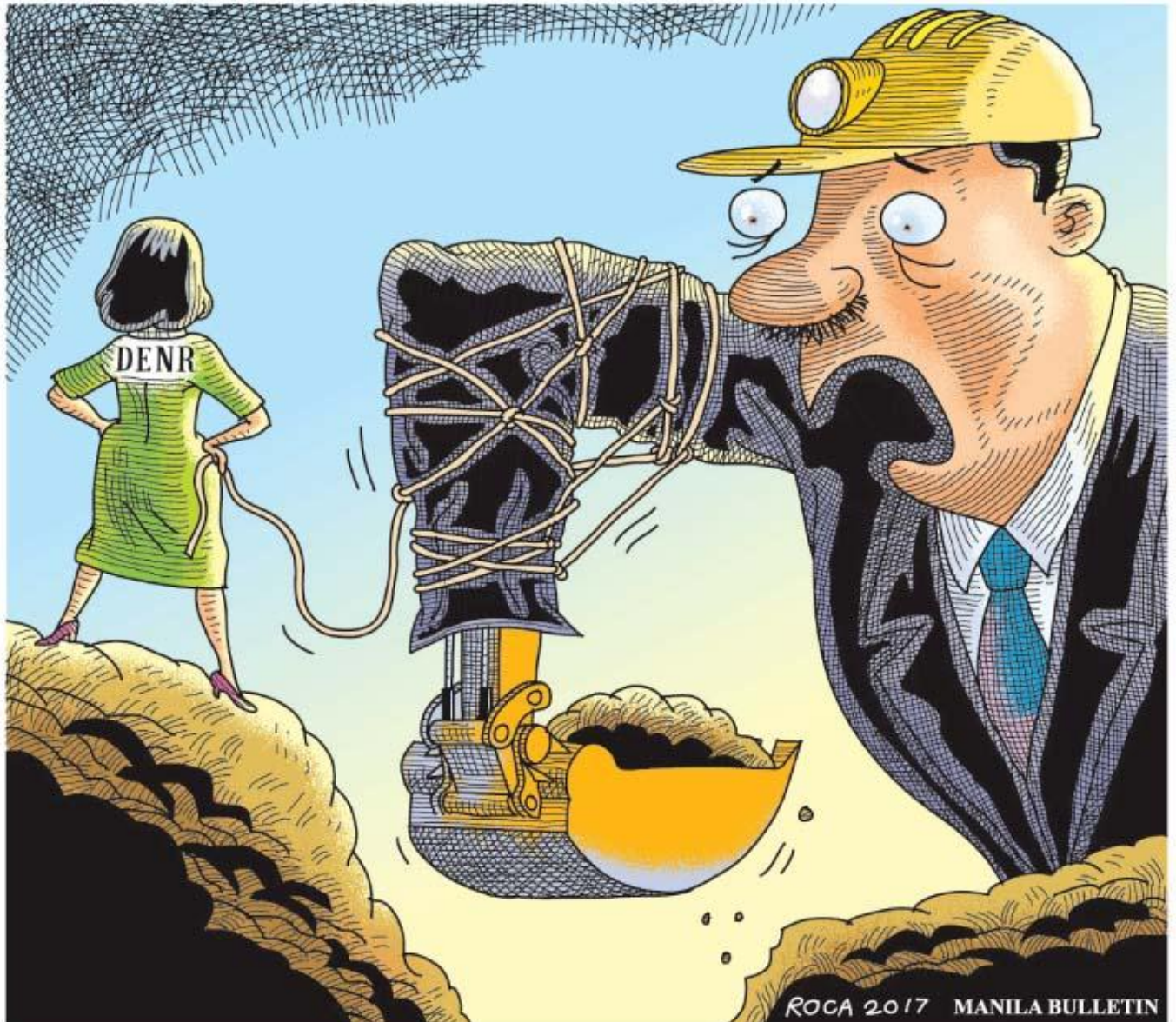


Ensure due process in environmental drive

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The Department of Environment and Natural Resources cancelled on February 2 the permits of 23 metal mines and suspended those of five others for various violations of environmental law. The 23 firms had reportedly encroached on watersheds, leaking wastes into rivers.

Two weeks later, the DENR cancelled 75 mining contracts, including those for three of the biggest projects in the country – the \$5.9-billion Tampakan project in South Cotabato, the \$2-billion Kingking project in Davao

del Norte, and the \$2.9-billion Silangan project in Surigao del Norte. All the cancelled projects are in watershed zones, Secretary Gina Lopez said.

As in the case of the 23 closed mines, the 75 cancelled contracts drew protests not only from the mining companies but also from some members of Congress. The DENR action, it was charged, was “wreaking havoc” on the national economy, but the objections centered on the DENR’s alleged failure to observe due process and fairness in its decisions.

Congressmen Allen Mangaoang of Kalinga and Anthony Bravo of party-list Coop-Natcco filed House resolution 756 to inquire into the DENR actions. They pointed out that the department had immediately closed and suspended the mining companies instead of allowing them to institute corrective measures.

The Philippine Mining Act of 1995 has a provision giving a mining company a reasonable time to correct a violation. There is also a Miners Production Sharing Agreement which provides that in any audit of a mining firm, it is allowed to have an official join the audit team and, then, if violations are found, to rectify the violations.

The DENR actions have focused national attention on environmental issues related to mining. There is a move to replace the Mining Act of 1995 which national environmental organization Kalikasan considers the root of current problems.

In the meantime, it will be best to carry out the campaign with due respect for existing laws and regulations, keeping in mind the case of former President Benigno S. Aquino III who cancelled a Belgian firm’s P18.7-billion Laguna Lake Rehabilitation Project in 2011. The Belgian firm sued the Philippines before the International Center for the Settlement of Investment Disputes. Last January 23, the center ruled that the Philippines must pay P800 million to the Belgian firm for what it had already invested plus interest since 2011.

Many of the mining companies whose contracts are now being cancelled may well take the same course of action, having invested much more in their mining projects. It will be best to ensure that all legal requirements are met as Secretary Lopez proceeds with her campaign for the environment.

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