

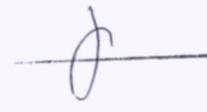
EIGHTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



'19 AUG 27 P5:54

SENATE

P. S. Res. No. 118

RECEIVED BY 

Introduced by Senator Ralph G. Recto

RESOLUTION

DIRECTING THE APPROPRIATE SENATE COMMITTEE TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE DREDGING OF SAND AND OTHER AGGREGATES FROM VARIOUS BODIES OF WATER IN THE PHILIPPINES, 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

- 1 WHEREAS, the Constitution mandates the State to protect and advance the
- 2 right of the people to a balanced and healthful ecology in accord with the rhythm and
- 3 harmony of nature;
- 4 WHEREAS, Executive Order No. 292 s.1987, otherwise known as the
- 5 "*Administrative Code of 1987*" stipulates that the State shall ensure, for the benefit of
- 6 the Filipino people, the full exploration and development as well as the judicious
- 7 disposition, utilization, management, renewal and conservation of the country's forest,
- 8 mineral, land, waters, fisheries, wildlife, off-shore areas and other natural resources,
- 9 consistent with the necessity of maintaining a sound ecological balance and protecting
- 10 and enhancing the quality of the environment and the objective of making the
- 11 exploration, development and utilization of such natural resources equitably accessible
- 12 to the different segments of the present as well as future generations;
- 13 WHEREAS, pursuant to Republic Act No. 7942, otherwise known as the
- 14 "*Philippine Mining Act of 1995*," the State shall promote the rational exploration,
- 15 development, utilization and conservation of all mineral resources in order to enhance
- 16 national growth in a way that effectively safeguards the environment and protect the
- 17 rights of affected communities;

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

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

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

11 WHEREAS, Chinese individuals and firms, at times in cahoots with Filipino
12 individuals and companies, have been previously accosted for illegal black sand mining
13 in provinces such as Cagayan, Ilocos Sur, Camarines Norte, Aklan, and Zambales;

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

18 WHEREAS, dredging projects in other bodies of water appear to follow a similar
19 scheme, where a company would offer "free" dredging services in exchange for the
20 materials extracted or the preferential right to purchase the collected aggregates from
21 the government;

22 WHEREAS, the botched dredging project in Lobo River by Seagate Engineering
23 and Buildsystems in April 2019 would have dredged two (2) million cubic meter of
24 aggregates from the Lobo River and other nearby estuaries, which the company would
25 reportedly sell for US\$2 per metric ton to Synergy Plus Holdings, Ltd.;

26 WHEREAS, the Provincial Government of Cagayan entered into an agreement
27 with Pacific Offshore Exploration Inc. in June 2019 to dredge Cagayan River in
28 exchange for the aggregates to be collected therein;

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

1 WHEREAS, two (2) of the seventy-five (75) Infrastructure Flagship Projects of
2 the Duterte Administration incorporates the dredging, de-siltation and extraction of
3 more than 11 million cubic meters of materials from the rivers of Ambal-Simuay, Rio
4 Grande de Mindanao and Pulangi;

5 WHEREAS, Spartan Mining and Development Corp. is scheduled to undertake
6 dredging and construction works along Maloma River in Zambales at no cost to the
7 government, in exchange for extracting an estimated 12.12 million cubic meters of
8 lahar from the silted river which would be sold to local and international buyers;

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

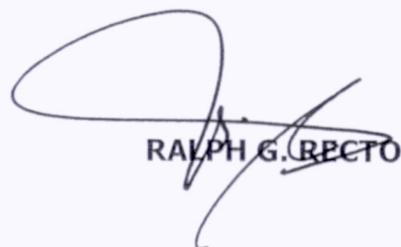
13 WHEREAS, sand, gravel and other aggregates are in great local demand for
14 both government projects and private sector activities, given the housing backlog of
15 more than 6.8 million housing units, classroom backlog of 114,000 rooms, farm-to-
16 market road backlog of about 13,000 kilometers, and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

18 WHEREAS, there is a need to ensure that the disposition and utilization of the
19 country's natural resources, and the implementation of projects that are public in
20 nature are made in pursuit of the Philippine national interests and for the economic
21 and ecological benefit of the Filipino people: Now, therefore, be it

22 RESOLVED BY THE SENATE, as it is hereby resolved, To direct the appropriate
23 Senate committee to conduct an inquiry, in aid of legislation, on the dredging of sand
24 and other aggregates from various bodies of water in the Philippines, with the end in
25 view of strengthening government mechanisms to enforce Philippine mining laws,
26 safeguarding Philippine national interests, and maintaining a balanced and healthful
27 ecology for all.

Adopted,

/mdg


RALPH G. RECTO