

Mining firms question Lopez's order

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Environment and Natural Resources Secretary Regina Lopez. INQUIRER FILE PHOTO / GRIG C. MONTEGRANDE

Some mining firms are questioning Environment Secretary Gina Lopez's order requiring suspended mining companies to put up multimillion trust funds for the rehabilitation of their mining areas before they would be allowed to remove their stockpiles from their mine sites.

The new trust fund is separate from and on top of the existing rehabilitation trust fund set up by the government as required under Article 71 of the Republic Act No. 7942 and DENR Administrative Order No. 2010-10.

In a memorandum last Jan. 30, Lopez ordered all suspended mining firms to each open a trust fund account in the amount of P2 million for every hectare of disturbed land before they are allowed to remove their stockpiles from mining areas and given export permits.

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“This office is allowing the removal of said stockpiles on condition that the following requirements are complied with (that) (t)he mining contractor concerned shall place in a trust fund the amount of P2 million per hectare of disturbed land, to be used to further mitigate the adverse impacts of the operation to the environment and to the actual communities,” Lopez said.

Suspended mining firms were reported to have been required to put up trust funds ranging from P150 million to P300 million depending on the volume or area of affected mining sites before they were allowed to remove their stockpiles and be issued an export permit.

At least eight suspended firms complied with the order and were allowed to remove and ship out the ores.

However, some mining firms questioned the order for being redundant and burdensome since most of them mine large tracts of land.

Aside from the trust fund, suspended mining firms were also required to deposit P1 million to the fund for every ore shipment. However, there was no such requirement under DENR Memorandum Order No. 2010-07 or previous guidelines before a mineral ore export permit is granted.

Mining firms were likewise subjected to the guidelines set up by Lopez in the creation of the trust fund, including the setting of a nongovernment organization (NGO), its members, the recipients of the trust fund and the drafting of all company documents.

In one case, a suspended mining firm was ordered to hire a lawyer from a favored outfit to handle all the documents pertinent to the trust fund and its recipient NGO, including the provision that in the event of a corporate failure, the entire trust fund would be turned over to two DENR-attached agencies.

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