

FILE COPY

SENATE

P.S. Resolution No. 436

Introduced by Senator M.A Madrigal

A RESOLUTION

DIRECTING THE COMMITTEE ON CULTURAL COMMUNITIES AND THE COMMITTEE ON YOUTH, WOMEN AND FAMILY RELATIONS TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, INTO THE POSSIBLE DISPLACEMENT OF THE "TABOYS", A VANISHING INDIGENOUS CULTURAL COMMUNITY FROM THE ISLAND OF RAPU-RAPU, AS WELL AS THE LONG-TERM DELETERIOUS EFFECTS OF RAMPANT MINING ACTIVITIES ON THEM, PARTICULARLY ON THE MOST VULNERABLE MEMBERS OF THE POPULATION CONSISTING OF WOMEN AND CHILDREN, WITH THE END IN VIEW OF RECOMMENDING APPROPRIATE REMEDIAL LEGISLATION

WHEREAS, Section 22, Article II of the 1987 Philippine Constitution provides that the State recognizes and promotes the rights of indigenous cultural communities within the framework of national unity and development;

WHEREAS, Section 16, Article II of the Constitution declares 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, Section 2, paragraph (c) of Republic Act 8371, or the Indigenous Peoples Rights Act (IPRA), provides that the State shall recognize, respect and protect the rights of indigenous cultural communities to preserve and develop their cultures, traditions and institutions, and that it shall consider these rights in the formulation of national laws and policies;

WHEREAS, Rapu-Rapu Island ("Rapu-Rapu") in Albay Province is a main gateway to the Pacific Ocean and serves as the natural breakwater of the Albay gulf;

WHEREAS, Rapu-Rapu is home to one of the vanishing populations of indigenous peoples in the country called the "Taboys", who come from a sub-tribe of the Agtas of Bicol;

WHEREAS, fishing and farming have been the main sources of livelihood for the inhabitants of Rapu-Rapu, especially of the "Taboys";

WHEREAS, the total land area of Rapu-Rapu is approximately 5,589 hectares, roughly 80% (or about 4,486.46 hectares) of which are earmarked for mining operations;

WHEREAS, on October 2005, or barely four months after the commencement of mining operations of the Australian mining firm Lafayette Mining, Inc. ("Lafayette"), a major toxic spill has already occurred in the waters of Rapu-Rapu, thereby spreading various toxic substances to the rivers and surrounding seas and consequently endangering human, animal and plant life;

WHEREAS, reports have revealed that the spill contained alarming levels of concentration of cyanide and other highly toxic chemicals;

WHEREAS, the University of the Philippines' Environmental Engineering Department, in particular, found that sediments surrounding the Lafayette mine contained toxic heavy metals like mercury, lead, cadmium and arsenic, along with selenium, copper, chromium, barium, nickel and zinc;

WHEREAS, mercury is a neurotoxin that damages the brain, causes cancer, and may even induce abortion among pregnant women;

WHEREAS, the toxic waste caused by the spill likewise resulted in large fish kills, which have greatly affected the primary sources of livelihood of the island's inhabitants, particularly of the "Taboys" who rely mainly on small-scale fishing and farming;

WHEREAS, a growing number of "Taboys" and the island's inhabitants have refused to eat fish due to the widespread fear of food poisoning;

WHEREAS, the Pollution Adjudication Board, notwithstanding the palpably deleterious effects of the toxic spill, has imposed upon Lafayette the payment of a grossly disproportionate fine amounting to a mere PhP10.7 million, which fine Lafayette continues to contest and callously refuses to pay;

WHEREAS, the magnitude of the toxic spill will not only affect the present but the succeeding generations of Rapu-Rapu's inhabitants, especially of the "Taboys", the most vulnerable members of which consist of women and children;

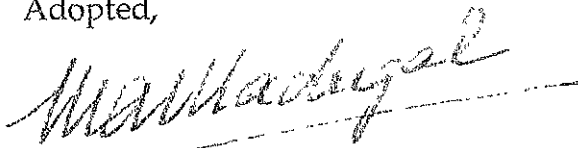
WHEREAS, the Arroyo administration's mining policy has been demonstrably shown to not only be anti-Filipino but, more so, anti-life;

WHEREAS, however much the present administration sees and touts mining as a means to purportedly propel the country's economy and elevate it as the "5th mining power in the world," such policies continue to cause grave and irreparable damage to, and should definitely not be carried out at the expense of endangering, human life and other equally invaluable life forms;

WHEREAS, there is an imperative need to seriously reassess the State's mining policy, taking into consideration the plight of the most affected, especially the women and children, as well as those belonging to the indigenous cultural communities;

NOW THEREFORE, BE IT RESOLVED, AS IT IS HEREBY RESOLVED, TO DIRECT THE COMMITTEE ON CULTURAL COMMUNITIES AND THE COMMITTEE ON YOUTH, WOMEN AND FAMILY RELATIONS TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, INTO THE POSSIBLE DISPLACEMENT OF THE "TABOYS", A VANISHING INDIGENOUS CULTURAL COMMUNITY FROM THE ISLAND OF RAPU-RAPU, AS WELL AS THE LONG-TERM DELETERIOUS EFFECTS OF RAMPANT MINING ACTIVITIES ON THEM, PARTICULARLY ON THE MOST VULNERABLE MEMBERS OF THE POPULATION CONSISTING OF WOMEN AND CHILDREN, WITH THE END IN VIEW OF RECOMMENDING APPROPRIATE REMEDIAL LEGISLATION.

Adopted,

A handwritten signature in cursive script, appearing to read "M.A. Madrigal", written over a horizontal line.

~~M.A. MADRIGAL~~