

SIXTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
First Regular Session)



Senate
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SENATE
P. S. R. No. 521

RECEIVED BY: *J*

Introduced by Senator Miriam Defensor Santiago

RESOLUTION

DIRECTING THE PROPER SENATE COMMITTEE TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE REPORTED NEED TO PREVENT AND STOP FOREIGN CORPORATIONS FROM MINING AND SMUGGLING OUT BLACK SAND FROM THE CAGAYAN PROVINCE

WHEREAS, the Constitution, Article 2, Section 16, provides: "The 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, the same, Article 2, Section 7, states: "The State shall pursue an independent foreign policy. In its relations with other states, the paramount consideration shall be national sovereignty, territorial integrity, national interest, and the right to self-determination";

WHEREAS, the *Philippine Daily Inquirer*, in its 19 February 2014 issue, reported that black sand mining continues in the Cagayan Province despite the revocation of permits of Chinese companies that have engaged in this illegal activity;

WHEREAS, according to the report, although the processing plants that dot coastal communities in Cagayan province show no sign of activity, residents are roused from their sleep at night as heavy machinery start running, and Dugo-San Vicente Road becomes busy with dump trucks bringing processed magnetite to Port Irene inside the Cagayan Special Economic Zone and Freeport in Sta. Ana town;

WHEREAS, anti-mining advocate and adviser of Gonzaga Alliance for Environmental Protection and Preservation, Esperlita Garcia reportedly said that mining companies were using this new tack to evade detection by law enforcement agencies, mainly the National Bureau of Investigation;

WHEREAS, it was reported that since last year, the NBI has been raiding companies that operate illegally, seizing heavy equipment and arresting Chinese workers without valid working permits;

WHEREAS, Garcia also claimed that the operators perhaps believed that they would not get the attention of residents if their operations were done at night, but that is impossible because people are awakened by the roar of the engines and the shaking of the ground;

WHEREAS, the report also claimed that a Malacañang-formed task force last year found that black sand extraction activities in Cagayan were being conducted by foreign companies, mainly Chinese, that hold permits issued either by the Mines and Geosciences Bureau (MGB) or the provincial government;

WHEREAS, the report likewise alleged that other firms operate through special agreements with local governments, like in the towns of Lal-lo, Camalaniugan and Aparri;

WHEREAS, Mario Ancheta, acting MGB director for Cagayan Valley, reportedly said that the government collected 2-percent excise tax, extraction fees of \$6 per metric ton and other fees from black sand mining;

WHEREAS, last month, the Mining Industry Coordinating Council reportedly recommended to President Aquino a ban on black sand mining in the country and the prosecution of government officials conniving with Chinese companies;

WHEREAS, it was reported however that Malacañang has yet to act on the recommendations;

WHEREAS, it was also reported that the *Philippine Daily Inquirer* visited the areas last week and saw black sand processing start at dusk;

WHEREAS, residents claimed that Chinese mining companies, with suspended or revoked permits, have resumed operations by forming new firms; it was reported that by 9 p.m., convoys of dump trucks take the highway for the 40-kilometer travel to Port Irene, where the black sand is unloaded for shipment overseas and the trips would go on until the following morning;

WHEREAS, in Aparri town, Julius Catral, executive assistant to Mayor Shalimar Tumaru, allegedly said that the black sand extraction activities were for the construction of a retaining wall to protect coastal communities from storm surges;

WHEREAS, Catral also claimed that foreign companies have committed to build the wall at no cost to the government but in exchange for the processed magnetite;

WHEREAS, Mayor Lloyd Antiporda, of Buguey town, alleged that the black sand operations in his town have stopped and those with ongoing activities were only collecting their remaining stockpile;

WHEREAS, according to various news items published in 2013, mining companies haul black sand from coastal areas and ship the commodity out of the country—likely a case of smuggling—while local officials turned their cheeks the other way around;

WHEREAS, previous news articles reported that some local officials were likely in connivance with the mining companies; considering that no action has been taken despite the repeated complaints and demands of residents to stop black sand mining in the area;

WHEREAS, despite the ban, miners are still reportedly lured to gather black sand because it is a valuable commodity; black sand, which abounds along the coasts of several provinces in the northern Philippines, contains iron and metallic minerals for making steel;

WHEREAS, the illegal extraction of black sand along the rivers and beaches of Ilocos Region has reportedly been going on since 2008;

WHEREAS, while black sand mining isn't illegal, the MGB has declared Ilocos Sur “a no-go zone”;


WHEREAS, it is unconscionable for the local government and concerned government agencies to allow, by means of inaction and indifference, foreign companies to continue its black sand mining operations in the country;

WHEREAS, the continued disregard of foreign companies to stop black sand mining should be considered an encroachment on national sovereignty; local government officials who allow these companies to act with impunity should be investigated and punished accordingly;

WHEREAS, it is imperative for the State to review its laws on allowing foreign companies to mine in Philippine soil; the State should also create stricter measures to prevent, stop, and punish those responsible for taking advantage of our natural resources;

WHEREFORE, BE IT HEREBY RESOLVED BY THE PHILIPPINE SENATE to direct the proper Senate committee to conduct an inquiry, in aid of legislation, on the reported need to prevent and stop foreign corporations from mining and smuggling out black sand from the Cagayan province.

Adopted,


MIRIAM DEFENSOR SANTIAGO
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