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REPUBLIC OF THE PHILIPPINES)
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SENATE

RECEIVED BY:

P. S. Res. No. 1036

Introduced by Senator Ralph G. Recto

A RESOLUTION

DIRECTING THE APPROPRIATE SENATE COMMITTEE TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE DREDGING OF SAND AND OTHER AGGREGATES IN LOBO RIVER AND OTHER BODIES OF WATER IN THE COUNTRY, WITH THE END IN VIEW OF STRENGTHENING GOVERNMENT MECHANISMS TO ENFORCE PHILIPPINE MINING LAWS, SAFEGUARDING PHILIPPINE NATIONAL INTERESTS, AND MAINTAINING A BALANCED AND HEALTHFUL ECOLOGY FOR ALL

WHEREAS, Article II Section 16 of the 1987 Constitution mandates the State to protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of natureⁱ;

WHEREAS, Section I, Title XIV, Book IV of Executive Order No. 292 s.1987, otherwise known as the "Administrative Code of 1987" stipulates that the State shall ensure, for the benefit of the Filipino people, the full exploration and development as well as the judicious disposition, utilization, management, renewal and conservation of the country's forest, mineral, land, waters, fisheries, wildlife, off-shore areas and other natural resources, consistent with the necessity of maintaining a sound ecological balance and protecting and enhancing the quality of the environment and the objective of making the exploration, development and utilization of such natural resources equitably accessible to the different segments of the present as well as future generationsⁱⁱ.

WHEREAS, pursuant to Republic Act No. 7942, otherwise known as the "Philippine Mining Act of 1995," the State shall promote the rational exploration, development, utilization and conservation of all mineral resources through the combined efforts of government and the private sector in order to enhance national growth in a way that effectively safeguards the environment and protect the rights of affected communitiesⁱⁱⁱ;

WHEREAS, despite the noble intent of the law, unscrupulous individuals and companies may have been circumventing the Philippine mining laws at the expense of the Filipinos, particularly those in proximity to the country's mineral resources;

WHEREAS, some local and foreign individuals and companies reportedly conduct mining operations in the Philippines with incomplete licenses and permits, particularly on mining sand, gravel, and other aggregates;

WHEREAS, a former Secretary of Justice noted the proliferation of illicit black sand mining, where black sand is "mined illegally in the Philippines, and exported, likewise illegally, to smelters in foreign countries, particularly and foremost of which appears to be China^{iv};"

WHEREAS, Chinese individuals and firms, at times in cahoots with Filipino individuals and companies, have been previously accosted for illegal black sand mining in provinces such as Cagayan^v, Ilocos Sur^{vi}, Camarines Norte^{vii}, Aklan^{viii}, and Zambales^{ix};

WHEREAS, the sand mining operations in Aklan River were allegedly masqueraded as “zero-cost” flood control projects where a local company contracted a foreign vessel to dredge the river in exchange for the right to purchase the aggregates that would be collected^x;

WHEREAS, the dredging project in Lobo appears to follow a similar scheme, where Seagate Engineering and Buildsystems contracted a 2,990-ton hopper-dredger ship registered in Sierra Leone as *M/V Emerald* to dredge about two million cubic meters of materials from Lobo River and nearby estuaries;

WHEREAS, the Seagate Engineering and Buildsystems would reportedly sell the dredged materials for US\$2 per metric ton to Synergy Plus Holdings, Ltd. for the reclamation and construction of the Hong Kong International Airport Three Runway System^{xi};

WHEREAS, there are other public sector projects in the pipeline that incorporate similar activities that would be funded either by the private sector, the government through general appropriations or by foreign entities through official development assistance;

WHEREAS, two (2) of the 75 Infrastructure Flagship Projects of the Duterte Administration incorporate the dredging, de-siltation and extraction of more than 11 million cubic meters of materials from the rivers of Ambal-Simuay, Rio Grande de Mindanao and Pulangi^{xii};

WHEREAS, a mining company is purportedly scheduled to undertake dredging and construction works along Maloma River in Zambales at no cost to the government, in exchange for extracting an estimated 12.12 million cubic meters^{xiii} of lahar from the silted river^{xiv} which would be sold to local and international buyers in need of construction sand^{xv}.

WHEREAS, indiscriminate and unmitigated mining and extraction of materials from coastal and riparian areas have been linked to gradual and sudden land subsidence, reduction of groundwater supply, inland saltwater intrusion, depletion of fisheries and other aquatic resources, and severe flooding;

WHEREAS, sand, gravel and other aggregates are in great local demand for both government projects and private sector activities, given the housing backlog of more than 6.8 million housing units^{xvi}, classroom backlog of 114,000 rooms^{xvii}, farm-to-market road backlog of about 13,000 kilometers^{xviii}, and national road paving backlog of more than 1,300 kilometers^{xix}, among others;

WHEREAS, there is a need to ensure that the disposition and utilization of the country’s natural resources, and the implementation of projects that are public in nature are made in accordance with Philippine laws and in pursuit of our national interests and for the economic and ecological benefit of the Filipino people;

NOW THEREFORE, BE IT RESOLVED, by the Philippine Senate, to direct the appropriate Senate Committee to conduct an inquiry, in aid of legislation, on the dredging of sand and other aggregates in Lobo River and other bodies of water in the country, with the end in view of strengthening government mechanisms to enforce Philippine mining laws, safeguarding Philippine national interests, and maintaining a balanced and healthful ecology for all.

Adopted,


RALPH G. RECTO

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- ⁱ Republic of the Philippines. (1987). *Constitution of the Republic of the Philippines*. Quezon City: Republic of the Philippines.
- ⁱⁱ Republic of the Philippines. (1987). *Administrative Code of 1987*. Manila: Republic of the Philippines.
- ⁱⁱⁱ Republic of the Philippines (1995). Republic Act No 7942: Philippine Mining Act of 1995. Manila: Republic of the Philippines.
- ^{iv} De Lima, Leila M. (2015 July 21). *On the Occasion of the Third Forum of Women Leaders on Biodiversity Conservation* [Transcript]. Accessed from <https://www.doj.gov.ph/files/2015/speeches/Third%20Forum%20of%20Women%20Leaders%20on%20Biodiversity%20Conservation.pdf> on 5 April 2019.
- ^v Lagasca, Charlie. (2012 November 4). "14 Chinese arrested for illegal mining." Accessed from <https://www.philstar.com/nation/2012/11/04/863048/14-chinese-arrested-illegal-mining> on 5 April 2019.
- ^{vi} Valencia, Czeriza. (2013 June 12). "MGB stops operations of 3 Chinese black sand mining firms." *ABS-CBN News*. Accessed from <https://news.abs-cbn.com/business/06/12/13/mgb-stops-operations-3-chinese-black-sand-mining-firms> on 5 April 2019.
- ^{vii} Manila Times (2014 February 7). "14 Chinese national arrested for illegal black sand mining activity in Camarines Norte." Accessed from <https://www.manilatimes.net/14-chinese-national-arrested-for-illegal-black-sand-mining-activity-in-camarines-norte/73828> on 5 April 2019.
- ^{viii} Mayuga, Jonathan L. (2017 February 1). "DENR stops 'dredging' in Aklan River; 15 Chinese nationals held on suspicion of black-sand mining." *Business Mirror*. Accessed from <https://businessmirror.com.ph/2017/02/01/denr-stops-dredging-in-aklan-river-15-chinese-nationals-held-on-suspicion-of-black-sand-mining> on 5 April 2019.
- ^{ix} Cabalza, Dexter. (2017 May 23). "Foreigners nabbed for black sand extraction in Zambales." *Inquirer.net*. Accessed from <https://newsinfo.inquirer.net/898560/foreigners-nabbed-for-black-sand-extraction-in-zambales> on 5 April 2019.
- ^x Zaragosa, Bea. (2016 November 30). "Chinese vessel to dredge Aklan River." *ABS-CBN News*. Accessed from <https://news.abs-cbn.com/news/11/29/16/chinese-vessel-to-dredge-aklan-river> on 5 April 2019.
- ^{xi} Cinco, Maricar. (2019 April 5). "Chinese-crewed dredging ship moves out of Lobo waters." *Inquirer.net* Accessed from <https://newsinfo.inquirer.net/1103447/chinese-crewed-dredging-ship-moves-out-of-lobo-waters> on 5 April 2019.
- ^{xii} National Economic Development Authority – Project Facilitation Monitoring and Innovation (PFMI) Task Force submission on the status of the 75 Infrastructure Flagship Projects as of 31 January 2019.
- ^{xiii} Environmental Management Bureau. (2018 July). Maloma River Dredging Project: Executive Summary for Publication. *Environmental Management Bureau*. Accessed from http://eia.emb.gov.ph/wp-content/uploads/2018/07/ESP-Maloma-Dredging-Project_final.pdf on 5 April 2019.
- ^{xiv} Magkilat, Bernie Cahiles (2018 November 5). "Dredging firm partners with 2 giant contractors." *Manila Bulletin*. Accessed from <https://business.mb.com.ph/2018/11/04/dredging-firm-partners-with-2-giant-contractors> on 5 April 2019.
- ^{xv} Manila Standard. (2018 November 4). "Miner Spartan foots bill for river dredging." *Manila Standard*. Accessed from <http://manilastandard.net/lgu/luzon/279679/miner-spartan-foots-bill-for-river-dredging.html> on 5 April 2019.
- ^{xvi} Clapano, Jose Rodel. (2019 January 7). "Government urged: Resolve housing backlog." *Philippine Star*. Accessed from <https://www.philstar.com/nation/2019/01/07/1882858/government-urged-resolve-housing-backlog> on 5 April 2019
- ^{xvii} Geronimo Jee Y. (2017 June 10). "How DepEd plans to address PH classroom shortage." *Rappler Philippines*. Accessed from <https://www.rappler.com/nation/172372-deped-address-ph-classroom-shortage> on 5 April 2019.
- ^{xviii} Ignacio, Reicelene Joy N. (2019 January 7). "Farm road backlog estimated at 13,000 km." *BusinessWorld*. Accessed from <https://www.bworldonline.com/farm-road-backlog-estimated-at-13000-km> on 5 April 2019.
- ^{xix} Department of Public Works and Highways. DPWH Atlas 2018. *Department of Public Works and Highways*. Accessed from <http://www.dpwh.gov.ph/dpwh/2018%20DPWH%20ATLAS> on 5 April 2019.