

CA dismisses Marcopper bid to stop damage suit

By LEONARD D. POSTRADO

While academicians dissuade the public in using the popular encyclopedia website, the Court of Appeals (CA) resolved a Marcopper Mining Corporation (Marcopper) civil suit case with the help of Wiki-

pedia and the Internet.

In a five-page decision penned by Associate Justice Jose Reyes, Jr., the CA's Former Fifth Division denied the bid of Marcopper to stop the conduct of a full-blown trial of the civil suit filed by a group of fishermen seeking damages against the mining firm in connection with the 1996 mine

tailings on Calancan Bay in Marinduque that adversely affected their livelihood and resulted in sickness and death in surrounding communities.

The appellate court also defended its use of the Internet and Wikipedia in affirming its decision upholding the order issued by the Regional Trial Court (RTC) Branch 38 of Boac, Marinduque on July 5, 2013 denying its motion to dismiss the class suit.

It would be recalled that the CA cited Wikipedia and other information on the Internet in its June 2015 decision, which rejected Marcopper's argument that the trial court committed grave abuse of discretion in not junking the complaint filed Calancan Bay Fishermen Federation, et al, based on prescription and laches or undue delay in seeking relief.

The CA stressed that even the Supreme Court (SC) has cited Wikipedia, a free encyclopedia on that is built collaboratively, since 2004 in several of its rulings.

"Resort to the internet was made to supplant the missing information that will provide a sufficient background to apprise the Court of the basis and the reason for the tort case filed by the fishermen," the CA said.

The CA explained that it had to study why the mining pit collapsed and how the villagers and the lake itself were affected, thus, the use of internet and Wikipedia as well as SC decisions was needed in order for the Court to resolve the petition "in a fair and just manner."

"The effect of the pollution and damage wrought by Marcopper on Calancan Bay - the people,

their livelihood and the environment -- is truly immense in terms of health, quality of life, and source of livelihood," the CA said.

Records showed that Marcopper was engaged in the mining production of copper concentrates since 1968.

In October 1975, Marcopper was granted a permit to operate a "Tailings Disposal System" in Sta. Cruz, Marinduque by the then National Pollution Control Commission for a submerged disposal system.

Starting 1975, Marcopper discharged mine tailings from its Mt. Tapan mining operations into Calancan Bay. The degradation of Calancan Bay spanned a period of 16 years from 1975 to 1991 where some 80 square kilometers of coral and seagrasses at the bottom of the bay were smothered in 200 million tons of mine tailings.

S. No. 2622
H. No. 5587

Republic of the Philippines
Congress of the Philippines

Metro Manila

Sixteenth Congress

Third Regular Session

Begun and held in Metro Manila, on Monday, the twenty-seventh day of July, two thousand fifteen.

[REPUBLIC ACT NO. 10745]

AN ACT ALLOWING NATURAL GAS POWER GENERATING PLANTS IN THE COUNTRY TO USE NEAT DIESEL AS AN ALTERNATIVE FUEL, EXEMPTING THEM FROM THE REQUIREMENTS OF PARAGRAPH 5.3, SECTION 5 OF REPUBLIC ACT NO. 9367, OTHERWISE KNOWN AS THE "BIOFUELS ACT OF 2006"

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

SECTION 1. Section 5 of Republic Act No. 9367, otherwise known as the "Biofuels Act of 2006", is hereby amended to read as follows:

"SEC. 1. x x x."

"SEC. 2. x x x."

"SEC. 3. x x x."

"SEC. 4. x x x."

"SEC. 5. *Mandatory Use of Biofuels.* - Pursuant to the above policy, it is hereby declared that all liquid fuels for motors and engines sold in the Philippines shall contain locally-sourced biofuels components as follows:

" x x x

"5.3 Within three months from the effectivity of this Act, a minimum of one percent (1%) biodiesel by volume shall be blended into all diesel engine fuels sold in the country: *Provided*, That the biodiesel blend conforms to PNS for biodiesel.

"Within two years from the effectivity of this Act, the NBB created under this Act is empowered to determine the feasibility and thereafter recommend to the DOE to mandate a minimum of two percent (2%) blend of biodiesel by volume which may be increased taking into account considerations including but not limited to domestic supply and availability of locally-sourced biodiesel component: *Provided*, That natural gas power generating plants may use neat diesel as their alternative fuel during shortages of natural gas supplies: *Provided, however*, That the DOE shall ensure that the authority granted herein shall only be availed of, directly or indirectly, by natural gas power plants."


SEC. 2. *Implementing Rules and Regulations.* - The DOE shall, within thirty (30) days from the effectivity of this Act promulgate the implementing rules and regulations of this Act.


SEC. 3. *Separability Clause.* - Should any provision of this Act be declared invalid, the remaining provisions shall continue to be valid and subsisting.

SEC. 4. *Repealing Clause.* - All laws, executive orders or administrative orders, rules and regulations or parts thereof, which are inconsistent with this Act, are hereby amended, repealed or modified accordingly.


SEC. 5. *Effectivity.* - This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation in the Philippines.

Approved,


FELICIANO BELMONTE JR.
Speaker of the House
of Representatives


FRANKLIN M. DRILON
President of the Senate

This Act which is a consolidation of Senate Bill No. 2622 and House Bill No. 5587 was finally passed by the Senate and the House of Representatives on December 8, 2015 and December 14, 2015.


MARILYN B. BARUA YAP
Secretary General
House of Representatives


OSCAR G. YEBES
Secretary of the Senate

Approved:

BENIGNO S. AQUINO III
President of the Philippines

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Lapsed into law on FEB 26 2016
Without the signature of the President
In accordance with Article VI, Section
27 (1) of the Constitution.



PHILIPPINE NATIONAL GAMES 2016 - Police help organizers prepare yesterday morning the flags that will be hoisted to flank the Philippine Flag at the opening of the Philippine National Games 2016 later in the day at the Narciso Ramos Sports and Civic Center in Lingayen, Pangasinan. The games are held on March 7-11. (Jojo Riñoza)

Long wait ends as DSWD grants ₱3.9-M aid to victims of 2014's typhoon 'Glenda'

By JERRY J. ALCAYDE

CALAPAN CITY, Oriental Mindoro - After a year-and-a-half of waiting and several storms in between, some 780 families in Marinduque devastated by typhoon "Glenda" in 2014 finally received their relief assistance amounting to ₱3.9 million from the Department of Social Welfare and Development (DSWD).

The DSWD-MIMAROPA (Mindoro Oriental, Mindoro Occidental, Romblon, Palawan) said the grants for the six towns of Marinduque were released in cash or in the form of construction materials for families whose houses were damaged by the typhoon.

In its list, DSWD-MIMAROPA gave ₱1 million for 200 beneficiaries in Sta. Cruz town; ₱2,100,000 for Boac, Mogpog, and Tor-

rijos; and ₱800,000 each for Buenavista and Gasan towns.

The grant, known as Emergency Shelter Assistance (ESA), gives ₱5,000 each to family-beneficiaries whose homes were destroyed by the typhoon which hit Southern Luzon in July, 2014.

Glenda left seven people dead in MIMAROPA and caused around ₱1 billion in damage to agriculture.

Jesse Robredo's kin donates more school buildings across CamSur

By SARAH C. IMPERIAL

NAGA CITY, Camarines Sur - Staying true to the wishes of their late parents the children of Vicente and Juanita Hao Chin continue to support the education of fellow Bicolanos one classroom building at a time.

In 2013 the Hao Chins, cousins of the late former Department of the Interior and Local Government (DILG) Secretary Jesse Robredo, approached his widow Camarines Sur 3rd District Rep. Leni Robredo with the idea of helping address the classroom shortage in her district by donating classrooms where

they are needed.

"During my weekly rounds in the district I saw a great need for classrooms especially in far-flung areas," said Robredo.

Since then, upon the recommendation of her office, a total of 10 classrooms were built last year.

Speaking in front of the crowd of students, teachers, and residents of Severo High School in Barangay Burabod in Calabanga town, Araceli Chua Chan one of the Hao Chin children said: "Our parents wanted to help school children since for them education is a gift that can never be taken away from

someone."

She added that her parents wanted to give back the good fortune their family had, while doing business here in Bicol.

"Jesse was our cousin. As kids, we all grew up together in Tabuco so we were really close," she said.

Through the Borland Development Corporation, supervised by Engineers Enald and Eric Tan, standard two-classroom-one-school buildings were built in the following schools: Ratay Elementary School, Union Central School, Tomagotod Elementary School, and Severo High School in Calabanga; Pinit Elementary School and Cagmanaba High School in Ocampo; Palo Integrated High School in Canaman; Carangcang Elementary School in Magarao; and Pili West Central School and Agaton Rodriguez Elementary School in Pili.

This year, two additional classroom buildings are under construction. One in Mangayawan Elementary School in Canaman and another in Camaligan Central School in Camaligan. More classrooms will be built within the year, with the help of Jesse's cousins.

"We ensure that the classrooms follow the standards set by the Department of Education. We want these school children to have a conducive place in which to study and learn," said Engr. Enald Tan who oversees the construction of these school buildings.

Rep. Robredo said the assistance is greatly appreciated. "Since I started my term as congresswoman, Jesse's cousins and relatives showed great interest in my advocacies especially in education. I told them there are many lacking classrooms and they were more than happy to help," she said.

Last month, a total of four classroom buildings were inaugurated in Calabanga and Pili towns. Representing the Robredo family were Jesse's siblings Butch Robredo and Dr. Jocelyn Robredo-Austria. Araceli Chua Chan, Engr. Enald and Eric Tan represented the Hao Chin family. They were also joined by Councilor Gabriel H. Bordado of Naga City.

AID TO FISHERFOLK - Department of Agriculture Secretary Proceso J. Alcala (second from the right) together with Bulacan Gov. Wilhelmino M. Sy-Alvarado (third from left) and Bureau of Fisheries and Aquatic Resources Regional Director Lilian Garcia (right) awards the symbolic checks to the municipalities of Hagonoy and Calumpit towns, among others, to aid in the realization of projects such as Fingerling Dispersal and Sustainable Agri-Fishery Livelihood Project under the government's Bottom-Up-Budgeting, recently. (Freddie C. Velez)



Ilocos Sur capitol evacuated over bomb threat via text

By FREDDIE G. LAZARO

VIGAN CITY, Ilocos Sur - All employees of the Capitol of Ilocos Sur were rattled by a bomb threat message received by a staff of the Provincial Disaster Risk Reduction and Management Council (PDRRMC) through its hotline cellphone number at noontime yesterday.

Superintendent Jugith Del Prado, city chief of police, confirmed the bomb threat message saying: "May inilagay na bomba sa isang parte ng Kapitolyo at pwede itong sumabog ano mang oras (A bomb has been planted in a part of the

Capitol and it can explode any minute)."

Responding quickly to the report, operatives of the Vigan City Police Office and members of the Ilocos Sur Police Provincial Office's (PPO's) Explosives and Ordnance Division (EOD) scoured every inch of the Capitol building and compound.

As of press time yesterday afternoon, Del Prado said clearing operations were in progress as no bomb had been found.

"We are also conducting validation and investigation to identify the sender of the said bomb threat text messages," he said.