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SENATE

P.S. Res. No 146

RECEIVED BY: 

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Introduced by Senator Gregorio B. Honasan II

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RESOLUTION

DIRECTING THE COMMITTEES ON ENVIRONMENT AND NATURAL RESOURCES AND CULTURAL COMMUNITIES TO INQUIRE, LOOK INTO AND INVESTIGATE IN AID OF LEGISLATION, THE ALLEGED LARGE-SCALE ILLEGAL MINING OPERATIONS IN LA FRATERNIDAD, TUBAY, AGUSAN DEL NORTE BY A CERTAIN SR METALS, INC. WITHOUT FIRST SECURING THE REQUIRED CONSENT FROM THE AFFECTED INDIGENOUS PEOPLE (IP) WITHIN THE COVERED ANCESTRAL DOMAIN LAND BEING EXPLOITED AS EMBODIED UNDER THE PROVISIONS OF RA 8371 OR THE INDIGENOUS PEOPLE REFORM ACT (IPRA), WITH THE END IN VIEW OF DETERMINING IF THERE WERE EXPLICIT VIOLATIONS OF THE LAW AND DEPRIVATION OF THE RIGHTFUL SHARE OF CONCERNED INDIGENOUS CULTURAL COMMUNITY (ICC) TO THE MINERAL RESOURCES EXTRACTED FROM THE TRIBE'S ANCESTRAL DOMAIN

WHEREAS, mindful of the vulnerability of the Indigenous People to exploitation in the accelerating age of the modern society, RA 8371 or the Indigenous People Reform Act was passed during the previous Congress with the sole intention of protecting the rights and providing social reform development to the different indigenous cultural communities all over the country;

WHEREAS, in giving importance to the social and economic well-being of the Indigenous People, the IPRA law has clearly defined that the local tribal groups shall have the priority right in harvesting, extraction, development or exploitation of any natural resources covered by their respective ancestral domains;

WHEREAS, in the same law, any non-member of the ICCs or IPs that has intentions of taking part in the development or exploitation of natural resources may do so as long as a formal agreement should first be entered with the local tribal community concerned for a period not to exceed twenty-five (25) years with the privilege to participate in the formulation, implementation and evaluation of policies plans and programs for national, regional and local development which may directly affect the involved ICCs or IPs ;

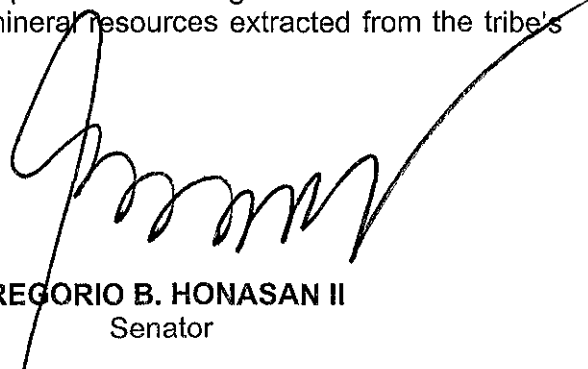
WHEREAS, it is alleged that a certain SR Metals, Inc. has an on-going illegal large scale mining operations in La Fraternidad, Tubay, Agusan Del Norte, a 729 hectare Ancestral Domain Mining Area claimed by the local tribal group known as the descendants of Datu Tubay Clan, wherein the existing application for Mineral Production Sharing Agreement (MPSA) was originally entered into with Basiana Mining Exploration Corporation;

WHEREAS, inspite of the memorandum of agreement which was entered into, and executed by and between SR Metals, Inc. and Basiana Mining Exploration Corporation for a five percent (5%) share of the gross proceeds of the sale of extracted mineral that will benefit the latter and consequently, the affected Indigenous Cultural Community, only a portion far less than the agreed amount has so far been made by the former, thus depriving the tribal community for its rightful claim as guaranteed by the IPRA law;

WHEREAS, aside from the alleged non-securing of consent for mineral resource exploitation from the descendants of Datu Tubay Clan, the tribal group in the mining area in La Fraternidad, Tubay, Agusan Del Norte; no amount of permit was likewise issued to SR Metals, Inc. by the DENR, which is an evident activity of illegal mining;

**NOW THEREFORE, BE IT RESOLVED, AS IT IS HEREBY RESOLVED,** to direct the Committees on Environment and Natural Resources and Cultural Communities to inquire, look into and investigate in aid of legislation, the alleged large-scale illegal mining operations in La Fraternidad, Tubay, Agusan Del Norte by a certain SR Metals, Inc. without securing the required consent from the affected Indigenous People (IP) within the covered ancestral domain land being exploited as embodied under the provisions of RA 8371 or the Indigenous People Reform Act (IPRA), with the end in view of determining if there were explicit violations of the law and deprivation of the rightful share of concerned Indigenous Cultural Community (ICC) to the mineral resources extracted from the tribe's ancestral domain.

Adopted,



**GREGORIO B. HONASAN II**  
Senator