

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



Senate  
Office of the Secretary

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SENATE  
P. S. R. No. 1277

RECEIVED BY: 

Introduced by Senator Miriam Defensor Santiago

RESOLUTION

DIRECTING THE PROPER SENATE COMMITTEE TO CONDUCT AN INQUIRY, IN AID  
OF LEGISLATION, ON THE REPORT THAT INDIGENOUS PEOPLE ARE URGING THE  
SCRAPPING OF REPUBLIC ACT NO. 7942, ALSO KNOWN AS THE MINING ACT OF  
1995

WHEREAS, the Constitution, Article 2, Section 22 provides: "The State recognizes and promotes the rights of indigenous cultural communities within the framework of national unity and development";

WHEREAS, Republic Act No. 8371, also known as the Indigenous People's Rights Act of 1997 further provides: "The State shall protect the rights of Indigenous Cultural Communities (ICCs)/Indigenous People's (IPs) to their ancestral domains to ensure their economic, social and cultural well being and shall recognize the applicability of customary laws governing property rights or relations in determining the ownership and extent of ancestral domain";

WHEREAS, the *Manila Bulletin* on 23 February 2015 reported that Scrap the Mining Act Network (SMAN), a campaign network of individuals, institutions and groups from the Church, academe, legislators, lawyers, cause-oriented groups, indigenous people rights advocates, environmentalists, journalists, cultural workers and concerned groups, urged the scrapping of R.A. No. 8371;

WHEREAS, a study by the Ibon Foundation reportedly showed that from 1997 to 2012, the government collected only ₱110 billion from taxes, fees, and royalties, an amount that is not even 10 percent of the ₱1.15 trillion gross production value (GPV) of the industry;

WHEREAS, the report allegedly showed that the mining industry contributed only 0.72 percent to the annual gross domestic product (GDP);

1           WHEREAS, according to Ibon Foundation, at least 712 mining applications covering  
2 967,530.86 hectares of the country's total land area have been approved;

3           WHEREAS, SMAN reportedly said that of this number, 251 applications covering  
4 532,368.36 hectares or 55 percent of the total land area approved for mining are areas occupied  
5 by indigenous communities;

6           WHEREAS, SMAN claimed that the mining industry did not generate a huge number of  
7 jobs with its total personnel complement of 200,000 workers which is 0.43 percent of the  
8 country's total employment;

9           WHEREAS, SMAN spokesperson Piya Macliing Malayao claimed that the mining  
10 industry did not even produce enormous wealth for the country;

11           WHEREAS, Malayao reportedly said that the Mining Act of 1995 allowed the complete  
12 ownership of mining TNCs of mineral lands, waters, and resources, among other incentives to  
13 attract mining investment;

14           WHEREAS, mining-related challenges for indigenous peoples and communities include  
15 displacement from their sources of livelihood, loss of their ancestral lands, human rights  
16 violations, and extrajudicial killings;

17           WHEREAS, it is imperative that Congress formulate applicable laws or amend existing  
18 mining laws to ensure that the rights to land and life of indigenous peoples and communities are  
19 protected;

20           WHEREFORE, BE IT HEREBY RESOLVED BY THE PHILIPPINE SENATE to direct  
21 the proper Senate committee to conduct an inquiry, in aid of legislation, on the report that  
22 indigenous people are urging the scrapping of Republic Act No. 7942, also known as the Mining  
23 Act of 1995.

Adopted,

  
MIRIAM DEFENSOR SANTIAGO  
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