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SENATE
P. S. Res. No. 559

Introduced by SEN. JOSEPH VICTOR G. EJERCITO

RESOLUTION

DIRECTING THE SENATE COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, IN THE IMPACT OF LARGE-SCALE MINING PARTICULARLY IN THE ISLAND OF MANICANI, GUIUAN, EASTERN SAMAR, WITH THE END VIEW OF CRAFTING LEGISLATIVE MEASURES AND OTHER APPROPRIATE INTERVENTIONS FOR THE UTILIZATION, MANAGEMENT, DEVELOPMENT, CONSERVATION AND PROTECTION OF THE ENVIRONMENT

WHEREAS, the 1987 Philippine Constitution Section 16, Article II explicitly provides that, the State shall protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature;

WHEREAS, the Supreme Court in the landmark case of Oposa, et.al. vs. Factoran, pronounced the responsibility of each generation as trustee and guardian of the environment for succeeding generations;¹

WHEREAS, Manicani is a small island in Eastern Samar, with an area of 1,165 hectares and three thousand (3,000) residents;

WHEREAS, in 1992, a Mineral Production Sharing Agreement (MPSA) was granted to Hinatuan Mining Corporation (HMC), an affiliate company of Nickel Asia Corporation (NAC), to mine nickel ore in Manicani. HMC's MPSA nearly covers almost the entire the Manicani excluding only less than a hectare in its area of operation;

WHEREAS, on November 2002, then Department of Environment and Natural Resources (DENR) Secretary Heherson Alvarez suspended HMC's mining operations. As a result, hundreds of thousands of metric tons of nickel ore were abandoned in open stockpiles;

¹ G.R. No. 101083, 30 July 1993.

WHEREAS, reports claim that notwithstanding the temporary cessation of operations, there is a continuous environmental damage to the island because of the sediments from the stockpile which pollutes the surrounding waters and the coral habitat and marine ecosystem. Road construction has also disturbed the wildlife and destroyed some natural habitats;

WHEREAS, on October 9, 2017, Resolution 17-241 was approved during the session of the Sangguniang Panlalawigan of Eastern Samar supporting the renewal of the MPSA of Hinatuan Mining Corporation (HMC);

WHEREAS, Executive Order No. 79, provides that, Manicani Island as an island ecosystem is considered as an area closed to mining applications;

WHEREAS, moreover, by virtue of Presidential Proclamation No. 169, series of 1994, Manicani Island was declared as a protected landscape and seascape category of the National Integrated Protected Areas System (NIPAS) Act of 1992, thereby making it as a "no-go mining zone";

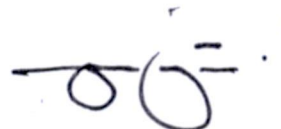
WHEREAS, appeals and protests was made by the residents of Manicani, various environmental groups, non-government organizations (NGOs), peoples organizations (POs), and by the Catholic Bishop Conference of the Philippines (CBCP) to stop the mining operations in the island and lifting of the ban for open-pit mining;

WHEREAS, CBCP claims that, mining has brought damaged not only to the environment and the marine life in the island, but also affecting the livelihood of the residents who are mostly fishermen and farmers;²

WHEREAS, it is the paramount obligation of the State to safeguard the right of all Filipinos to a balanced and healthful ecology;

NOW, THEREFORE, BE IT RESOLVED AS IT IS HEREBY RESOLVED by the Philippine Senate, to direct the Senate Committee on Environment and Natural Resources to conduct an inquiry, in aid of legislation, in the impact of large-scale mining particularly in the island of Manicani, Guiuan, Eastern Samar, with the end view of crafting legislative measures and other appropriate interventions for the utilization, management, development, conservation and protection of the environment.

Adopted,



JOSEPH VICTOR G. EJERCITO

² <http://cbcnews.net/cbcnews/protests-erupt-over-manicani-mining-permit-renewal/>