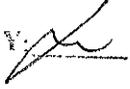


FIFTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
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SENATE
P.S. RES. NO. 532

RECEIVED BY: 

Introduced by Senator Manny B. Villar

RESOLUTION
URGING THE COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES, COMMITTEE ON TRADE AND COMMERCE, AND COMMITTEE ON LOCAL GOVERNMENT TO CONDUCT AN INQUIRY IN AID OF LEGISLATION, ON THE CURRENT STATUS OF THE MINING INDUSTRY AND THE PITFALLS, IF ANY, OF THE REPUBLIC ACT 7942 OTHERWISE KNOWN AS THE "PHILIPPINE MINING ACT OF 1995" WITH THE INTENTION OF RECOMMENDING MEASURES TO ENSURE SUSTAINABLE MINING OPERATIONS IN THE COUNTRY

Whereas, Article II, Section 16, of the 1987 Constitution states "[t]he State shall protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature";

Whereas, Article XII Sec. 2 (1) of the 1987 Constitution provides that:

Section 2. All lands of the public domain, waters, minerals, coal, petroleum, and other mineral oils, all forces of potential energy, fisheries, forests or timber, wildlife, flora and fauna, and other natural resources are owned by the State. With the exception of agricultural lands, all other natural resources shall not be alienated. The exploration, development, and utilization of natural resources shall be under the full control and supervision of the State. The State may directly undertake such activities, or it may enter into co-production, joint venture, or production-sharing agreements with Filipino citizens, or corporations or associations at least 60 per centum of whose capital is owned by such citizens. xxx.

Whereas, paragraph three in the same Section further states that "[t]he Congress may, by law, allow small-scale utilization of natural resources by Filipino citizens, as well as cooperative fish farming, with priority to subsistence fishermen and fish workers in rivers, lakes, bays, and lagoons.";

Whereas, in 03 March 1995, Republic Act 7942 otherwise known as the "Philippine Mining Act of 1995" was enacted and declares as a policy that "[a]ll mineral resources in public and private lands within the territory and exclusive economic zone of the Republic of the Philippines are owned by the State. It shall be the responsibility of the State to promote their rational exploration, development, utilization and conservation through the combined efforts of government and the private sector in order to enhance national growth in a way that effectively safeguards the environment and protect the rights of affected local government units";

Whereas, despite its small area, the Philippines is reported to be one of the world's richly endowed countries in terms of mineral resources having been situated along a well-defined belt of volcanoes called the Circum-Pacific Rim of Fire where the process of volcanism and plate convergence

resulted in the formation of abundant and important metallic mineral deposits of gold, copper, iron, chromite, nickel, cobalt and platinum;¹

Whereas, the Philippines is believed to have the fifth largest reserve of gold and copper in the world where Department of Environment and Natural Resources (DENR) estimated the country's gold reserves at 967,180,197 metric tons (MT) while Copper was put at 5,301,507,657 MT;

Whereas, on the one side, some of the local government units where the mining operations are being conducted welcome the mining operations in their areas as these provide income to the locality, i.e. in 2010, Sagittarius Mines in Mindanao is reported to have contributed at least 2.5 Billion in the Mindanao economy through employment and purchase of goods;²

Whereas, on the other side, as reported, environmentalists shun mining in the country as they claim that mining operation is detrimental to the Philippines biodiversity, as in fact, the mining tenements granted through the Mining Revitalization Program of then President Macapagal Arroyo have encroached into seventeen (17) of important biodiversity areas, into thirty-five (35) of national conservation priority areas, and thirty-two (32) of national integrated protected areas;³

Whereas, on the other hand, large scale and small scale mining establishments are pitted against each other, with claims that small scale mining owners are in fact dummies of foreigners in an effort of the latter to subterfuge the more stringent mining requirements whilst their operations are, in truth, far from small scale given their use of massive machineries and harmful chemicals;

Whereas, reports point out that small scale mining proliferation has adversely affected the mining industry and has affected large companies that comply with health, safety and environmental rules and regulations, with several large scale mining companies complying therewith above and beyond what is set forth under the laws and regulations;

Whereas, the Philippines may benefit from the exploration of the country's natural resources but at the same time may face extant threats to our biodiversity and acceleration of man-made caused calamities, thus it is important that a sustainable exploration of these natural resources be ensured;

NOW, THEREFORE, BE IT RESOLVED AS IT IS HEREBY RESOLVED, to urge the Committees on Environment and Natural Resources, Committee on Trade and Commerce, and Committee on Local Government to conduct an inquiry in aid of legislation, on the current status of the mining industry and the pitfalls, if any, of the Republic . Act 7942 otherwise known as the "Philippine Mining Act of 1995" with the intention of recommending measures to ensure sustainable mining operations in the country.

Adopted,



Manny Villar

¹ Bentley Fairview. (n.d.) *Mining in the Philippines*. Retrieved July 11, 2011, from Bentley Fairview Resources, Ltd.: <http://bentleyfairview.com/mining-in-the-philippines>

² Desiderio, L. D. (2011, June 29). *Tampakan firm questioned on post-mining safeguards*. Retrieved July 11, 2011, from Business world online: <http://bworldonline.com/content.php?section=CorporateNews&title=Tampakan-firm-questioned-on-post-mining-safeguards&id=33921>

³ Archbishop Angel N. Lagdameo, P. C. (2006, May 25). *Debate over Repeal of the Philippine Mining Act of 1995*. Retrieved July 11, 2011, from Philippine Commentary: <http://philippinecommentary.blogspot.com/2006/05/debate-over-repeal-of-philippine.html>