

Lopez eyes tapping NPA for DENR work

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Embattled Environment Secretary Regina Lopez said she's willing to collaborate with communist rebels, who collect revolutionary taxes from mining firms on threat of mining equipment being torched or destroyed, when it comes to implementing Department of Environment and Natural Resources (DENR) projects to protect the environment from abuses of mining firms.

At a business forum, Lopez said that she was willing to allow the New People's Army (NPA) guerillas to participate in development projects for mining communities in Agusan del Norte.

"I already asked the President if I can work with the NPA... What I've seen with the NPA, they just really want to get people out of poverty, they're really not bad people," Lopez said. "They're really nice if you meet them... My hope there is we do it in one place, will have done it everywhere," she added.

Lopez said that she finds this cooperation with the NPA as a form of reintegrating the latter in civil society.

"If we're able to engineer a situation where they (NPA rebels) have inputs into the development plan, where their children and the people there can put food on the table and send their kids to school and everybody's earning and the place is beautiful, why will you fight?" she said.

Communist Party of the Philippines (CPP) founding chairman Jose Maria Sison, in a statement on his Facebook account, said the communist movement appreciates Lopez's commitment.

“I declare the following (that) the desire of Gina Lopez to work with the NPA for peace and development is welcome,” Sison said.

“It is directly related to the environment, agrarian reform and rural development now being negotiated under the Comprehensive Agreement on Social and Economic Reforms (CASER),” he added.

The communist leader also invited Lopez to the incoming fifth round of the peace negotiations between the government and the CPP-NPA’s political wing, the National Democratic Front (NDF), which currently tackles the forging of the CASER.

“It will be fine if Gina attends the fifth round of formal talks,” Sison said.

Lopez is quite notorious for making sweeping decisions which tend to sideline official procedures including her move months back to suspend scores of mining operations without giving due mining audits at hand.

The other day, she took a swipe at Executive Secretary Salvador Medialdea’s decision not to abruptly allow her to collect P2 million from mining companies for every hectare of land affected by their operations.

Medialdea was quick to respond saying that he is merely following due process.

“Appeals to the (Office of the President) go to the Executive Secretary and not directly to the president. Our office applies the rules on appeal uniformly. The decision or order appealed from, is temporarily stayed, unless the case falls under any of the exceptions,” the Executive Secretary said in a text message to reporters.

“The stay order does not contradict the president’s policy against destructive mining operations. It is provisional in character and may be set aside or modified at any time during the pendency of the appeal,” he added.

Lopez also had had exchanges of argument with Finance Secretary Carlos Dominguez before as the latter said that she has bypassed the Mining Industry Coordinating Council (MICC) — of which they are both chairs — before implementing her controversial crackdown.

Known as an environmental advocate who promotes eco-tourism over mining, Lopez’s confirmation before the bicameral Commission on Appointments (CA) remains to be stalled due to her capacity to lead the DENR.

P50M budget to review DENR acts

The Department of Finance (DoF), meanwhile, has asserted that the interagency Mining Industry Coordinating Council (MICC) is seeking a budget support of P50-million so it can hire independent experts to reassess the operations—not just of the 28 mines shuttered or suspended earlier by the DENR but of all 311 mining contracts in the country—in keeping with the directive of Mr. Duterte himself for such a comprehensive review during a Cabinet meeting last February.

Acting on that presidential order for a reassessment of the 2016 audit done by the DENR that led to the closure or suspension of the 28 mines, Finance Assistant Secretary Paola Alvarez said “the Council subsequently held two meetings that resulted in (1) the unanimous adoption of MICC Resolution No. 6 providing for a multistakeholder review of all mining operations, and (2) an agreement to seek a P50-million allocation from the Department of Budget and Management (DBM) to fund this activity over a three-month period.”

“In fact, DENR Secretary Regina Lopez was present at the first MICC meeting held on February 9, where she signed with her Council co-chair, DoF Secretary Carlos Dominguez III, this MICC resolution that her personal lawyer, Christian Monsod, had helped draft in that same gathering,” said Alvarez, who is the DoF spokesman.

“Hence, we at the DoF are rather perplexed as to why the good secretary would seemingly want to throw a monkey wrench into the MICC-approved review of all mining operations by opposing the budgetary support when, first, such a reassessment was ordered by President Duterte no less, during the Cabinet meeting last February 7, and, second, she herself formally approved such an MICC review by signing MICC Resolution No. 6 during the Council’s meeting on February 9,” Alvarez said.

With regard to the P50-million budgetary support, Alvarez recalled that “Lopez had likewise green-lighted this request to the DBM during the follow-up MICC meeting last February 20, as the Council would need to hire a sufficient number of private experts from different fields to review the technical, legal, social, environmental and economic aspects of all 311 mining contracts in the country,” she said.

As for the DENR boss’ plan to appeal to DoF Undersecretary Bayani Agabin to inhibit from the MICC process in light of his past ties to mining companies, Alvarez said “Secretary Lopez is free to make such an appeal, in the same manner that certain groups are free to oppose her confirmation by the Commission on Appointments on a conflict-of-interest issue and other grounds.”

However, she added that Agabin had already pointed out that his professional engagement with the Philippine Associated Smelting & Refining Corp. (PASAR) ended 15 years ago and with Rapu Rapu Minerals Inc., 10 years ago.

“Perhaps, it is the DENR secretary who needs to recuse herself from the MICC process, given that she has publicly stated that she would stick to the findings of the DENR’s audit report regardless of the outcome of the MICC review ordered by the President,” Alvarez said.

She said the recruitment of the experts who will conduct the review is a multi-agency process of which the DoF is a part of, as so mandated by Executive

Order 79 that then-President Aquino issued in 2012 creating the MICC.

“The DoF cannot be excluded from this process, as it does not of itself face any conflict of interest, without violating its mandate under EO 79,” she said. Alvarez said the MICC is mandated under EO 79 to review all mining-related rules and regulations, issuances and agreements, and was ordered convened by the President in the February 7 Cabinet meeting to discuss and reassess the DENR’s audit last year.

In the same Cabinet meeting, President Duterte directed the DoF and DENR to convene the MICC on February 9 and to invite the Solicitor General, Chief Presidential Legal Counsel and the Justice Secretary to the meeting, so that they could comprehensively discuss the results of the DENR audit and Secretary Lopez’s recommendation to close down 23 mines and suspend the operations of five others.

She said that DENR Undersecretary for legal affairs Maria Paz Luna, who had attended the subsequent MICC and its Technical Working Group (TWG) meetings on Secretary Lopez’s behalf, even volunteered to make available for MICC review the DENR audit report last year that served as basis for the 28 closure and suspension orders.

Earlier, Agabin said that in response to President Duterte’s directive during the February 7 Cabinet meeting, “the MICC determined that there was a need to conduct a comprehensive review of the mining operations given the technical nature of the DENR audit and the number of mines involved in the closure and suspension orders.”

He said the framework, process and methodology of undertaking the review was approved by the MICC’s TWG in a February 20 meeting, in which “Secretary Lopez’s representative, DENR Under-secretary Luna, provided several inputs and agreed to the conduct of the review and its framework.”

“In fact, it was Undersecretary Luna who volunteered to make the audit report done by the DENR on the 28 mining operations available to the multi-stakeholder technical review teams, and joined the other members of the TWG in adopting the framework for the review,” Agabin said.

In the March 3 meeting of the MICC, Agabin said the framework for the review was presented to the entire MICC body, and “again Undersecretary Luna was present and even gave further inputs.”

“After discussions during the March 3 meeting, the framework was unanimously agreed upon and adopted by the MICC,” he said.

Agabin noted that during the MICC and TWG meetings, it was learned that the DENR audit was not a multi-stakeholder review as required under EO 79 as it was done by only four personnel from the DENR and a third party expert.

Also, none of the 20 departments and agencies represented in the MICC was consulted by the DENR, Agabin said.

“Even Isabela Vice Gov. Antonio Albano, representing the ULAP (Union of Local Authorities of the Philippines), disclosed during the last MICC meeting on March 3 that the LGUs (local government units) of the areas hosting the affected mines were never consulted by the DENR,” said Agabin.

<http://www.tribune.net.ph/headlines/lopez-eyes-tapping-npa-for-denr-work>