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2017 saw D.E.N.R. heightening environmental stewardship despite leadership change

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Sweeping changes in both the leadership of the Department of Environment and Natural Resources (DENR) and policies affecting Philippine flora and fauna marked the year 2017.

Former Environment Secretary Regina Paz L. Lopez had zeroed in on mining, a sector often criticized for causing “massive” environmental destruction and degradation. Lopez shuttered mining operations and had banned open-pit mining.

An environmental advocate and known critic of large-scale mining, Lopez’s crackdown on irresponsible mining and destructive development projects continued until her last few days in office.

In January to May, under Lopez’s as stewardship of the DENR, she continued to issue policy pronouncements that heavily favored environmental protection and biodiversity conservation, adversely affecting large-scale mining operations.

Lopez kicked off 2017 with an announcement that an interagency task force that would protect the right of indigenous peoples (IPs) over their ancestral lands was created.

Special Order 2016-761 establishing the Indigenous Peoples’ Inter-Agency Task Force composed of the DENR, its corporate arm the Natural Resources Development Corp. (NRDC) and the National Commission on Indigenous Peoples (NCIP), provides a new mechanism to protect the rights of IPs as they exercise their Free and Prior Informed Consent (FPIC), a requirement under Republic Act (RA) 8371, or the Indigenous Peoples’ Rights Act (IPRA).

This follows her promise to use the DENR's fund for the National Greening Program (NGP) to uplift the lives of upland dwellers, including IPs. Two days later, on January 3, Lopez bared her policy on the issue of small-scale mining to the BusinessMirror, saying that she is not keen on approving new Minahang Bayan, where small-scale gold processing is allowed under the law.

She added that if she would have it her way, she would rather see small-scale miners having alternative sources of income and livelihood revolving around the protection and conservation of the environment, and promote sustainable development based on ecologically sound economic activities, such as agri-forestry and ecotourism.

On January 9 the feisty Lopez yet again issued a controversial policy pronouncement toughening her stance on the issuance of environmental compliance certificates (ECCs) for environmentally critical projects. She ordered a comprehensive review of all ECCs granted by her predecessor prior to her appointment to the top DENR post in the second half of 2016. This put on the spotlight 800 ECCs.

The order also centralized the processing of ECC applications, in effect, clipping the powers of DENR regional offices in granting ECCs in their respective jurisdictions. The order is covered by department administrative order (DAO) 2017-04, titled "The amendment of DAO 2016-07 dated May 19, 2016, on manual of authorities on technical matters."

At the same time her announcement also saw 10 companies having been issued show-cause orders as a result of the initial findings of a team conducting the ECC audit a month before.

Prior to the issuance of the show-cause orders, the DENR has issued ECC cancellation orders for several mining projects within or near watersheds.

The following week, on January 17, the DENR chief caused the cancellation of four mining projects and two other development projects because of their potential hazard that may compromise important watersheds.

Questioning the anti-mining policy of Lopez, the Chamber of Mines of the Philippines (COMP) announced on February 5 its decision to bring up the issue to Malacañang, to appeal to President Duterte about the plight of large-scale mining companies, warning the highest official of the land of the risk of losing potential investors.

The appeal was made in response to Lopez's decision to issue closure or suspension orders affecting 23 large-scale mining operations a few months after issuing the mine audit in the last quarter of 2016.

Claiming that the industry is fighting for its life, the COMP, which represents the industry's big players, also issued a similar appeal to the Mining Industry Coordinating Council (MICC), seeking to set aside Lopez's orders which they said was made arbitrarily by the DENR chief, in some cases, ignoring even the recommendations of the mine audit teams.

Determined to convince the Duterte administration of its commitment to responsible mining, COMP said it also supports Lopez's campaign but insisted that its members are compliant of the various requirements to operate the mines as mandated by RA 7942, or the Philippine Mining Act of 1995, Executive Order 79, as well as other DENR administrative orders, such as the ISO 14001 certification, which is a seal of excellence in environmental management specifically for mining.

On February 14, however, Lopez went on with her campaign against mining, this time, ordering the cancellation of 75 mineral production sharing agreements (MPSAs) and one financial and/or technical assistance agreement (FTAA) for inactive mining projects within or near watersheds, a move hailed by environmental groups but again, criticized by mining proponents.

Justifying her decisions and further asserting her conviction that the economy will grow even without mining through sustainable management of the country's natural resources and conservation of its rich biodiversity, Lopez launched the DENR-United States Agency for International Development (USAID) P1.2-billion biodiversity-conservation project called "Protect Wildlife Project." The project highlights the need to fight threats posed by wildlife trafficking, illegal fishing, land-use conversion, irresponsible mining and indifference of stakeholders. As Lopez was relentless in her campaign, the COMP

mounted a campaign against the DENR chief, officially declaring its opposition to her appointment before the CA.

The COMP slapped Lopez with graft charges through then-COMP Chairman Art Dissini and Vice President for Policy and Legal Ronald Recidoro before the Office of the Ombudsman against for alleged violation of RA 3019, or the Anti-Graft and Corrupt Practices Act; and RA 6713, or the Code of Conduct and Ethical Standards for Public Officials and Employees.

Lopez, the sole respondent in the case, allegedly acted without due process in ordering and publicly announcing the closure of 23 mines and suspending five others.

Unfazed by the strong opposition in her confirmation by the CA, Lopez rolled out an Integrated Area Development Plan (IADP) for Aroroy, a gold-rich town in Masbate province in partnership with Filiminera Resources Corp., Philippine Gold Processing and Refining Corp. and the local government unit of Aroroy.

The IADP, the first accord under the DENR DAO 2017-02 signed by Lopez, calls for the formulation and implementation of a six-year Sustainable Integrated Area Development (SIAD) Action Plan by the government, civil society and the private sector.

The SIAD is “an approach, a strategy and a guiding philosophy that weaves environmental considerations with social justice and human development” and is aimed at applying area-based interventions and concepts on natural resources development programs.

This was followed by the launching of Lopez’s pet project, the promotion of “green economy models” (GEMs) to provide a transition to the agency’s programs and projects to give premium to the environment while providing well-paying and decent jobs to communities.

DAO 2017-08 signed by Lopez contains the guidelines for the shift to GEMs, where community members could create sustainable goods and services for the rehabilitation of degraded ecosystems.

Lopez, a staunch environmental advocate before her assumption to top DENR post, said shifting to a green economy will create opportunities for inclusive growth, job creation and poverty reduction.

Among the development and rehabilitation activities to be undertaken under the GEMs are the Enhanced National Greening Program, with focus on the expansion of bamboo and mangrove plantations, the biochar program, the Sustainable Coral Reef Ecosystems Management Program, the Coastal and Marine Environment Program and the National Ecosavers Program.

Other activities include ecotourism, mining rehabilitation, pollution mitigation and bioremediation, which is a natural technique in waste management that utilizes the organisms to remove pollutants from a contaminated site.

While enjoying the support of environmental groups and advocates, Lopez's decision to bring in her own team as "consultants" earned the ire of rank-and-file employees of the DENR.

The feeling of fear and resentment—fear of getting transferred, or eventually losing their position or worse— jobs that started as a quiet "emotional outburst" among rank-and-file employees triggered by a show-cause order and transfer order affecting two employees—Miriam M. Marcelo, the chief of the personnel division, and Rolando R. Castro, a supervisor at the same unit—exploded with walkout on April 10 and 11.

While silent protest, where employees reported for work clad in black, and the one-hour protest the following day during lunch break was not meant to block Lopez's confirmation by the CA, it did not escape the knowledge of the members of the CA who brought up the issue of sweeping demoralization by her decision to put in floating status several DENR officials and employees.

Last April, a few days before her rejection, Lopez issued DAO 2017-10 banning prospective open-pit mining for select ores—gold, copper, silver and complex ores.

Lopez was eventually rejected by the CA last May, declared by her supporters as "a sad day for the environment," giving miners renewed hope.

While resenting Lopez's rejection by the CA, Duterte named Cimatu as her replacement and a turn-over was held, which saw the former Armed Forces of the Philippines chief of staff taking over the DENR.

COMP has vowed to lobby for the reversals of what they describe as Lopez's anti-mining policies through Cimatu.

In his acceptance speech, Cimatu vowed to listen to all voices and make full use of the power and resources of his office to ensure that various concerns will be properly and judiciously addressed.

Cimatu's first official act was to strengthen the security protocol of the DENR for the protection of the agency's officials and employees. The media-shy Cimatu coursed the order through a memorandum, wherein employees were reminded to strictly observe existing security protocol prohibiting the publication or giving out of mobile numbers, residence address and residence telephone number/s of DENR officials and personnel.

A memorandum, dated May 15, 2017, signed by Environment Undersecretary for Administration, Finance and Management Demetrio L. Ignacio Jr. claimed that several reports have been received regarding attempts, such as extortion from DENR officials, personnel and external clients, by criminal elements who appear to be taking advantage of the transition period in the agency.

The order is anchored on RA 6713, otherwise known as the Code of Conduct and Ethical Standards for Public Officials and Employees, which prescribes a policy of full public disclosure of all its transactions involving public interests.

Within a few weeks upon taking over as the DENR's top official, Cimatu gave a mining company operating in Brooke's Point, Palawan, Ipilan Nickel Corp., a taste of his resolve to discipline erring mining companies. He ordered the company to stop its tree-cutting activities within and outside its mining tenement, earning the official praise for the decision.

But the support for Cimatu easily waned after in the first week of July, the DENR chief ordered to restore the ECC processing function to DENR regional offices, a reversal to Lopez's order that centralizes ECC processing.

DAO 2017-18 signed by Cimatu aims to address the problem brought about by Lopez's order as part of a review process covering the hundreds of ECCs granted or approved by DENR regional offices.

With Cimatu's order, the processing of pending ECC online and/or manual applications can now proceed pursuant to Administrative Order 42, Series 02 and DAO 2016-07. The order also tasked the Environmental Management Bureau, which is processing the ECC applications, to undertake a further review of the environmental impact-assessment procedures and policies and to recommend to the DENR secretary possible amendments or revisions.

Cimatu, on July 25, and apparently taking the cue from President Duterte, vowed to prioritize environmental protection over mining interest.

Cimatu cited Duterte's very strong point in his second State of the Nation Address with his pronouncement that the protection of the environment must be made a priority over benefits derived from mining.

To ensure responsible mining, he said the DENR will strictly enforce mining and environmental laws.

Cimatu also took on the issue of illegal logging, and bared plans during one of the executive committee meetings within the DENR of the idea of arming forest- protection officers for their own protection against armed groups engaged in illegal logging and wildlife- trafficking activities. The plan, however, is still under review and consideration.

Mining operations found violating laws, rules and regulations, Cimatu added, would have to pay the price for damages caused, through payment of fines, suspensions or outright closure.

Under his watch, mining companies are relieved and have seen a renewed hope of revival for the industry that severely suffered from Lopez's 10-month crackdown.

All eyes are on the new DENR chief as he is set to decide on a number of policy pronouncements and orders issued by his predecessors, including the mine closure and suspension orders, the cancellation of the 75 MPSAs and 1 FTAA and the ban on open-pit mining.

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