



On the Occasion of the Launching of the book "Philippine Mining Unearthed"

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SPEECH

delivered by

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A very good morning to you all!

At no time are the words of Macli-ing Dulag, the tribal chieftain of the Kalinga assassinated during Martial Law, more relevant than today, when the exploitation of our natural resources once again clashes with the ancient rights of our indigenous people to their ancestral lands. Macli-ing Dulag was once asked by the Marcos government, "Where is your proof that you own the land?" "Where is your title or document showing that the land is your property?" To this, Macli-ing Dulag replied "You ask me if I own the land. But in turn I ask you, how can you own that which will outlive you?"

The wisdom behind these words basically captures in a nutshell the entire argument for sustainable development. Indeed, how can we exploit our environment beyond its capacity to renew and sustain itself, beyond what we should leave our grandchildren, beyond what they in turn would bequeath to their own grandchildren, and henceforth for all other generations to come? These words spoken ring truer today because the country is again witnessing a conflict between ancient rights and corporate entitlements in the Lumad lands of Mindanao. In this present conflict several have already died, caught in a complex web of an armed rebellion,

military operations, and corporate mining interests. This has long been the tragic recurring drama of our people's struggle against developmental aggression, a tragedy that must end at once because there is no reason to let the suffering continue.

In the midst of all these, it is only timely to share experiences on how the suffering can be stopped, and how the tragedy and conflicts can all be transformed into energy re-directed towards the realization of sustainable development in our country.

The book that we just published, aptly referred to as "Philippine Mining Unearthed", embodies the studies toward the harmonization of reforms undertaken by this administration in eradicating the problems in the mining industry through Executive Order No. 79 *vis-à-vis* the existing laws and regulations that govern it.

As stated in the book, let us remind ourselves that the Philippine archipelago is blessed with vast natural resources. Mineral resources are one of them. Being located in the Pacific Rim of Fire, metallic deposits such as gold, silver, and copper are found in volcano-magmatic settings in the country. The country's geologic terrains, including volcano-magmatic arch, sedimentary basins, and continental blocks hold potential metallic deposits which are known to occur in geologic rocks through mineralization. These attract investors, legitimate and fly-by-night alike.

Large and small scale mining have long been practised in the Philippines even before the Spanish colonization. When the regime of President Ferdinand Marcos ended, the mining industry suffered a period of undercapitalization which led to closing of mines and companies withdrawing from the Philippine market. In 1995, a new Mining Act was passed that allowed Financial and Technical Assistance Agreements (FTAAs) which could establish 100% foreign ownership of mining concession. A legal challenge was posed in the said Act which led to the Supreme Court ruling in its favor. The High Court, in its decision, reconciled the FTAA with the Regalian Doctrine stating that foreign companies could own 100% as **contractors** of the government.¹

As part of this administration's environmental agenda, His Excellency President Benigno S. Aquino III issued Executive Order No. 79, entitled, "Institutionalizing and Implementing Reforms in the Philippine Mining Sector, Providing Policy and Guidelines to Ensure Environmental

¹La Bugal-B'Laan Tribal Association, *et al.* vs. Victor O. Ramos, DENR Secretary, *et al.* [G.R. No. 127882. December 1, 2004].

Protection and Responsible Mining in the Utilization of Mineral Resources". This is part of the President's social contract with the Filipino people who have a right to a balanced and healthful ecology in accord with the rhythm and harmony of nature, as one of the State Policies embodied in the 1987 Constitution.

This prerogative seeks to protect the Philippines' rich mineral resources from being exploited by unscrupulous individuals. It aims to promote responsible mining and to establish a more equitable framework for revenue-sharing to promote sustainable economic development and social growth.

Through the concerted efforts of the Joint DOJ-DILG-DENR Fact Finding Committee on Illegal Mining, the standards set by E.O. 79 are realized and enforced. This Joint FFC takes charge of investigation, case build up, and the filing of appropriate charges in court. As a result of their operations, thirteen (13) cases were filed in the National Prosecution Service (NPS) for the conduct of inquest proceedings and/or preliminary investigation. Most of these cases were filed in court. Also, Cease and Desist Orders (CDO) were issued against illegal miners. **These efforts are embodied in this book.**

These undertakings have drawn the support of anti-illegal mining advocates, informants and development partners. This goes to show that the government is not alone in its efforts to protect the environment. It is for this reason that **I personally dedicate this book** to our partner-CSOs, the Social Action Commission of the Archdiocese of Nueva Segovia and the Ilocos Sur Collective Action for People Empowerment (ISCAPE).

The gargantuan task imposed on the DENR to solve the problems in the mining industry is no longer their burden alone. Through inter-agency cooperation, this body has now consolidated its power, authority and prerogative to go after illegal miners who stop at nothing to exploit our resources.

At this juncture, I would like to seize this opportunity to recognize the great contribution of our partner agencies, the DENR, the DILG, the line agencies of the DOTC such as the PCG, PPA, MARINA and the line agencies of the DND like the AFP, Philippine Navy. Of course, the PNP is also acknowledged.

I commend the passionate and steadfast efforts of Sr. Lilian Carranza, Rev. Fr. Albert Rabe and the people behind ISCAPE who placed their

personal safety in great jeopardy to expose the illegal activities. God knows how much we have tried to match your boldness in fighting against the magnetite marauders and we continue to hunt them. We vow to continue dismantling their structures, disturbing their illegal black sand mining activities until it would be very costly for them to conduct their illegal trade. I wish you continue to hang on. Even when the seasons change, we have instituted some mechanisms for these anti-illegal mining efforts to continue. We have spelled out short-term goals to get us to implement our long-term plans.

Likewise, I commend our workers in the FFC such as Director Leo Jasareno of the MGB for sharing with us his expertise on mining rules and regulations and the necessary information whenever the DOJ needs them and for providing us competent and dedicated engineers during the Secretariat's conduct of its inventory mandate. Kudos also to Dir. Virgilio Mendez for making the NBI agents available 24/7. They have been responsible in making security arrangements to secure our informants and non-law enforcer members of the Secretariat in all phases of FFC activities.

A great deal of credit goes to Undersecretary Zabedin M. Azis, his office staff and members of the Secretariat for the excellent coordination of, and by weaving together, all the various efforts of the FFC that led to the publication of this book.

Dr. Isagani R. Cruz, the namesake of my first boss in the government, the late Justice Isagani A. Cruz and Ms. Elisa Jamon for helping the Secretariat piece together all the available information into this notable book.

Lastly, to our Maker for helping us through this difficult and dangerous task of protecting the environment.

It is my fervent hope that we continue to give our all to be able to leave a beautiful environment to the generations next to ours.

Thank you and Mabuhay!