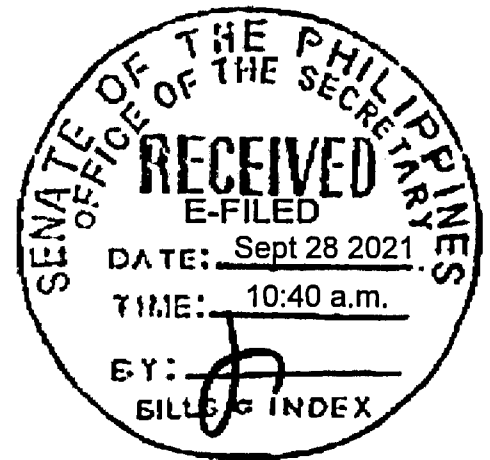


EIGHTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Third Regular Session)



SENATE

P.S. Res. No. 920

Introduced by SENATOR LEILA M. DE LIMA

RESOLUTION
DIRECTING THE SENATE COMMITTEE ON ENVIRONMENT, NATURAL RESOURCES AND CLIMATE CHANGE TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE RECENTLY APPROVED BLACK SAND MINING PROJECT IN LINGAYEN GULF AND INVESTIGATE THE REPORTED NEGATIVE ENVIRONMENTAL AND SOCIOECONOMIC IMPACTS TO LOCAL COMMUNITIES AND ECOSYSTEMS IN THE SURROUNDING COASTAL AREAS IN THE PROVINCE OF PANGASINAN

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, in part, that “[i]t shall be the responsibility
9 of the State to promote their rational exploration, development, utilization and
10 conservation through the combined efforts of government and the private sector in
11 order to enhance national growth in a way that effectively safeguards the
12 environment and protect the rights of affected communities”;

13 WHEREAS, the Philippine Mining Act of 1995 acknowledges the inherently
14 destructive effects of irresponsible mining as it emphasizes environmental protection
15 and rehabilitation on the part of contractors. Section 69 thereof mandates
16 contractors to “undertake an environmental protection and enhancement program”
17 for the duration of their mineral agreement or permit. Section 71, further, mandates

1 contractors and permittees to “technically and biologically rehabilitate” the affected
2 areas to the “condition of environmental safety”;

3 WHEREAS, it was recently reported that a massive offshore black sand
4 mining project that would run for the next 25 years in Lingayen Gulf was approved.
5 This has stirred protests from the local communities in Pangasinan province calling
6 it as an “environmental monster”;¹

7 WHEREAS, according to Provincial Board Member Von Mark Mendoza, an
8 official of the Environmental Management Bureau (EMB) informed provincial
9 officials on 13 September 2021 that the project’s proponent, Iron Ore, Gold and
10 Vanadium Resources (Phils.) Inc., would be extracting 25 million tons of black sand
11 annually;²

12 WHEREAS, the mining site will reportedly cover 10,000 hectares of the
13 Lingayen Gulf off the towns of Sual, Labrador, Lingayen, Binmaley, and Dagupan
14 City;³

15 WHEREAS, the permit granted to the project proponent was reportedly
16 signed by no less than the Executive Secretary himself. According to a document
17 posted on the EMB website, Malacañang approved the project, which is covered by
18 Financial or Technical Assistance Agreement No. 07-2020-IOMR, on 25 November
19 2020. The agreement allows the conduct of large-scale exploration, development and
20 commercial utilization of minerals found within the areas where Vanadium
21 Resources has obtained the exclusive right to extract magnetite sand;⁴

22 WHEREAS, local officials have openly questioned if the project could continue
23 given that Lingayen Gulf had been classified as an environmentally critical area
24 (ECA) in 1993 by President Fidel Ramos by virtue of Proclamation No. 156. This
25 declared that the area would be “devoted to sustain production of fish and other
26 marine products, preserve genetic diversity, protect natural features, and enhance
27 outdoor recreation”;⁵

¹ Sotelo, Y. (25 September 2021). *Pangasinan execs protest massive black sand mining in Lingayen Gulf*. Retrieved 25 September 2021, from <https://newsinfo.inquirer.net/1492563/pangasinan-execs-protest-massive-black-sand-mining-in-lingayen-gulf>

² *Ibid.*

³ *Ibid.*

⁴ *Ibid.*

⁵ Proclamation No. 156, s. 1993

1 WHEREAS, aside from local officials, grassroots organizations have expressed
2 strong opposition to the project. The fishers' group *Pamalakaya* issued a statement
3 on September 13 opposing the project, saying it would entail "devastating impacts"
4 on the livelihood of at least 5,000 small fishers in Pangasinan. *Timek-La Union*, a
5 community organization, is also opposed to the project, noting that fishermen in
6 neighboring La Union province, which shares Lingayen Gulf with Pangasinan, will
7 also be affected by the black sand mining since it can destroy dense mangrove
8 forests;⁶

9 WHEREAS, local concerns surrounding black sand mining projects are
10 further validated in a 2016 study, entitled "*Characterization of Black Sand Mining*
11 *Activities and Their Environmental Impacts in the Philippines Using Remote*
12 *Sensing*". In the study, researchers note that black sand mining disturbs marine and
13 coastal ecosystems and increases erosion and associated geohazards and warn that
14 coastal erosion often continued to affect the areas even decades after cessation of the
15 mining activities;⁷

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

23 WHEREAS, the results of the study highlighted the serious threat posed to
24 coastal towns located near black sand mining activities. Since most mining sites are
25 at low elevation, the rapid subsidence results in high exposure to flooding and
26 seasonal typhoons, and amplifies the effect of climate change–driven sea level rise;⁹

27 WHEREAS, the State is duty-bound to protect the lives and livelihood of its
28 citizens and uphold existing environmental laws and polices over any and all

⁶ Sotelo, Y. (25 September 2021). *Pangasinan execs protest massive black sand mining in Lingayen Gulf*. Retrieved 25 September 2021, from <https://newsinfo.inquirer.net/1492563/pangasinan-execs-protest-massive-black-sand-mining-in-lingayen-gulf>

⁷ 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.

⁸ *Ibid.*

⁹ *Ibid.*

1 transactions and contracts it has entered into with individuals and entities
2 concerning these ECAs;

3 WHEREAS, all activities which tend to negatively impact and destroy the
4 environment must always be preceded by meticulous assessment of their
5 consequences. Environmental impact studies shall also be conducted to aid both the
6 public and private sectors in chartering the course of the activities that involve and
7 affect the environment;

8 WHEREAS, there is a need for the Senate to conduct an inquiry into the
9 detrimental and disastrous effects of the mining project on the marine life and
10 ecosystems of Lingayen Gulf, on which thousands of people and families depend for
11 their livelihood;

12 WHEREAS, the catastrophic event that would be caused by uncontrolled black
13 sand mining would more than offset any presumed economic gain by allowing such
14 activities;

15 WHEREAS, there is need to ensure that any possible permit issued by the
16 government takes into account the totality of impact of black sand mining to the eco-
17 system and the community and that government officials who sign off on the permits
18 undertake to hold themselves fully accountable for ignoring clear red flags in the
19 mining projects;

20 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE, directing the
21 Senate Committee on Environment, Natural Resources and Climate Change to
22 conduct an inquiry, in aid of legislation, on the recently approved black sand mining
23 project in Lingayen Gulf and investigate the reported negative environmental and
24 socioeconomic impacts to local communities and ecosystems in the surrounding
25 coastal areas in the province of Pangasinan.

Adopted,


LEILA M. DE LIMA