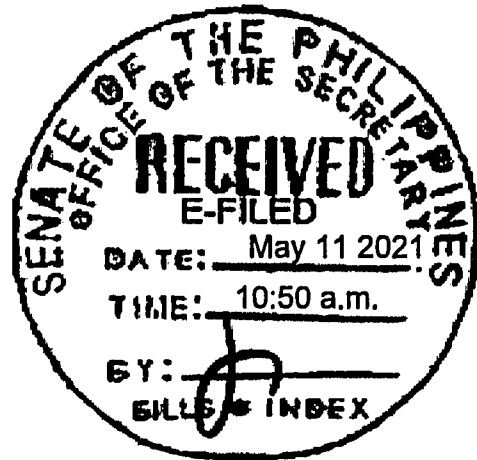


EIGHTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Second Regular Session)

SENATE

P.S. Res. No. 720



Introduced by SENATOR LEILA M. DE LIMA

RESOLUTION

URGING THE APPROPRIATE SENATE COMMITTEE TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON REPORTED ILLEGAL MINING OPERATIONS IN CANDELARIA, ZAMBALES AND ITS ALLEGED LINKS TO THE ILLEGAL CONSTRUCTION OF CHINESE INFRASTRUCTURE AND RECLAMATION PROJECTS IN THE WEST PHILIPPINE SEA AND PERFORM A SYSTEMATIC REVIEW OF ONGOING LARGE-SCALE MINING PROJECTS IN THE PHILIPPINES WITH THE END VIEW OF DETERMINING COMPLIANCE TO RELEVANT ENVIRONMENTAL LAWS AND GUIDELINES AND ADDRESSING THE ENFORCEMENT AND POLICY GAPS OF PHILIPPINE MINING LAWS

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, Section 2 of Republic Act No. 7942, otherwise known as the
8 “Philippine Mining Act of 1995”, declares that “[a]ll mineral resources in public and
9 private lands within the territory and exclusive economic zone of the Republic of the
10 Philippines are owned by the State. It shall be the responsibility of the State to
11 promote their rational exploration, development, utilization and conservation
12 through the combined efforts of government and the private sector in order to
13 enhance national growth in a way that effectively safeguards the environment and
14 protect the rights of affected communities”;

15 WHEREAS, despite numerous laws and regulations in place to protect the
16 environment from destructive mining practices, the Philippine mining industry
17 remains mired in controversy with issues such as environmental pollution and

1 degradation, allegations of corruption, and human rights abuses, particularly rights
2 of indigenous peoples (IPs), hounding mining projects nationwide;

3 WHEREAS, in yet another controversial mining project, a petition paper
4 dated 25 April 2021 submitted by the non-government, people's organization Save
5 Candelaria Zambales Movement, Inc. claims that a certain Yinglong Steel
6 Corporation has been illegally conducting mining operations in the municipality of
7 Candelaria in the province of Zambales;¹

8 WHEREAS, the petition paper notes that several ocular inspections by local
9 officials in Candelaria have determined that Yinglong has been cutting trees,
10 constructing access roads, building facilities such as bunkhouses, and using heavy
11 equipment without necessary permits;²

12 WHEREAS, the residents of Candelaria, Zambales had already expressed their
13 anti-mining sentiments for an earlier mining project in the area when the Save
14 Candelaria Movement managed to gather 8,000 signatures for its anti-ferronickel
15 plant (FNP) campaign out of the 15,000 registered voters in Candelaria in 2019;³

16 WHEREAS, the petitioners also suspect that the materials being illegally
17 mined are eventually used to construct China's reclamation and military
18 infrastructures in the West Philippine Sea (WPS). This claim has been raised by
19 several other environmental groups for various dredging and mining projects all over
20 the Philippines;⁴

21 WHEREAS, further controversy surrounding the mining industry was stirred
22 when, in a move intended to spur the pandemic-ridden economy, President Duterte
23 issued Executive Order (EO) No. 130 on 15 April 2021 which lifted a nearly decade-
24 long moratorium on new mining agreements. EO No. 130 overturns a portion of EO
25 No. 79, signed by then-President Benigno S. Aquino III in 2012, which had barred
26 the signing of new mineral agreements "until a legislation rationalizing existing
27 revenue sharing schemes and mechanisms shall have taken effect". The move was
28 praised by proponents of mining but was altogether lambasted by environmental
29 groups as one that placed profit over a healthy ecology;⁵

¹ Copy furnished to the Office of Senator De Lima

² *Ibid.*

³ *Ibid.*

⁴ Aglibot, J. R. (9 April 2021). *China using PH soil to build islands in WPS; probe sought – group*. Retrieved 3 May 2021, from <https://globalnation.inquirer.net/195040/probe-sought-of-reports-china-using-ph-soil-to-build-military-bases-in-west-philippine-sea>

⁵ Ranada, P. (15 April 2021). *Duterte lifts ban on new mining agreements*. Retrieved 3 May 2021, from <https://www.rappler.com/business/duterte-lifts-ban-new-mining-agreements>

1 WHEREAS, it bears repeating that all activities which tend to disturb or
2 destroy the environment must always be preceded by a meticulous assessment of
3 their consequences. Environmental impact studies should also be conducted to aid
4 both the public and private sectors in chartering the course of the activities that
5 involve and affect the environment and the communities that inhabit them;

6 WHEREAS, there is a need to swiftly address this situation to prevent the
7 misappropriation or impairment of the environment and "arrest the unabated
8 hemorrhage of the country's vital life support systems and continued rape of Mother
9 Earth";⁶

10 WHEREAS, it cannot be gainsaid that the adverse effects, disastrous
11 consequences, serious injury and irreparable damage of this continued trend of the
12 destruction of nature to the present generation and to generations yet unborn are
13 evident and incontrovertible. The State must not shut its eyes to the realities that
14 demand its urgent action and a faithful compliance to its duty under the Constitution
15 to protect and uphold the right of one and all to a balanced and healthful ecology;

16 WHEREAS, as already eloquently declared by the Supreme Court in *Oposa v.*
17 *Factoran*,⁷ the right to a balanced and healthful ecology considers the "rhythm and
18 harmony of nature" which "indispensably include, *inter alia*, the judicious
19 disposition, utilization, management, renewal and conservation of the country's
20 forest, mineral, land, waters, fisheries, wildlife, off-shore areas and other natural
21 resources to the end that their exploration, development and utilization be equitably
22 accessible to the present as well as future generations. Every generation has a
23 responsibility to the next to preserve that rhythm and harmony for the full
24 enjoyment of a balanced and healthful ecology." Needless to say, it is also the
25 responsibility of the Senate as one of the pillars of this nation to do its part in
26 protecting and preserving the environment;

27 WHEREAS, based on the aforementioned, the need to conduct an inquiry into
28 this allegedly illegal mining operation in Candelaria, Zambales as well as a systematic
29 review of all pending and ongoing large-scale mining projects in the Philippines to
30 determine their compliance with relevant environmental laws, regulations,
31 guidelines and procedures is already overdue. The State must deal with the matter

⁶ *Oposa v. Factoran*. (G.R. No. 101083; July 30, 1993)

⁷ *Ibid.*

1 seriously and hold accountable those who made this incident possible to the full
2 extent of the law;

3 WHEREAS, there is also a need to verify the serious allegations that the
4 materials being extracted in various mining and dredging projects are indeed being
5 used to construct and fortify illegal Chinese infrastructure projects in the WPS;

6 WHEREAS, there is an even more urgent need to conduct a systematic review
7 of existing policies and legislation pertaining to mining and determine a policy
8 direction that will not only protect human rights and preserve the environment but
9 also ensure Philippine sovereignty as well;

10 WHEREAS, there is a need to ensure that the exploration and utilization of
11 the country's natural resources, and the implementation of projects that are public in
12 nature are in compliance with existing laws and in pursuit of our national interests
13 and for the economic and ecological benefit of the Filipino people;

14 WHEREAS, the exigency of raising funds for the government's budget deficit
15 and response to the impact of the COVID-19 pandemic should never be an excuse to
16 open the "floodgates" of unregulated and illegal mining that destructs the
17 environment and the future of our younger generations;

18 WHEREAS, the enforcement of existing mining laws and policies should be
19 ensured and the full extent of these laws must be upheld, including penalizing
20 violators of these laws considering the irreparable destruction of illegal mining
21 activities brings to our environment, culture and society;

22 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE, to urge the
23 appropriate Senate Committee to conduct an inquiry, in aid of legislation, on
24 reported illegal mining operations in Candelaria, Zambales and its alleged links to
25 the illegal construction of Chinese infrastructure and reclamation projects in the
26 West Philippine Sea and perform a systematic review of ongoing large-scale mining
27 projects in the Philippines with the end view of determining compliance to relevant
28 environmental laws and guidelines and addressing the enforcement and policy gaps
29 of Philippine mining laws.

Adopted,


LEILA M. DE LIMA