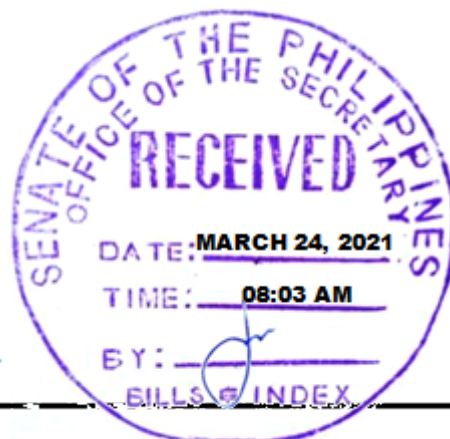


SENATE

P.S. Res. No. **687**



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

**RESOLUTION**

**URGING THE SENATE COMMITTEE ON ENVIRONMENT, NATURAL RESOURCES AND CLIMATE CHANGE TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE RECENTLY APPROVED CAGAYAN OFFSHORE MAGNETITE MINING PROJECT DUE TO THE REPORTED NEGATIVE ENVIRONMENTAL AND SOCIAL IMPACTS TO LOCAL COMMUNITIES AND ECOSYSTEMS IN THE PROVINCE OF CAGAYAN**

1 WHEREAS, Section 16, Article II of the 1987 Constitution provides that “[t]he  
2 State shall protect and advance the right of the Filipino people to a balanced and  
3 healthful ecology in accord with the rhythm and harmony of nature”;

4 WHEREAS, Section 2, Article XII of the 1987 Constitution states, in part, that  
5 “[t]he exploration, development, and utilization of mineral resources shall be under  
6 the full control and supervision of the State”;

7 WHEREAS, in the landmark case of *Oposa v. Factoran*<sup>1</sup>, the Supreme Court  
8 stressed that: “[t]he right to a balanced and healthful ecology carries with it the  
9 correlative duty to refrain from impairing the environment...”;

10 WHEREAS, Section 2 of Republic Act No. 7942, otherwise known as the  
11 “Philippine Mining Act of 1995”, declares, in part, that “[i]t shall be the responsibility  
12 of the State to promote their rational exploration, development, utilization and  
13 conservation through the combined efforts of government and the private sector in  
14 order to enhance national growth in a way that effectively safeguards the environment  
15 and protect the rights of affected communities”;

16 WHEREAS, the Philippine Mining Act of 1995 acknowledges the inherently  
17 destructive effects of irresponsible mining as it emphasizes environmental protection

<sup>1</sup> G.R. No. 101083 (July 30, 1993)

1 and rehabilitation on the part of contractors. Section 69 mandates contractors to  
2 “undertake an environmental protection and enhancement program” for the duration  
3 of their mineral agreement or permit. Section 71, meanwhile, mandates contractors  
4 and permittees to “technically and biologically rehabilitate” the affected areas to the  
5 “condition of environmental safety”;

6 WHEREAS, in early December 2020, it was reported that government has  
7 authorized the first large-scale offshore mining in the country which was set to begin  
8 operations in Cagayan in January 2021. According to a press release, JDVC Resources  
9 Corporation, a majority-owned subsidiary of Apollo Global Capital, was now ready to  
10 proceed with its offshore mining operations after securing the necessary permits from  
11 the Department of Environment and Natural Resources (DENR);<sup>2</sup>

12 WHEREAS, Part 1 of a 2016 presentation entitled “*Environmentally Safe and*  
13 *Effective Offshore Mining for Magnetite Iron Sand, Gold, Palladium, Platinum,*  
14 *Silver and other Minerals at the Offshore Areas of the Philippines*” found on JDVC’s  
15 website claimed that in the past several decades of offshore mining of magnetite iron  
16 sand deposits in countries like Japan, New Zealand and Indonesia, there have been no  
17 evidence nor information published of any negative effects to human habitation,  
18 aquamarine life, nor to the ecological balance from offshore mining;<sup>3</sup>

19 WHEREAS, the presentation would later elaborate on the earlier claims by  
20 declaring, without citing any sources, the following blanket statements: 1) that the  
21 negative environmental impact of black sand mining is nil; and 2) that no living thing  
22 can flourish in the Northwestern and Northeastern Luzon shorelines and offshore  
23 areas with black sand deposits;<sup>4</sup>

24 WHEREAS, in a position paper dated 25 January 2021, various environmental  
25 groups composed of at least 20 non-government and people’s organizations outrightly  
26 rejected the project for the following reasons: 1) it poses geologic hazards; 2) it poses  
27 a threat to a Protected Area; 3) it poses hazards to marine mammals; 4) it poses  
28 hazards to other marine resources and ecosystems; 5) it increases vulnerability to  
29 armed conflict; 6) it impacts access of fisherfolks to their fishing grounds and requires

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<sup>2</sup> Ocampo, K. O. (7 December 2020). *DENR greenlights first large-scale offshore mining in the country*. Retrieved 16 March 2021, from <https://business.inquirer.net/313468/denr-greenlights-first-large-scale-offshore-mining-in-the-country>

<sup>3</sup> Retrieved from <http://www.jdvcreources.com/jdvcreources/wp-content/uploads/2018/08/Offshore-Mining-Presentation-Part-1.pdf>

<sup>4</sup> *Ibid.*

1 rigid compliance to environmental laws and related regulations; and 7) it goes against  
2 the Precautionary Principle for the protection of the environment, enforcement of our  
3 laws and our international commitments.<sup>5</sup> As of 2 February 2021, over 70 groups have  
4 reportedly signed on to the petition;<sup>6</sup>

5 WHEREAS, in a 2016 study entitled “*Characterization of Black Sand Mining*  
6 *Activities and Their Environmental Impacts in the Philippines Using Remote*  
7 *Sensing*”, researchers note that black sand mining disturbs marine and coastal  
8 ecosystems and increases erosion and associated geohazards and warn that coastal  
9 erosion often continued to affect the areas even decades after cessation of the mining  
10 activities;<sup>7</sup>

11 WHEREAS, researchers in the study were able to observe subsidence at several  
12 centimeters per year collocated with mining activities in a total of twenty potential  
13 mining sites along the northern and northwestern coast of Luzon, including Cagayan.  
14 This suggested a causal relationship with either the removal of material or associated  
15 effects, such as ground water pumping. While the study found it difficult to validate  
16 the direct causality between mining and subsidence, it was able to identify  
17 communities exposed to very high risk of flooding by typhoons and sea level rise;<sup>8</sup>

18 WHEREAS, the results of the study highlighted the threat posed to coastal  
19 towns located near black sand mining activities. Since most mining sites are at low  
20 elevation, the rapid subsidence results in high exposure to flooding and seasonal  
21 typhoons, and amplifies the effect of climate change–driven sea level rise;<sup>9</sup>

22 WHEREAS, as early as 2016, Cagayan has already witnessed how black sand  
23 mining caused the sea to swallow an entire village. In Gonzaga, Cagayan where around  
24 100 houses were submerged in water, residents pointed at the exploration made by  
25 black sand mining companies as culprits. It was revealed that a 2019 study already  
26 called out similar activities. Leon Dulce, campaign coordinator of the environmental  
27 group Kalikasan, said their group conducted an Environmental Investigation Mission  
28 from 18 to 19 September 2010 in the municipalities of Cagayan including Gonzaga.

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<sup>5</sup> Copy furnished to the Office of Senator De Lima

<sup>6</sup> Mayuga, J. L. (2 February 2021). *Groups slam magnetite mining project in Cagayan*. Retrieved 17 March 2021, from <https://businessmirror.com.ph/2021/02/02/groups-slam-magnetite-mining-project-in-cagayan/>

<sup>7</sup> Chaussard, Estelle & Kerosky, Sara. (2016). *Characterization of Black Sand Mining Activities and Their Environmental Impacts in the Philippines Using Remote Sensing*. Remote Sensing. 8. 100. 10.3390/rs8020100.

<sup>8</sup> *Ibid.*

<sup>9</sup> *Ibid.*

1 The mission discovered that “magnetite mining operations in the coastal areas of  
2 Gonzaga and Aparri were found to have resulted in increased vulnerability to and  
3 actual erosion through the destruction of sand dunes and the disruption of the coastal  
4 sediment budget”;<sup>10</sup>

5 WHEREAS, the recent record-level flooding in Cagayan brought about by  
6 typhoon Ulysses<sup>11</sup> may be an indication of a worsening trend rather than a statistical  
7 aberration;

8 WHEREAS, although Cagayan Governor Manuel Mamba had earlier promised  
9 that there would be no black sand mining in Cagayan River for the duration of its  
10 rehabilitation,<sup>12</sup> JDVC’s Environmental Compliance Certificate (ECC) issued by the  
11 DENR in May 2016, encompasses portions of the municipalities of Buguey and Aparri  
12 – which are situated on the mouth of the Cagayan River – in the Cagayan Offshore  
13 Magnetite Mining Project;<sup>13</sup>

14 WHEREAS, the people of Cagayan have only recently begun to recover from the  
15 massive flooding in November 2020. It stands to reason that they may be more  
16 reluctant to endorse a project that they perceive will not only destroy the environment  
17 but also place their homes and livelihoods at higher risk of severe flooding events in  
18 the future;

19 WHEREAS, the State must make an immediate intervention to save the coastal  
20 areas of Cagayan and other black sand mining areas from sinking. It is duty-bound to  
21 protect the lives and livelihood of its citizens over any and all transactions and  
22 contracts it has entered into with individuals and entities concerning these areas;

23 WHEREAS, under the United Nations World Charter for Nature (1982), all  
24 activities which are likely to pose a significant risk to nature shall be preceded by an  
25 exhaustive examination. And their proponents must demonstrate that expected  
26 benefits outweigh potential damage to nature, and where potential adverse effects are  
27 not fully understood, the activities should not be allowed to proceed. It also provides  
28 that activities which are likely to cause irreversible damage to nature shall be avoided;

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<sup>10</sup> Panelo D. (10 October 2016). *How black sand mining caused the sea to swallow a village*. Retrieved 17 March 2021, from: <https://news.abs-cbn.com/focus/10/10/16/how-black-sand-mining-caused-the-sea-to-swallow-a-village>

<sup>11</sup> Rappler.com. (14 November 2020). *At least 9 dead in ‘worst flooding’ in Cagayan – governor*. Retrieved 16 March 2021, from <https://www.rappler.com/nation/death-toll-worst-flooding-cagayan-november-14-2020>

<sup>12</sup> Domingo, L. (4 February 2021). *Cagayan gov denies black sand mining*. Retrieved 16 March 2021, from <https://www.manilatimes.net/2021/02/04/news/regions/cagayan-gov-denies-black-sand-mining/836721/>

<sup>13</sup> Copy furnished to the Office of Senator De Lima

1 WHEREAS, it is imperative that the project's proponents and other concerned  
2 government agencies are able to effectively communicate and actively consult with the  
3 people of Cagayan so that they are able to make informed decisions on matters  
4 concerning public health and safety and other environmental hazards;

5 WHEREAS, due to a lack of conclusive data at hand, it is prudent to conduct a  
6 more comprehensive study of the impacts of black sand mining in the Philippines in  
7 general and a thorough review of the Cagayan Offshore Magnetite Mining Project in  
8 particular;

9 WHEREAS, all activities which tend to disturb or destroy the environment must  
10 always be preceded by meticulous assessment of their consequences. Environmental  
11 impact studies shall also be conducted to aid both the public and private sectors in  
12 chartering the course of the activities that involve and affect the environment;

13 WHEREAS, an in-depth study on how to restore the ecosystem must be launched  
14 to ensure that rehabilitation measures are put in place to save these areas from further  
15 destruction and erosion;

16 WHEREAS, government measures and policies must anticipate, prevent, and  
17 address the root causes of environmental degradation. The destruction of the  
18 environment, more particularly, its natural defenses like sand bars which help protect  
19 from strong waves and storm surges during typhoons poses increased disaster threats  
20 and risks to the surrounding communities. Swift and effect intervention must  
21 therefore be conducted to ensure the protection thereof;

22 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE, to urge the Senate  
23 Committee on Environment, Natural Resources and Climate Change to conduct an  
24 inquiry, in aid of legislation, on the recently approved Cagayan Offshore Magnetite  
25 Mining Project due to the reported negative environmental and social impacts it may  
26 cause to local communities and ecosystems in the province of Cagayan.

Adopted,

  
**LEILA M. DE LIMA**