TRICOM and without any possibility if it is really their share;
- c. The remaining 50% share of the tribes will be utilized for the project in CARAGA Region XIII, X and XI, and the funds will still be under the control of Mr. Goldsworthy and Shift2Neutral; and
- d. Failed to respect and comply the MOA, including setting-up a Shift2Neutral Project Management Office in CARAGA Region XIII, Island of Mindanao, Philippines.

6. Mr. Goldsworthy and Shift2Neutral are clearly not transparent in all their dealings with the tribes/TRICOM and did not even give a certification/audit report regarding the certification on carbon credits. Mr. Goldsworthy and Shift2Neutral just used the tribes/TRICOM and all the details and documentations provided by the latter in the carbon credits certification process for the sole benefit and interest of Mr. Goldsworthy and Shift2Neutral.

7. Mr. Goldsworthy and Shift2Neutral, despite so many notices, have deliberately and maliciously refused and continue to refuse to provide the tribes/TRICOM of the necessary and material information regarding the carbon credit project, to release the funds and/or proceeds from the carbon credits transaction to the tribes/TRICOM as promised by Mr. Goldsworthy and Shift2 Neutral, and to perform in good faith their undertakings under the MOA.

8. Mr. Goldsworthy and Shift2Neutral, clearly, have no intention in complying in good faith its undertakings under the MOA and to at least respect the rights and protect the welfare of the tribes/TRICOM.

9. In this regard, premises considered, We hereby resolve to REVOKE and/or CANCEL the Memorandum of Agreement dated May 14, 2009, including its amendments, executed by and between TRICOM and Shift2Neutral, in conformity with Section 15 of RA 8371. All transactions between TRICOM and Mr. Goldsworthy/Shift2Neutral pertaining to carbon credits are hereby declared NULL and VOID.

10. Moreover, We hereby resolve that legal actions, including damages, must be filed against Mr. Goldsworthy and Shift2Neutral, if necessary, for deliberately disrespecting and grossly violating the rights of the tribes/TRICOM, and that coordination must be made with concerned government and non-governmental agencies regarding these deplorable acts of Mr. Goldsworthy and Shift2Neutral to prevent them from causing further prejudice to, and exploitation of, the indigenous peoples.

11. Furthermore, We hereby resolve that all efforts regarding carbon credits project of the tribes/TRICOM shall be pushed through, including seeking another certifier and/or broker of carbon credits over the ancestral land/domain of the tribes.

Timorlo  
~~PH~~

Manfela

Sum

Ph

M

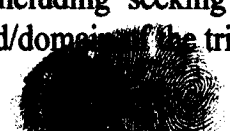
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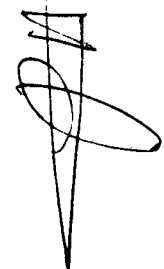
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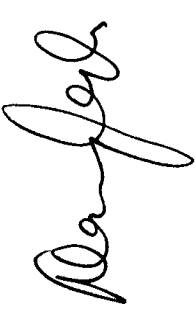


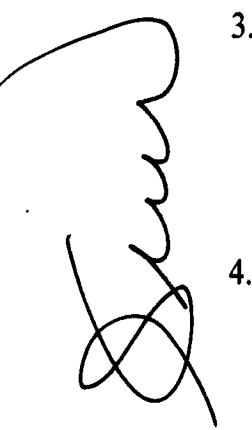

WHEREAS, a complaint was filed before us by the Tribal Leaders of TRICOM against Mr. Goldsworthy and Shift2Neutral pursuant to customary laws for grossly violating the terms and conditions of the MOA which are also contrary to the protected rights of the tribes/TRICOM and indigenous peoples under the 1987 Philippine Constitution and RA 8371;

NOW, WHEREFORE, the foregoing premises considered, in a meeting duly called for the purpose on November 13, 2010 at P6 Kinamlutan, Butuan City, Philippines, after thorough deliberation and giving Mr. Goldsworthy and Shift2Neutral an opportunity to explain, and taking into consideration the customary laws of the tribes and pieces of evidence presented, including correspondence through emails and text messages, the tribes/TRICOM and members of the board, have unanimously found and resolved the following:

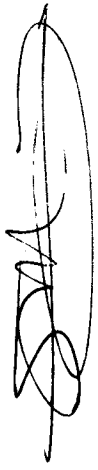
1. Mr. Goldsworthy and Shift2Neutral deliberately failed to respect the rights of the tribes/TRICOM or the indigenous peoples in general under R.A. No. 8371, including Sections Section 5, 11, 51 & 52 thereof, and intentionally failed to recognize that the Ancestral Land/Domain is private and the tribal community property of the indigenous people.
2. Mr. Goldsworthy and Shift2Neutral deliberately and maliciously failed to explain or disclose to the tribes/TRICOM material information and/or documentary evidence concerning this carbon credit project, including the following:
  - a. authority of Mr. Goldsworthy to represent Shift2Neutral in dealing with the tribes/TRICOM regarding the project;
  - b. authority of Shift2Neutral to trade carbon credits of the tribes under the project with the international market or buyers;
  - c. details of the existence and/or status of the funds (US\$500,000,000.00), which according to Mr. Goldsworthy and Shift2Neutral are already available for release for the tribes/TRICOM because of successful carbon credits transactions;
  - d. details of threats or impending injunctions on the afore-mentioned funds of the tribes/TRICOM; and
  - e. other information necessary to justify Mr. Goldsworthy's/Shift2Neutral's failure to comply with its undertaking under the MOA, including the release of funds it they promised to the tribes/TRICOM.
3. Mr. Goldsworthy's statement that he spent US\$2,000,000.00 on documentation on this carbon credit project is a serious lie. All documentations necessary for certification on the area were prepared by the tribes/TRICOM but they were not duly compensated. On the contrary, the tribes/TRICOM was simply offered with empty promises and malicious misrepresentations.
4. Mr. Goldsworthy and Shift2Neutral failed to comply with the US\$300,000 documentation funds for CCC-REDD to include the preparation of tribe's community plan and/or Ancestral Domain Sustainable Development and Protection Plan (ADSDPP) to include the installation of Economic-Environmental Management Body (EEMB) within the contracted CCC-REDD areas, CARAGA Region XIII, X, Island of Mindanao, Philippines.

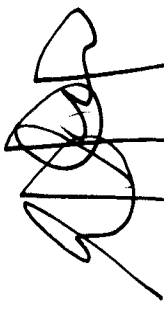
Tribal Leaders  
  


















WHEREAS, all Ancestral Land/Domain of the indigenous people either documented for Certificate of Ancestral Domain Title and/or Ancestral Domain Native Title, per Sections 5, 11, 51 & 52 of R.A. No. 8371, are community property of the tribes which they may utilize for their livelihood, among others;

WHEREAS, the Tribal Leaders under the umbrella of a non-governmental organization, TRIBAL COALITION OF MINDANAO (TRICOM) INC., have collectively decided to implement Carbon Credit Tribal Initiated Livelihood Project, per Sections 31, 32, 33 & 34 of NCIP Administrative Order No. I, Series of 2006, implementing Sections 57 & 59 of RA 8371, otherwise known as the "Indigenous Peoples Rights Act of 1997;"

WHEREAS, the purpose of the Carbon Credit Tribal Initiated Livelihood Project is to manage the customary farm and/or kaingin and/or shifting cultivation of the tribes that counter move the clear cutting of our virgin/residual forest, for purposes of Reduced Emission, Deforestation and (Forest) Destruction (REDD) to avert Climate Change/Global Warming in the different forest areas of the Ancestral Domain in the Island of Mindanao, Philippines;

WHEREAS, Mr. Brett Goldsworthy ("Mr. Goldsworthy") and SHIFT 2 Neutral PTY LTD ("Shift2Neutral") have represented themselves as Carbon Credit Certifier who works for buyers through carbon exchange, promised to finance everything and signed a Memorandum of Agreement with Tribal Coalition of Mindanao Inc. (TRICOM) dated May 14, 2009 (Annex "A") in conformity to TRICOM Resolution No. 2009-01 dated March 12, 2009 (Annex "B"); and due to problems, the said Memorandum of Agreement has been amended on November 11, 2009 (Annex "C") duly supported by different territorial Memorandum of Agreement by the different Sectoral Blocks/owners of the Ancestral Domain, and this is covered by Free and Prior Informed Consent (FPIC) dated June 11, 2009 (Annex "C") and NCIP Certification of Pre-Condition dated June 11, 2009 (Annex "D");

WHEREAS, Mr. Goldsworthy and Shift2Neutral have hired the services of Mr. Fred Young's team, allegedly World Bank License Certifier and conducted/documentated jointly with TRICOM on November 11-24, 2009 the alledged legal basis for payments of \$ 300 dollar/hectare/year and more as credit for the vegetation to include the forest in the Ancestral Domain having a total area of 1,086,994 hectares following the international standard of Reduction Emission Deforestation and (Forest) Destruction (REDD) of our dipterocarp forest, and the Carbon Credit goes to the indigenous people in the area through economic program of the community, reforestation, forest protection, agro-forestry/Customary Farm Management and Development, social services, food, medicine, education, infrastructure, tribal credit union, tribal resettlement/housing, hydro-electricity and many more, subjected to community plan/ADSDPP;

WHEREAS, Mr. Goldsworthy and Shift2Neutral have advised the tribes/TRICOM in so many instances to include the participation of Mr. Chris Bech, and they represented that funds are already in trust at CCC Brokers Bank of Mr. Goldsworthy in the amount of US\$500 Million Dollar and scheduled the released of funds, as follows: (a) January 2010; (b) July 2010; (c) August 2010; and (d) Relief Funds for urgent release to the tribes/TRICOM; and tribes/TRICOM have been required by Mr. Brett Goldsworthy to submit receipt for refund and ATM Card has been issued through Union Bank;

WHEREAS, Mr. Goldsworthy and Shift2Neutral deliberately failed to provide the necessary details or Bank Process Certificate of the alleged US\$500,000,000.00 they disclosed as already available for release to the tribes/TRICOM because of successful carbon credits transactions;

WHEREAS, Mr. Goldsworthy and Shift2Neutral likewise deliberately failed to disclose material information regarding this Carbon Credit Tribal Initiated Livelihood Project, including their authorities to transact and trade carbon credits, existence of promised funds to the tribes/TRICOM, and threats of injunction against the funds ready for release to the tribes/TRICOM;

Taneri

**REPUBLIC OF THE PHILIPPINES**  
**INDIGENOUS PEOPLES RIGHT ACT OF 1997 (R.A. NO. 8371)**  
**TRIBAL COALITION OF MINDANAO (TRICOM) INC.**  
**SEC REG. NO. CN 2001426193**  
P6, Kinamlutan, Butuan City, Island of Mindanao, Philippines  
Cell No. 09153193686. Email: tricom1992@yahoo.com

**TRICOM CUSTOMARY LAW RESOLUTION NO. 2010-01**

**SUBJECT: CANCELLATION AND/OR REVOCATION OF THE MEMORANDUM OF AGREEMENT (MOA) DATED MAY 14, 2009, INCLUDING ITS AMENDMENTS, EXECUTED BY AND BETWEEN TRIBAL COALITION OF MINDANAO (TRICOM) INC. AND SHIFT 2 NEUTRAL PTY LTD (SHIFT2NEUTRAL), FOR DELIBERATE AND GROSS VIOLATIONS OF THE TERMS AND CONDITIONS OF THE MOA WHICH ARE ALSO CONTRARY TO THE RIGHTS OF INDIGENOUS PEOPLES PROTECTED UNDER THE 1987 PHILIPPINE CONSTITUTION AND THE INDIGENOUS PEOPLES RIGHTS ACT OF 1997 (RA 8371)**

**IN RELATION TO:**

**TRICOM CUSTOMARY CASE NO.: 2010-01**

(Violation of terms and conditions of Carbon Credit Tribal Initiated Livelihood Project, per Sections 31, 32, 33 & 34 of NCIP Administrative Order No. I, Series of 2006, Implementing Sections 57 & 59 of RA 8371)

**TRIBAL LEADERS OF TRIBAL COALITION OF MINDANAO (TRICOM) INC.,  
represented by:**

Datu Dagsaan-Leonil Mansumankay	-	San Luis, Agusan del Sur
Datu Mario Labao	-	Surigao del Norte
Datu Manlibataw-Ardriano L. Limbatav	-	Claveria, Misamis Oriental
Datu Mampensalan Lahindao	-	Lapaz, Agusan del Sur
Datu Anilao Dawog	-	Lanuza, Carmen, Cantilan, Surigao del Sur
Datu Ronald Manhumosay	-	Las Nieves, Agusan del Norte
Datu Kalasi Mandahinog	-	Nasipit, Agusan del Norte
Datu Sulong-Eglesio Lutaw	-	Lagonglong, Misamis Oriental
Datu Pantagan-Gregorio Antong	-	RTR to Kitcharao, Agusan del Norte
Datu Lumad-Crizaldo Behing	-	Sibagat, Agusan del Sur

**(Complainants)**

**- VERSUS -**

**Mr. BRETT GOLDSWORTHY and SHIFT 2 Neutral PTY LTD**  
Suite 2-5, Level 1, Westleigh Village, 4 Eucalyptus Avenue, Westleigh, NSW, 2110  
**(Respondents)**

