

Mine review to continue

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Government will move forward with a second review of the country's mines despite the removal of Regina Lopez as secretary of the Department of Environment and Natural Resources (DENR), according to Bayani Agabin, undersecretary of the Department of Finance (DOF).

The Mining Industry Coordinating Council (MICC), an inter-agency panel that includes the secretaries of the DOF and the DENR, ordered a review in February of the operations and the environmental and social impacts of the country's mines.

"Definitely it will continue because it's the mandate of the MICC to do just that regardless of who's in the (DENR)," Agabin said in a statement.

The review will cover all 41 mines operating in the Philippines, including the 26 that Lopez had earlier ordered closed or suspended in February after a months-long audit last year led by the environment ministry. Lopez also cancelled dozens of contracts for undeveloped mines in the world's top nickel ore supplier.

The MICC ordered the review following criticism from miners that Lopez's decision was baseless and lacked due process.

Agabin said the review will also include contracts for undeveloped mines.

Lopez earlier asked Duterte to halt the second mine review, challenging its legality despite initially supporting it.

The MICC is still in the process of selecting who will comprise the team that will inspect the mines, which is expected to take three months.

The Chamber of Mines of the Philippines has said it would seek to undo Lopez's moves when a new secretary was appointed.

"The MICC will continue with its mandate to review the existing mining operations," head of the DOF Legal Affairs and the Revenue Integrity Protection Service and represents Finance Secretary Carlos Dominguez III in the MICC.

"Obviously we want to start it (review) as soon as possible but we don't want to sacrifice the quality of the review. We want to make sure that we follow the correct process. If you try to list down the things that we are trying to do, probably in three weeks time. But we will try to push it as early as we can," Agabin said.

"Because we will be meeting next week, and then we are submitting it to the MICC after that, and of course we have to engage the consultants, if they are open to it. So maybe three weeks, but we will try our best to start as soon as possible," he added.

A meeting of the subcommittee to vet the members of the technical review team was held yesterday, however, the meeting of the MICC itself, which was originally scheduled yesterday, was reset.

As agreed upon in its February 20 meeting, the MICC is hiring independent experts to reassess the operations—not just of the 28 mines shuttered or suspended earlier by DENR but of all 311 mining contracts in the country—in

keeping with the directive of President Duterte himself for such a comprehensive review during a Cabinet meeting last February.

The DOF said it is respecting the decision of the bicameral Commission on Appointments (CA) on the appointment of Lopez as secretary of the DENR.

“The Commission on Appointments is acting within its constitutional mandate, and so we respect the judgment,” Agabin said, reacting to the CA’s decision in its executive session to reject Lopez’s appointment as DENR chief.

As the respective heads of the DOF and DENR, Dominguez and Lopez co-chair the MICC that was created in 2012 by then-President Aquino under Executive Order No. 79 as the interagency body mandated to institute reforms in the Philippine mining sector and craft policies and guidelines to ensure environmental protection and responsible mining in the utilization of mineral resources.

Sen. Panfilo Lacson, one of the 16 lawmakers who voted against the nomination of Lopez, said the CA always follows two basic criteria – fitness and qualification – in the confirmation of a presidential appointee, especially a cabinet member.

“Passion and enthusiasm do not automatically translate into the two criteria,” Lacson said.

“Ms. Regina Paz Lopez obviously has a lot of passion and enthusiasm, but evidently, in my own observation and analysis of her performance during the entire confirmation proceedings, she is not fit for the job nor is she qualified,” he said.

“Worse, she admittedly arrogated unto herself the authority which is not prescribed under the existing laws of the land. That makes her potentially dangerous as a department head,” Lacson added.

Sen. Paolo Benigno Aquino IV said Liberal Party senators voted as a bloc in favor of Lopez. Aside from Aquino, the LP senators in the CA are Franklin Drilon, Francis Pangilinan, and Ralph Recto.

At the House, Rep. Julieta Cortuna (PL, A Teacher) who admitted she was among the 16 CA members who voted to reject Lopez’ confirmation, took exception to Lopez’ claim that business interests prevailed after the CA rejected her appointment, calling it “totally unfair.”

Cortuna said she had to consider the “traits of a leader” since “passion is just a fraction and mining is only one of the basic services of DENR.”

“How about illegal logging? Illegal titling that affects the lives of minority. Leadership for me is a comprehensive job (that needs) technical expertise,” she said, pointing out that no one is above the law.

She also criticized Lopez for her supposed “prerogative” to order mining firms to each put up P2 million into a trust fund for every hectare of land affected by the mining operations.

Cortuna said Lopez failed to present other “concrete” programs other than her anti-mining crusade.

“It’s (all) just the negative impact of mining. How about the positive side, if there are responsible companies? It can’t be all media millage,” he said. “Like her, I have my own reasons based on the assertion and discernment for the good of the population and not just sector.”

Rep. Robert Ace Barbers (NP, Surigao del Norte), whose district is where some mining firms operate, lauded the CA’s decision and criticized the Mines and Geosciences Bureau (MGB)’s refusal to make public the results of the mine audit which Lopez used as basis to close down the operations of 23 mining firms and suspend 75 others.

Church leaders, on the other hand, viewed as unacceptable the rejection of Lopez’ appointment.

“The refusal of the lawmakers to entrust to Ms Gina Lopez the care of our environment unmasks the kind of leaders we have. They betray God and our people because of self interest. And because of the interest of the abusive few, God’s creation and the environment meant for the common good is further exposed to degradation,” said Lipa Archbishop Emeritus Ramon Arguelles s over Church-run Radio Veritas.

“She is a great loss! The law should serve the common good. It’s the spirit of the law we should pursue not the law itself for its own sake,” said Surigao Bishop Antonieto Cabajog, also over Radio Veritas.

Even other dioceses' Social Action Centers (SACs) scored how the interests of a few have won over the greater good with Lopez's ouster from the DENR.

"It's clear that selfish interest won over the interest of the people to be protected. That is how politics run our country," said Fr. Augustus Calubaquib, Social Action director of the Archdiocese of Tuguegarao.

"It shows that business interests of a few greedy mining companies is over and above ruled supreme than protecting and preserving our natural environment, thus doing good for the people and protecting their basic right to live a descent life is a misnomer nowadays," said Diocese of Calbayog Social Action director Fr. Guillermo Alorro.

"It's unfair for the people especially for the poor who always victims of mining companies, their lives and livelihood," said Infanta Prelature Social Action Director Fr. Israel Gabriel. **(A. Celis, W. Vigilia, J. Lopez, A. Hachero, Reuters)**

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