

14 JUL -1 P2:58

SENATE
P. S. R. No. 748

RECEIVED BY: JW

Introduced by Senator Miriam Defensor Santiago

RESOLUTION

DIRECTING THE PROPER SENATE COMMITTEE TO CONDUCT AN INQUIRY,
IN AID OF LEGISLATION, ON THE NEED TO INCREASE THE PENALTY FOR THE
PRACTICE OF COMPRESSOR MINING AND THE USE OF MERCURY IN SMALL-
SCALE MINING TO EFFECTIVELY BAN THIS DEPLORABLE PRACTICE

WHEREAS, the 1987 Constitution, Article 2, Section 16 provides: "The State shall protect and advance the right of the Filipino people to a balanced and healthful ecology in accord with the rhythm and harmony of nature";

WHEREAS, Executive Order No. 79, series of 2012, Section 11 provides:

"Measures to Improve Small-Scale Mining Activities. To improve and address issues on small-scale mining, the following measures shall be undertaken:
x x x

d) Small-scale mining shall not be applicable for metallic minerals except gold, silver, and chromite, as provided for in RA No. 7076; x x x

WHEREAS, Administrative Order No. 2012-07, Section 14 (c), states: "Hydraulicking (water jetting), compressor mining and the use of mercury in small-scale mining operations shall be strictly prohibited. Due to the serious safety, health and environmental impacts, the conduct of hydraulicking, compressor mining, and the possession, sale and/or use of mercury in small-scale mining and milling operations shall be prohibited. Any violation thereof shall cause the cancellation of the small-scale mining contract/permit";

WHEREAS, based on the 18 January 2014 article in the online journal www.pulitzercenter.org published by the Pulitzer Center on Crisis Reporting, the practice of compressor mining continues to persist in some parts of the country;

WHEREAS, compressor mining reportedly originated as far back as the mid-1990s in Camarines Norte where divers dig down as much as 60 feet while breathing through a tube connected to a makeshift compressor, which is often made from a San Miguel beer keg;

WHEREAS, compressor mining was allegedly inspired by Filipino fishermen who use compressors to breathe underwater while catching reef fish; the beer-keg compressor is connected to a small motor designed for pumping water from wells; the miners loop the air hose around their shoulders and hold the end in their teeth;

WHEREAS, the miners allegedly dig in rice paddies, rivers, and bays and stay underground for hours at a time; their job is to fill bucket after bucket with soil for a fellow miner to haul to the surface;

WHEREAS, the miners are reportedly aware that the job is hazardous, the returns are paltry and that their work is illegal but these do not hinder them from diving into the mud to find gold;

WHEREAS, it was reported that the crews also operate outside the law by employing children and using highly toxic mercury; at Mambulao Bay, Santa Milagrosa, miners allegedly stay in business by paying police agencies the equivalent of \$11 a month for each worker and local officials issue permits to these miners;

WHEREAS, according to the report, more than 400 miners work from 40 rafts of wood and bamboo anchored on the bay; boys and girls as young as 10 work alongside adults in crews of about a dozen people; the children usually do the less strenuous jobs, including panning for gold while standing for hours in the filthy water;

WHEREAS, according to Julie Hall, World Health Organization representative to the Philippines, compressor mining poses a range of significant health risks, especially to children who dive; when a diver is underwater, nitrogen bubbles can form in the bloodstream and travel to the brain and lungs, causing many small patches of damage and the problem can be exacerbated when the compressor motor unexpectedly stops and the diver rushes to the surface for air;

WHEREAS, Hall reportedly added that diesel fumes, carbon monoxide and other pollutants can enter the hose and contaminate the air the divers breathe, sometimes with deadly effect;

WHEREAS, Hall claimed that the divers can also suffer skin infections or maladies such as leptospirosis from being immersed in the dirty water, which often is tainted with animal waste and teeming with bacteria;

WHEREAS, according to Ban Toxics Executive Director Richard Gutierrez, the mercury used by miners to extract gold dust from the sediment is highly toxic and is known to cause tremors, memory loss and brain damage; brain cells are destroyed and nerve damage cannot be reversed;

WHEREAS, despite the issuance of Executive Order No. 79 and its Implementing Rules and Regulations through Administrative, compressor mining continues to persist probably due to ineffective enforcement of these regulations;

WHEREAS, the local government officials in the areas where small-scale mining is the main source of livelihood should introduce alternative means of livelihood so that the miners and their children would not have to resort to compressor mining;

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 need to increase the penalty for the practice of compressor mining and the use of mercury in small-scale mining to effectively ban this deplorable practice.

Adopted,


MIRIAM DEFENSOR SANTIAGO

acc.

/fmf