



'18 JUL -4 AIO :51

SENATE

P. S. Res. No. 778

RECEIVED

Introduced by **SENATOR LEILA M. DE LIMA**

RESOLUTION

DIRECTING THE APPROPRIATE SENATE COMMITTEE TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE IMPLEMENTATION OF THE VARIOUS ENVIRONMENTAL PROTECTION MANDATES OF GOVERNMENT AGENCIES TO DETERMINE THE GAPS THAT COMPOUND THE HIGHER PREVALENCE OF HUMAN RIGHTS ABUSES IN COMMUNITIES WHERE LARGE-SCALE MINING IS CONDUCTED

1 WHEREAS, Article II, Section 11 of the Constitution provides that “[t]he State
2 values the dignity of every human person and guarantees full respect for human
3 rights”;

4 WHEREAS, Article II, Section 16, of the Constitution also provides that “[t]he
5 State shall protect and advance the right of the people to a balanced and healthful
6 ecology in accord with the rhythm and harmony of nature”;

7 WHERE, Presidential Decree No. 1151, which took effect in 1979, established
8 the Philippine Environmental Policy which institutionalized the “right to a healthy
9 environment”;

10 WHEREAS, the right to a healthy environment and the right to balanced
11 ecology are mutually reinforcing;

12 WHEREAS, the Philippines has standard-setting legislation and good practice
13 on environmental protection;

14 WHEREAS, there are institutional mechanisms in place with the mandate to
15 implement environmental protection, monitor implementation, or investigate
16 violations;

1 WHEREAS, Republic Act No. 7942, or the “Philippine Mining Act of 1995”,
2 provides that “[t]he Department [of Environment and Natural Resources] shall be
3 the primary government agency responsible for the conservation, management,
4 development, and proper use of the State's mineral resources including those in
5 reservations, watershed areas, and lands of the public domain....”;

6 WHEREAS, R.A. No. 7942 requires that for the issuance of an environmental
7 compliance certificate, an environmental impact assessment must first be conducted
8 pursuant to the Philippine Environmental Impact Assessment System, including
9 Sections 26 and 27 of the Local Government Code of 1991;

10 WHEREAS, despite stringent regulations under our laws to mitigate
11 environmental degradation, mining operations continue to pollute rivers,¹ cause soil
12 erosion, and destroy forests and vegetation²;

13 WHEREAS, there are reports that children as young as 13 years old work in
14 mining industries in contravention of Republic Act No. 9231, otherwise known as the
15 “Special Protection of Children against Child Abuse, Exploitation, and
16 Discrimination Act”;

17 WHEREAS, the Commission on Human Rights (CHR) has already
18 investigated several cases involving human rights violations arising from mining
19 operations;

20 WHEREAS, in 2010, the CHR investigated the complaints against Oceana
21 Gold Philippines Incorporated (OGPI) in Didipio, Kasibu, Nueva Vizcaya and
22 established that OGPI violated the following rights: right to residence, right to
23 adequate housing and property rights of residents; right to freedom of movement
24 and the right not to be subjected to arbitrary interference; right to security of
25 persons; and right of indigenous peoples to manifest their culture and identity³;

1 See, The New York Times, “Philippines Moves to Shut Mining Accused of Polluting” available
at <<https://nyti.ms/2sRpJeL>>, accessed on June 06, 2018.

2 See, Case Study on the Impacts of Mining and Dams on the Environment and Indigenous
Peoples in Benguet, Cordillera, Philippines, available at <<http://bit.ly/2JtAySi>>, accessed on June 06,
2018.

3 See, Resolution No. A2011-004 available at <<https://bit.ly/2kVupR8>>, accessed on June 07,
2018.

1 WHEREAS, in June 2013, an Independent Human Rights Impact Assessment
2 for a mining project of Sagitarrius Mines, Inc. in Tampakan, South Cotabato reported
3 significant impacts of the project on human rights in relation to the peace and
4 security situation in the mining area located inside ancestral lands of the B'laan
5 people, arising from the harassment and killings of indigenous peoples committed by
6 an "Investment Defense Force" called Task Force KITACO—a composite force of
7 police, military and civilian defense forces sanctioned by the local government units
8 to protect the mining project⁴;

9 WHEREAS, there are many other mining areas where human rights abuses
10 and violations are reported and are being monitored by the CHR, for instance, the
11 four large-scale nickel mining operations, namely, of Zambales Diversified Metals
12 Corp., Benguet Corp. Nickel Mines Inc., Eramen Minerals Inc., and LNL Archipelago
13 Minerals Inc., in Sta. Cruz, Zambales, with reported cases of land-grabbing and
14 other human rights violations, including the right to health, right to a clean
15 environment, and the people's right to livelihood, among others⁵;

16 WHEREAS, in light of the continuing negative impact of mining on the
17 environmental and human rights of local communities, and the continued use of
18 instruments of State repression, such as the police and the military in protecting
19 mining operations against local communities and people's organizations due to
20 active opposition, it is imperative to fully implement laws and utilize mechanisms to
21 protect our environment as well as uphold the human rights of local communities
22 who are vulnerable and exposed to the dangers of mining, including the rights to a
23 decent livelihood and a healthy environment;

24 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE, to direct the
25 appropriate Senate Committee to conduct an inquiry, in aid of legislation, on the
26 implementation of the various environmental protection mandates of government

⁴ See, Human Rights Impact Assessment of Tampakan Copper=Gold Project, Mindanao, Philippines available at <https://inef.uni-due.de/media/studie_hria_engl_final.pdf>, accessed on June 07, 2018.

⁵ See, CHR 2015 Accomplishment Report available at <<http://chr.gov.ph/wp-content/uploads/2018/01/CHR-2015-Annual-Accomplishment-Report.pdf>>, accessed on June 07, 2018.

- 1 agencies to determine the gaps that compound the higher prevalence of human rights
- 2 abuses in communities where large-scale mining is conducted.

Adopted,


LEILA M. DE LIMA