

FOURTEENTH CONGRESS OF THE }
REPUBLIC OF THE PHILIPPINES }
First Regular Session }

8 MAY 10 P.M.

SENATE
P. S. Res. No. 328

RECEIVED BY



Introduced by Senator M. A. Madrigal

RESOLUTION

DIRECTING THE COMMITTEE ON CULTURAL COMMUNITIES TO INVESTIGATE, IN AID OF LEGISLATION, THE MINING EXPLORATION ACTIVITY IN THE DECLARED PROTECTED SEASCAPE AND LANDSCAPE IN PUJADA BAY, COVERING THE VILLAGE OF MACAMBOL IN THE CAPITAL CITY OF MATI, AND MT. HAMIGUITAN IN DAVAO ORIENTAL, THAT THREATENS THE LIFE AND LIVELIHOOD OF THE MANDAYA TRIBE RESIDING IN THE AREA AND TO REVIEW THE UNCHECKED ISSUANCE OF THE MINERAL PRODUCTION SHARING AGREEMENT (MPSA) EVEN WITH QUESTIONABLE FREE PRIOR INFORMED CONSENT (FPIC) FROM THE AFFECTED INDIGENOUS PEOPLES

WHEREAS Eastern Mindanao, in particular the east coast of Davao Oriental, is home to the native tribe of Mandaya with an estimated population of 311,127;

WHEREAS the Mandayas have been applying for a Certificate of Ancestral Domain Title (CADT) covering 14,222 hectares of land in the village of Macambol in the capital city of Mati in Davao Oriental;

WHEREAS Macambol is a coastal area nestled between Pujada Bay, which was declared a protected seascape and landscape in 1994 under Presidential Proclamation 431, and Mt. Hamiguitan, which was declared a wildlife sanctuary in July 2004;

WHEREAS the Australian firm BHP Billiton, the world's largest diversified mining company and the world's third largest producer of nickel, has started conducting large-scale nickel exploration in the above-mentioned area and the neighboring towns of San Isidro and Gov. Generoso, which is feared to affect some 2,000 Mandaya natives;

WHEREAS some sections of Macambol have already been marked for nickel exploration by BHP Billiton, and a Mineral Production Sharing Agreement (MPSA) has already been secured by the company through its subsidiary QNI and the local mining firms Hallmark Mining Corporation and Austral-Asia Mining Corporation;

WHEREAS it is a big question how the mining companies were able to secure the mining permit in a declared protected habitat and biodiversity hot spot;

WHEREAS, the mining permit was issued despite questions on the Free and Prior Informed Consent of the Mandayas;

WHEREAS local residents including majority of the Mandayas maintain that the said exploration activities will destroy the watershed found in the Mt. Hamiguitan range, including major streams that either drain toward the Pujada Bay or the Davao Gulf, and which is their main source of water supply;

WHEREAS Pujada Bay is also home to rare endangered species like the *dugong* or sea cow as well as the sea turtle and sting ray, while Mt. Hamiguitan contains a hundred hectares of the unique "Pygmy Forest" which covers a large part of the wildlife sanctuary, including the 7,000-hectare eagle-nesting corridor that oppositors claim will be adversely affected by mining activity;

WHEREAS already, villagers are complaining about how their water supply is no longer as clear since test drills began last year, particularly in Sitio Supsoyon in Macambol, where BHP Billiton reportedly plans to build its processing site;

WHEREAS many indigenous communities affected by escalating mining operations in other areas in the country echo the protestations of the Mandaya people against the issuance of a Mineral Production Sharing Agreement (MPSA) under the Mining Act which they see as grossly disadvantageous, environmentally disastrous and violative of the indigenous peoples' right to life and livelihood;

WHEREAS the government is bound by the Constitution to "recognize, respect and protect the rights of indigenous cultural communities" and to "consider these rights in the formulation of national plans and policies" (Art. 14, Sec, 17);

THEREFORE, BE IT RESOLVED, AS IT IS HEREBY RESOLVED, TO DIRECT THE COMMITTEE ON CULTURAL COMMUNITIES TO INVESTIGATE, IN AID OF LEGISLATION, THE MINING EXPLORATION ACTIVITY IN THE DECLARED PROTECTED SEASCAPE AND LANDSCAPE IN PUJADA BAY, COVERING THE VILLAGE OF MACAMBOL IN THE CAPITAL CITY OF MATI, AND MT. HAMIGUITAN IN DAVAO ORIENTAL, THAT THREATENS THE LIFE AND LIVELIHOOD OF THE MANDAYA TRIBE RESIDING IN THE AREA AND TO REVIEW THE UNCHECKED ISSUANCE OF THE MINERAL PRODUCTION SHARING AGREEMENT (MPSA) EVEN WITH QUESTIONABLE FREE PRIOR INFORMED CONSENT (FPIC) FROM THE AFFECTED INDIGENOUS PEOPLES

Adopted,


M. A. MADRIGAL