

# MICC all set to tackle DENR closure orders on Friday

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BY MAYVELIN U. CARABALLO, TMT ON MARCH 3, 2017 BUSINESS

The Mining Industry Coordinating Council (MICC) is set to meet anew today to discuss the operational aspects of the five technical review teams (TRTs) under a technical working group (TWG) tasked to review the 28 mining operations ordered shuttered or suspended by the Department of Environment and Natural Resources (DENR), the Department of Finance (DoF) said on Thursday.

“The second meeting of the Technical Working Group will be held this Friday, and we’re going to start the work to make sure that all the issuances regarding mining were done through due process,” Finance Secretary Carlos Dominguez 3rd was quoted as saying during a press briefing in Malacañang earlier this week.

“They (TWG members) will present the plan on what they will do and also, the budget, because they will have to get professors from state colleges and universities and private universities, experts from different fields, and they will have to travel so there’s some money to be spent so we have to make sure that there is a budget for that,” Dominguez, who co-chairs the MICC with Environment and Natural Resources Secretary Gina Lopez, added.

As agreed in its organizational meeting on February 20, the TWG is creating five TRTs to conduct an “objective, fact-finding, science-based” review of the DENR’s closure and suspension orders.

The TWG was created based on MICC Resolution 6 issued on February 9, when the Council first met to discuss the closure of 25 mines and the suspension of operations of three others across the country.

The review shall be based on “the guidelines and parameters set forth in the specific mining contract and in other pertinent laws, taking into account the valid exercise of the State’s police power to serve the common good of the poor,” the MICC resolution read.

The TWG decided to form the TRTs consisting of “technical review experts” who, for the sake of objectivity, “shall be independent and [have] no known conflict of interest” with the mining sector or any anti-mining nongovernment organization.

The review will be conducted over a three-month period, Dominguez said because the teams will pore over each of the mining contracts involved in the closure and suspension orders.

Under the organizational framework, these five TRTs will review the compliance of the 28 mine sites with applicable agreements, submissions, laws and regulations and impact of their operations.

Each TRT shall cover these five aspects that involve the technical, legal, social, environmental, and economic impact of the mining operations—including the effect on agricultural reform areas.

Finance Undersecretary Bayani Agabin said the review is “pursuant to Executive Order 79,” which requires that the MICC review mining operations in the country every two years.

Agabin said the mandate of the MICC covers all 311 mining contracts across the country, but the review will first begin with the 23 sites ordered closed by the DENR.

The DENR ordered on February 2 the closure of 23 mine sites and the suspension of operations of five others across the country. A week later, it ordered the cancellation of 75 mineral production sharing agreements (MPSAs) still in the pre-operation stage that the government had forged with mining companies.

“The review shall take off or refer to the existing reports conducted by the DENR’s audit team and Technical Review Committee along with existing laws, rules and regulations,” said Agabin, who heads the Legal Affairs Group and Revenue Integrity Protection Service (RIPS) of the DoF.

Agabin said the DENR will make its audit findings available for the TRTs to review. The five TRTs will tap the academe and will engage experts from State Universities and Colleges to help conduct the review.

For the technical part of the review, the MICC will tap either a geologist, mining engineer or a metallurgical engineer from the private sector, while a lawyer, also from the private sector, will be hired to review the legal aspect.

A community relations officer will be involved in the social aspect, an environmental management officer will focus on the environmental impact, while representatives from the local government units, DOF, Department of Labor and Employment, Department of Trade and Industry, National Economic and Development Authority, Department of Social Welfare and Development and other concerned government agencies will go over the economic aspect of the review.

The Mines and Geosciences Bureau and the Environmental Management Bureau (EMB) of the DENR will also provide qualified technical personnel and provide available data and records to each TRT.

Agabin said the results of the review will be submitted to the MICC’s multi-stakeholder TWG, which will verify the technical report before the final presentation to the MICC.

The MICC will present the findings and submit its recommendations to the Office of the President, which shall make a final decision on the DENR’s closure and suspension orders.

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