

THIRTEENTH CONGRESS )  
REPUBLIC OF THE PHILIPPINES )  
THIRD REGULAR SESSION )

6 SEP 27 1951

SENATE

RECEIVED BY:           

P. S. Resolution No. 571

Introduced by Senator M. A. Madrigal

RESOLUTION

DIRECTING THE COMMITTEE ON LOCAL GOVERNMENT TO CONDUCT AN INVESTIGATION, IN AID OF LEGISLATION, INTO THE RESPECTIVE LIABILITIES OF, AND CONFLICT IN JURISDICTION AND AUTHORITY BETWEEN, THE LOCAL GOVERNMENT OF THE PROVINCE OF BULACAN AND THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES, IF ANY, IN CONNECTION WITH THE GRANT OF A MINING PERMIT TO ROOSEMOOR DEVELOPMENT MINING CORPORATION (RDMC), WITH THE END IN VIEW OF ENACTING REMEDIAL LEGISLATION.

**WHEREAS**, Section 2 of the Local Government Code expressly mandates that, "all national agencies and offices (conduct) periodic consultations with appropriate local government units, non-governmental and peoples organizations, and other concerned sectors of the community before any project or program is implemented in their respective jurisdictions";

**WHEREAS**, Section 26 of the Local Government Code likewise provides that it shall be the duty of every national agency "involved in the planning and implementation of any project or program that may cause pollution, climatic change, depletion of non-renewable resources, loss of cropland, rangeland, or forest cover, and extinction of animal or plant species, to consult with the local government units" concerned and "explain the goals and objectives of the project or program, its impact upon the people and the community in terms of environmental or ecological balance, and the measures that will be undertaken to prevent or minimize the adverse effects thereof";

**WHEREAS**, Sections 289 and 290 of the Local Government Code, as well as Section 82 of the Philippine Mining Act of 1995, explicitly state that "local government units shall have an equitable share in the proceeds derived from the utilization and development of the national wealth within their respective areas," particularly "a share of forty percent (40%) of the gross collection derived by the national government from the preceding fiscal year from mining taxes and such other taxes, fees, or charges, including related surcharges, interests, or fines, and from its share in any co-production, joint venture or production sharing agreement in the utilization and development of the national wealth within their territorial jurisdiction";

**WHEREAS**, *Biak-na-Bato* was declared a national shrine and park by virtue of Presidential Proclamation No.223, covering an area of 2,117 hectares situated in the municipalities of San Miguel and Doña Remedios Trinidad;

**WHEREAS**, Rosemoor Development Mining Corporation (RDMC) is the holder of a Mineral Production Sharing Agreement (MPSA) issued by the Department of Environment and Natural Resources (DENR), which MPSA granted RDMC the authority to undertake mining and marble quarrying operations even over areas covered by the *Biak-na-Bato* national shrine;

**WHEREAS**, the MPSA was reportedly issued by the DENR without the required consultations with, and endorsements from, the concerned local government units, non-governmental and peoples organizations, and other sectors of the communities;

**WHEREAS**, the Provincial Government of Bulacan, pursuant to a resolution of the *Sangguniang Panlalawigan*, eventually filed a case for the cancellation of the MPSA by reason of the aforesaid non-compliance with the requirements for its issuance;

**WHEREAS**, the municipalities of San Miguel and Doña Remedios Trinidad have likewise not received the mandated forty percent (40%) share from the gross collections of the national government from mining taxes, royalties and fees;

**WHEREAS**, there is an imperative need to investigate the respective liabilities of the DENR and RDMC in favor of the affected local government units in light of their purported failure to comply with the pertinent provisions of the Local Government Code, the Philippine Mining Act of 1995 and other applicable laws and government regulations;

**NOW THEREFORE, BE IT RESOLVED, AS IT IS HEREBY RESOLVED, TO DIRECT THE COMMITTEE ON LOCAL GOVERNMENT TO CONDUCT AN INVESTIGATION, IN AID OF LEGISLATION, INTO THE RESPECTIVE LIABILITIES OF, AND CONFLICT IN JURISDICTION AND AUTHORITY BETWEEN, THE LOCAL GOVERNMENT OF THE PROVINCE OF BULACAN AND THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES, IF ANY, IN CONNECTION WITH THE GRANT OF A MINING PERMIT TO ROOSEMOOR DEVELOPMENT MINING CORPORATION (RDMC), WITH THE END IN VIEW OF ENACTING REMEDIAL LEGISLATION.**

Adopted,

  
M.A. MADRIGAL