



Republic of the Philippines
REGIONAL DEVELOPMENT COUNCIL
MIMAROPA Region

TECHNICAL WORKING GROUP (TWG) ON MINING DISASTERS IN MARINDUQUE

REFERENCE FOLDER

Meeting
July 29, 2021
Via Zoom

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TABLE OF CONTENTS

Item	Page
Minutes of the previous meeting	1
Proposed Presidential Action to Declare the Province of Marinduque as a Mining-Free Zone	10
a. Executive Order No. 130, s. 2021	
b. Mining Applications in Marinduque	
c. MACEC Resolution No. 01, s. 2021	
Reports on the presence of unidentified nuclear materials and hazardous waste in the Marcopper mining site	17
a. MACEC Resolution No. 02, s. 2021	
Updates on the Construction of Flood/Sediment Control Structure in Mogpog River in Brgy. Bocboc, Marinduque	20

Regional Technical Working Group (TWG)
Minutes of the 1st Organizational Meeting 2020

Date and Venue: February 26, 2020, Governor's Hall, Capitol Building, Boac

**Regional Technical Working Group (TWG) to Address the Dangers Posed
by the Abandoned Structures of the Marcopper Mining Corporations in
Marinduque (MMC)**

1st Organizational Meeting 2020

ATTENDANCE:

Present:

Hon. Presbitero J. Velasco Jr. - Governor and TWG
Chairperson

Members:

Director Roland De Jesus - MGB
Director Henry A. Adornado as represented
by Ms. Imelda M. Diaz - DENR
Atty. Michael Drake P. Matias as represented
by Ms. Buena Fe A. Rioflorido - EMB
Director Mario S. Baquilod as represented
by Ms. Rachel Rowena R. Garcia, MD - DOH
Director Wilfredo Antonio G. Gerundio as represented
by Dr. Lucila J. Vasquez - DA
Director Elizer S. Salilig as represented
by Mr. Dave S. Umali - BFAR
Director Wilfredo S. Mallari as represented
by Mr. Dennis P. Abagon - DPWH
Director William A. Ragodon as represented
by Engr. Gerardo R. Perez - NIA
Director Susan S. Sumbelling as represented
by Mr. Bernardino Atienza Jr. - NEDA
Director Ruben L. Carandang as represented
By Richard Carandang -OCD
Hon. Armi DC Carrion as represented
by Atty. Maria Aurora Sore - Municipality of Boac
Hon. Augusto Leo M. Livelo as represented
by Glotilde G. Santos - Municipality of Mogpog
Hon. Antonio Uy., Jr. as represented
by Hon. Geraldine Morales - Municipality of Sta. Cruz
Fr. Arvin Anthony J. Madla - MaCEC

Secretariat:

EnP Marian M. Cunanan - PPDO
Anna Christina B. Ibahan - PPDO
Richard B. Calub - PPDO

Guests:

Congressman Lord Allan J. Q. Velasco - House of Rep. Lone
District of Marinduque
Hon. Romulo A. Bacorro, Jr. - Vice-Gov., Marinduque
Board Member Adeline Angeles - Sanggunian Panlalawigan
Mr. Rolando S. Josue - PG-ENRO
EnP. Ranel Castillo - Mun. of Buenavista

Atty. Amelthon Sampayo	- Lawyer, Writ of KALIKASAN
Ms. Catherine Coumans	- Mining Watch Canada
Atty. Rommel P. Fernandez	- PGO Legal Officer
Hon. Ishmael DP Lim	- Sanggunian Panlalawigan
Ms. Shiela L. Lope	- BFAR
Ms. Roxanne R. Crisostomo	- BFAR
Mr. Anthony Zoleta	- OCD
Ms. Zyrhize G. Togonon	- NIA
Mr. Jonathan M. Naota	- DENR
Mr. Henry D. Gervasio	- MGB
Engr. Al Janry S. Tuazon	- MGB
MS. Jhoanne V. Macam	- DOH
Ms. Mary Asther Sadia	- DOH
Mr. Jariel Mamaspas	- DOH
Mr. Rolando Z. Capistrano	- DENR
Engr. Mary Ann R. Pedernal	- DPWH
Ms. Raiza Indira Ituralde	- PGO Legal Office
Mr. Hayden Semilla	- MACEC
Ms. Twinkee D. Dayot	- Municipality of Sta. Cruz
Mr. Joven M. Lilles	- Tourism Office

HIGHLIGHTS OF THE MEETING

With a quorum of 14 out of 16 TWG members, the meeting started at 10:20 AM. The Invocation and singing of Philippine National Anthem was led by the TWG Secretariat.

MGB Dir. Roland De Jesus acted as temporary Presiding Officer and acknowledged the presence of the attendees.

After the preliminaries, Cong. Lord Allan Jay Q. Velasco gave his message on behalf of the Governor. He expressed his appreciation to the RDC for the creation of the TWG. He called the attention of the DENR to address the Marcopper issues and concerns especially the Maguilaguila Siltation Dam which according to him is in the most critical condition.

Cong. Velasco suggested at least three (3) possible interventions from the national government agencies like DENR. One is to remove the pressure from the dam (draining) to mitigate its potential to collapse. The second one is to check the integrity of the structures; secure second opinion from technical experts to find out whether or not the structures manifest any danger to collapse. He also mentioned that frequent and heavy rainfall caused heavy siltation in the rivers and cause flooding, affecting the communities or barangays in both Boac and Mogpog Rivers. The PLGU together with his Office is looking at the possibility of tapping a private sector or the PPP mode of outsourcing for the dredging aside from the assistance that will come from the national government.

For CMI open pit, Cong. Velasco requested from the MGB to test its water quality - to determine whether the water is safe for human use since children are seen swimming/bathing in the open pit. Further, he suggested to the MGB not to accommodate any application for renewal of MPSAs (mineral production sharing agreement). His plan to put up a floating solar panel in the open pit as renewable source of energy, and to convert the site into a tourism area was also mentioned.

39 He informed the body that his Office, the Office of the Governor and the LGU
40 Sta.Cruz are currently engaging in the expropriation of road networks going to
41 District 6. He also sought the assistance of the Municipality of Sta. Cruz to
42 cooperate with the DENR to facilitate the processing of deed of donation from
43 the private landowners. He gave LGU Sta.Cruz a timetable until August 2020
44 to accomplish the task, so there is no need to wait for the expropriation
45 proceedings which normally takes time to complete. His Office is willing to
46 look for funds to improve the road networks in District 6.

47
48 Conversion of mined areas into an industrial zone and the filing of bill for the
49 establishment of Marinduque Economic Zone (MAREZ) is underway, with LGU
50 Sta.Cruz as the main area for the establishment of an economic zone, he
51 added.

52
53 Dir. Roland De Jesus of MGB expressed his appreciation to the provincial
54 government saying that this is the first time that the local government and the
55 national government are hand in hand in addressing the problem on Marcopper
56 particularly on the legal aspect. The MGB, he added, is more concern of the
57 Maguilaguila Dam which is in its critical condition, consistent with the USGS
58 findings. Although the Gabion Dam may not be a permanent solution, a
59 stopgap measure that will in a way serve as barrier for the millions of tons of
60 tailings and overburdens or prevent further siltation in the downstream of
61 Mogpog (Bocboc) River. As to the dredging of rivers, Dir. De Jesus also agree
62 to tap the assistance of a private company that has technical expertise to do
63 the job. The dredged materials will have to be analyzed since the tailings
64 contains iron and copper, but eventually will have economic benefit for the
65 province thru the remittance of excise tax by the private company.

66
67 **Approval of the Provisional Agenda**

68
69 EMB Representative Buena Fe A. RiofLorido moved for the approval of the
70 provisional agenda seconded by Dr. Rachel Garcia of DOH.

71
72 **Agenda:**

73
74 **1. Inclusion of the Office of the Civil Defense (OCD) as member of the**
75 **TWG**

76
77 As a background, ENP Cunanan informed the body that the Office of Civil
78 Defense (OCD) was not included as member of the Technical Working
79 Group (TWG) as per RDC Resolution No. 2019-069-822 "Approving the
80 Creation of a Technical Working Group to Address Potential Mining
81 Disasters in Marinduque". Considering the mandate of the OCD with the
82 technical and financial assistance which can be sourced from the agency,
83 DOH Representative Dr. Rachel Garcia moved for the approval of the
84 inclusion of OCD as member of TWG and seconded by Vice Mayor Geradine
85 Morales of Sta. Cruz.

86
87 **2. Sanggunian Panlalawigan (SP) Resolution No. 24 s. of 2019**

88
89 Vice Governor Romulo A. Bacorro, Jr. thanked the RDC for their immediate
90 response to PLGU's call to create an inter-agency task force to address
91 potential mining disasters, citing the important role of the RDC in the
92 province quests for justice on the damages brought by the Marcopper Mines
93 to the province of Marinduque and the dangers posed by the abandoned
94 critical structures and facilities. He requested from the body to set up

95 timeline on any plan or intervention which can be agreed upon in the
96 meeting. The change in leadership more often than not result to change in
97 priorities, Vice-Gov. Bacorro added, and this effort may again be an
98 exercise in futility if there is no appropriate action. He also mentioned that
99 they went to Malacanang to audience with President Rodrigo Roa-Duterte
100 and with then Secretary Gina Lopez to seek help. He pledged for the
101 support of the Sanggunian Panlalawigan for the undertaking, in aid of
102 legislation.

103
104 In addition, Bokal Adeline Angeles made mentioned of the rationale behind
105 the passing of a resolution with the main objective of tapping all available
106 resources from the national government. She firmly believes that the long
107 overdue problem can now find a solution thru the convergence of various
108 agencies. She also mentioned of an Independent Technical Team (ITT) in
109 the province composed mostly of lawyers focusing on the refiling of case
110 against the culprit, be it the Marcopper Mines, the Placer Dome or the
111 Barrick Gold. What the provincial government is asking for from the
112 National Government is the rehabilitation plan in the face of imminent
113 danger posed by a potential collapse of the dam and the toxic tailings still
114 contained in it. She said that it is important to tap technical experts to
115 conduct in-depth study on what are the appropriate measures needs to be
116 implemented in a short, medium or long term. Aware of the Php 5M budget
117 intended of the conduct of Feasibility Study and the Php 26M for the Gabion
118 Dam, which definitely she said is not sufficient and the solution is only
119 temporary. There is also a need to conduct a comprehensive and updated
120 assessment on areas such as health, soil and water, environment and
121 physical structures.

122
123 **4th Quarter of 2019 Monitoring Report of MMC’s mine site by the DENR**
124 **MGB/ Status of the Abandoned Critical Structure and Facilities of the**
125 **Marcopper Mining Corp. in the province.**
126

127 Engr. Al Janry S. Tuazon of MGB presented the Marcopper Monitoring
128 Updates. Based on the presentation, the following are the recommendations
129 and observations of the MGB:

- 130
131 • The Northern part of the San Antonio Pit is prone to soil erosion, the dam
132 became the Marcopper mine tailings embankment.
133 • The MGB suggested to reduce the acidity content of the water and
134 remove the sediments on the spillway. An estimated 8 meters sediments
135 found in the area.
136 • The Maguilaguila dam is at its critical condition, with overburdens of
137 tailings, the creek continuously eroded during rainy season, wastes
138 dumped generate acid and the toxic continue flowing to the downstream
139 of Mogpog River causing harmful effect to the community nearby.
140 • The Tapan Pit Lake has a lower water pH. The lower Makulapnit Siltation
141 Dam serves as the mine dump however the Upper Makulapnit water
142 reservoir is used by the locality for their domestic water needs. It is also
143 recommended to re-examine the water acid content for the safety of the
144 community.
145 • The water in the causeway along Brgy. Ipil is also used by the locality
146 despite the presence of mine tailings.

147
148 On the toxicology surveillance established two years ago for the 3 LGUs –
149 Boac, Mogpog and Sta.Cruz. Dr. Rachel Garcia reported that there were 95

patients who are undergoing treatment for various signs and symptoms due to mining and most of them are suffering from skin diseases. However, they cannot establish scientific facts or correlate with mining the 13 children with skin diseases in the barangay near Calancan bay. Dir. De Jesus said that most of observed patients are Mogpog residents and the probable cause is the higher metal content in Mogpog River.

BFAR Representative Dave S. Umali mentioned that on the assessment conducted by the LGU In 2018 in the CMI areas like Capayang Lagoon and Ino Lagoon, oxygen and water pH are within standard although there are presence of lead, cadmium and copper and still poses health risks. Similar with the monitoring conducted at the 3rd station, the Ino creek.

Governor Velasco said that the provincial government, with the help of Atty. Sampayo, filed a case called the *Writ of Kalikasan* against the Placer Dome and Barrick Gold for the environmental damages brought by the irresponsible mining operation of said companies. The case is in preliminary trial and the PLGU needs to submit names of witnesses and execute affidavit to the Court of Appeals on March 4, 2020. They are also planning to file Temporary Environmental Protection Order (TEPO) to address the major environmental tragedy left by the said mining companies. According to Atty. Sampayo, they need to provide pieces of evidence and affidavit of witnesses on the environmental damages caused by the Marcopper and to prove that the disaster affected at least two (2) or three (3) nearby provinces/cities/municipalities which he said can be proven considering the proximity of Romblon, Batangas and Quezon to Marinduque. Atty. Sampayo added that they are also filing a motion for issuance of Ocular Inspection Order, for whoever will be assigned to handle the case will personally see for themselves the tragedy that occurred in Marinduque. Governor Velasco sought the opinion of the TWG whether to file the case in the Philippines and not in Canada. He also requested for copy of agency assessment/monitoring reports or any document available which they can use in the preliminary conference and for the filing of TEPO.

On the potential collapse Dam structure, Governor Velasco gave emphasis to the TWG that we should not rely on possibilities that same incident will not happen and advised the TWG to immediately come up with decisions on what needs to be done.

Governor Velasco also mentioned of the commitment of Secretary Roy Cimatú to help Marinduque to immediately issue a Department Administrative Order to place the Mogpog and Boac Rivers under rehabilitation/restoration once DENR received a formal request from the provincial government. He said that the Provincial Government of Marinduque together with DENR Sec. Cimatú is serious in putting an end to the several decades of environmental damage and unresolved issues brought by the Marcopper Mining operation.

Together with DENR and EMB, MGB Dir. De Jesus pledged to file an environmental case against Marcopper, on the continuous environmental damage particularly in the Boac and Mogpog Rivers and the Calancan Bay. On filing of case, Fr. Arvin Madla of MaCEC, informed the Chairperson that the matter will be discussed at the ITT meeting which will be held the following day. He suggested to come up with a Road Map or an action plan indicating short term, medium to long term, for the TWG's guide. Board Member Angeles suggested to consolidate first the interventions of the

TWG/agencies to come up with the possible solutions. A comprehensive assessment or scientific and evidenced-based is necessary to produce long term plan of action and will help us assess how much money or fund needed for the appropriate intervention.

Since the TWG members do not have the copy of a letter addressed to Mr. Teodoro Bernardino, the Dir. De Jesus read the said letter regarding the 4th Quarter Report of 2019 Monitoring of MMC's mine site particularly on the Tapan and San Antonio Pits, Maguigula Creek, Maguilguila Mine Waste Dump, Maguilaguila Siltation Dam, Upper Makulapnit Dam, Bol River Dam. Dir. De Jesus suggested to lodge the Php 26M budget for year 2021 to the DPWH for the construction of the Gabion Dam. ARD Bernardo Atienza suggested that this can be endorsed or raised during the RDC on March 6, 2020. On the suggestion to secure additional funding for the Feasibility Study, ARD Atienza suggested to prepare a position paper for the RDC's appropriate action while Governor Velasco suggested to tap the Presidential Social Fund.

Vice Mayor Geraldine Morales of LGU-Sta. Cruz, agreed on the suggestion to conduct comprehensive assessment of the current structural integrity of the facilities and the continuous monitoring of the facilities particularly the Upper Makulapnit Dam and the Calancan Bay and the Marcopper building/structures in Balogo and Labo that have tendency to breakdown. Governor Velasco said he was informed that the property was already sold out by Mr. Teodoro Bernardino, including other properties in the mine site and he is proposing to auction the properties left by the Marcopper, but he will seek legislative action from the Sanggunian Panlalawigan.

On the proposed dredging of Boac and Mogpog Rivers, Governor Velasco mentioned that there is one Company that have submitted its proposal to conduct a study on the dredging of the said rivers, and he will seek legislative action from the Sanggunian Panlalawigan. He also suggested to prioritize the Calancan Bay for dredging because of the continuous contamination of sea water that affects marine life and the community surrounding it, saying that there is another company interested to conduct study on the dredging of Calancan Bay. Governor Velasco will also ban the use of Calancan Bay for recreational and fishing activities, as raised by Vice Mayor Morales.

Ms. Rioflorido added that EMB stopped monitoring the Calancan Bay since on 2002 and she recommended to conduct a twice a year monitoring to test the toxicity level of the river water or the acidity water and the heavy metal content of the river. She informed the body that the water in Calancan Bay is classified as Class SC, which means that the body of water is for fishery water class II suitable for commercial propagation and growth of aquatic resources intended for commercial and sustenance fishing with marshy and/or mangrove areas declared as fish and wildlife sanctuaries. Director De Jesus suggested to the EMB to conduct reassessment and reclassify the Calancan Bay, if needed.

DPWH representative Engr. Dennis Abagon suggested to write a letter addressed to DPWH Secretary to conduct study on the structural integrity of the Maguilaguila Dam. On the proposed DPWH's ocular visit to Marcopper Mines area and to personally see the Maguilaguila Dam, Dir. De Jesus informed the DPWH representative that only MGB is allowed to conduct

monitoring and visit in the facility, and there is no need to create a composite team, as suggested.

Action Plan

ENP Cunanan presented the Action Plan based on the discussions. The conduct or submission of comprehensive and updated monitoring and assessment reports as basis for TWG planning that will aid in determining funds needed to realize the plan is one of the main concerns the TWG agreed to undertake. Other suggestions raised are itemized in the attached Action Plan.

3. Schedule of Regular Meetings

No regular meeting was set but the TWG agreed to conduct the next meeting on March 23, 2020, 10:00pm at the MGB Conference Room, 7th floor DENR Building, Roxas Blvd. Manila. Dir. De Jesus pledged to provide venue and food requirements for the meeting. He requested for a written request/ notice from the Chair to facilitate said preparations.

Meeting adjourned at 3:00 pm.

Prepared by:	Certified Correct:
ANNA CHRISTINA C. IBAHAN <i>Administrative Officer II</i>	MARIAN M. CUNANAN, ENP <i>OIC-PPDO</i> <i>TWG Secretariat</i>
	Attested:
	GOV. PRESBITERO J. VELASCO <i>Chairperson</i>

Note: attachments: Attendance and photo documentation

Photo Documentation: **Regional Technical Working Group (TWG) Minutes of the 1st Organizational Meeting 2020**




Republic of the Philippines
PROVINCE OF MARINDUQUE
Boac

Office of the Governor

REGIONAL TECHNICAL WORKING GROUP


February 26, 2020

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REGIONAL TECHNICAL WORKING GROUP
February 26, 2020

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REGIONAL TECHNICAL WORKING GROUP
February 26, 2020

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
















Republic of the Philippines
PROVINCE OF MARINDUQUE
Boac

Office of the Governor



REGIONAL TECHNICAL WORKING GROUP

February 26, 2020

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REGIONAL DEVELOPMENT COUNCIL
TWG on Mining Disaster in Marinduque Meeting
July 29, 2021 Calapan City (Online)

BRIEF FROM THE SECRETARIAT

Subject: Proposed Presidential Action to Declare the Province of Marinduque as a Mining-Free Zone

1. On July 05, 2021, a special Economic Development Committee (EDC) meeting was conducted and among the agenda discussed was the request of the Marinduque Council for Environmental Concerns (MACEC) specifically on the proposed presidential action to declare the province of Marinduque as a mining-free zone.
2. Rev. Fr. Arvin Anthony J. Madla of the MACEC discussed the request of civil society and religious organizations and the academe to oppose the implementation in Marinduque of the Executive Order (EO) No.130, s. 2021: Amending Section 4 of EO No. 79, s. 2012, Institutionalizing and Implementing Reforms in the Philippine Mining Sector, Providing Policies and Guidelines to Ensure Environmental Protection and Responsible Mining in the Utilization of Mineral Resources. On the other hand, MGB MIMAROPA Regional Director Glenn Marcleo C. Noble provided a short briefing on the status of mining in Marinduque and salient features of relevant mining laws. Engr. Pablito M. Estorque, Jr. of EMB MIMAROPA presented the water quality status in Marinduque including a brief history on the collapse of Maguila-guila Siltation Dam in Mogpog, and the release of tail mining at Tapian Pit in Boac that caused severe damages to the residents, environment, and livelihood.
3. During the special meeting, the EDC agreed to reactivate the RDC-technical working group (TWG) tasked to propose mitigating measures that will help address the impacts of mining in Marinduque. The TWG shall conduct a meeting to gather additional data, validate the presented information, and recommend possible actions relative to the proposal as well as to identify alternative sources of livelihood in Marinduque.
4. The MACEC will provide presentation relative to the agendum to guide the TWG members in the deliberation and recommends necessary actions.
5. Action requested: For review and recommendations to EDC.



MALACAÑAN PALACE
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

EXECUTIVE ORDER NO. 130

**AMENDING SECTION 4 OF EXECUTIVE ORDER NO. 79, S. 2012,
INSTITUTIONALIZING AND IMPLEMENTING REFORMS IN THE
PHILIPPINE MINING SECTOR, PROVIDING POLICIES AND GUIDELINES
TO ENSURE ENVIRONMENTAL PROTECTION AND RESPONSIBLE
MINING IN THE UTILIZATION OF MINERAL RESOURCES**

WHEREAS, Section 1, Article XII of the 1987 Constitution states that the goals of the national economy are a more equitable distribution of opportunities, income, and wealth; a sustained increase in the amount of goods and services produced by the nation for the benefit of the people; and an expanding productivity as the key to raising the quality of life for all, especially the underprivileged;

WHEREAS, Section 2 of Republic Act (RA) No. 7942 or the Philippine Mining Act of 1995 provides that it shall be the responsibility of the State to promote the rational exploration, development, utilization, and conservation of all mineral resources in public and private lands within the territory and exclusive economic zone of the Republic of the Philippines through the combined efforts of the government and the private sector in order to enhance national growth in a way that effectively safeguards the environment and protect the rights of affected communities;

WHEREAS, Executive Order (EO) No. 79, s. 2012, was issued, institutionalizing and implementing reforms in the Philippine mining sector and providing policies and guidelines to ensure environmental protection and responsible mining in the utilization of mineral resources;

WHEREAS, Section 4 of EO No. 79 prohibits the grant of mineral agreements until a new legislation rationalizing existing revenue sharing schemes and mechanisms shall have taken effect;

WHEREAS, Section 48 of RA No. 10963 or the Tax Reform for Acceleration and Inclusion (TRAIN) Act has doubled the rate of excise tax on minerals, mineral products, and quarry resources from 2% to 4%;

WHEREAS, the government, through the Department of Environment and Natural Resources (DENR), has conducted a thorough review of the regulatory framework of the mining industry and has in place additional rules, regulations, and policies providing for and enhancing environmental safeguards to ensure that mining operations observe environmental protection;

THE PRESIDENT OF THE PHILIPPINES

WHEREAS, the country has tapped less than 5% of its mineral resources endowment to date;

WHEREAS, in addition to ushering significant economic benefits to the country, the mining industry can support various government projects, such as the Build, Build, Build Program, by providing raw materials for the construction and development of other industries; and the *Balik Probinsya, Bagong Pag-asa Program*, by increasing employment opportunities in remote rural areas where there are mining activities thereby stimulating countryside development; and

WHEREAS, Section 17, Article VII of the 1987 Constitution provides that the President shall have control of all the executive departments, bureaus, and offices, and shall ensure that the laws be faithfully executed;

NOW, THEREFORE, I, RODRIGO ROA DUTERTE, President of the Philippines, by virtue of the powers vested in me by the Constitution and existing laws, do hereby order:

SECTION 1. Lifting of the Moratorium on Mineral Agreements. The moratorium on mineral agreements under Section 4, EO No. 79 is hereby lifted. Section 4, EO No. 79 shall be amended to read as follows:

“Section 4. Grant of Mineral Agreements. The Government may enter into new mineral agreements, subject to compliance with the Philippine Mining Act of 1995 and other applicable laws, rules, and regulations. The DENR may continue to grant and issue Exploration Permits under existing laws, rules, and guidelines. The grantees of such permits shall have the rights under the said laws, rules, and guidelines over the approved exploration area and shall be given the right of first option to develop and utilize the minerals in their respective exploration area upon the approval of the declaration of mining project feasibility.

The DENR shall formulate the terms and conditions in the new mineral agreements that will maximize government revenues and share from production, including the possibility of declaring these areas as mineral reservations to obtain appropriate royalties, in accordance with existing laws, rules, and regulations.

The DENR shall likewise undertake a review of existing mining contracts and agreements for possible renegotiation of the terms and conditions of the same, which shall in all cases be mutually acceptable to the government and the mining contractor.

The DENR and the Department of Finance shall undertake appropriate measures to rationalize existing revenue sharing schemes and mechanisms.”

SECTION 2. Formulation and Strict Implementation of Mines Safety and Environmental Policies. The DENR shall strictly implement mines safety and environmental policies. It shall ensure strict implementation of and compliance with

the recommended measures of the Mining Industry Coordinating Council involving all mining operations, including other pertinent laws, rules, and regulations, and the terms and conditions of the mineral agreements.

SECTION 3. Separability. If any provision of this Order is declared invalid or unconstitutional, the other provisions not affected thereby shall remain valid and subsisting.

SECTION 4. Repeal. All issuances, rules, and regulations or parts thereof which are contrary to or inconsistent with the provisions of this Order are hereby revoked, modified or amended accordingly.

SECTION 5. Effectivity. This Executive Order shall take effect immediately upon its publication in a newspaper of general circulation.

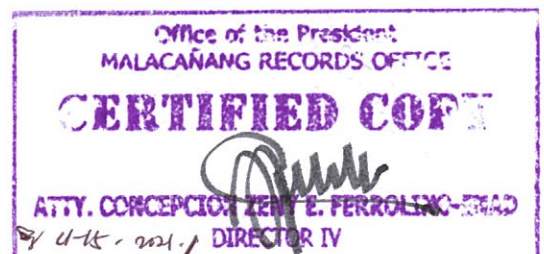
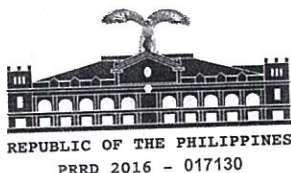
DONE, in the City of Manila, this 14th day of **April** in the year of Our Lord, Two Thousand and Twenty One.



By the President:



SALVADOR C. MEDIALDEA
Executive Secretary



MINING APPLICATION IN MARINDUQUE LISTED BY MACEC FROM MGB

#	TYPE	COMPANY	AREA	LOCATION
1	PMP	Consolidated Mines, Inc.	2,439.86	Mogpog
2	AMA	Marcopper Mng. Corp.	763.665	Sta. Cruz
3	AMA	Starrex Mining Devt. Corp.	2975.0588	Gasán
4	PMP	Violeta L. Garcia	142.6342	Mogpog
5	PMP	Marble Mng. Expl. Copr.	202.5	Mogpog
6	PMP	Marble Mng. Expl. Co.	1336.5	Boac & Gasán
7	PMP	First Omega Mineral Corp.	810	Torrijos
8	PMP	Fieldspar Processing Corp	2,212.00	Sta. Cruz
9	PMP	Marinduque Quick Lime	46.40	Sta. Cruz
10	AMA	Jose R. Sevilla, Jr.	810.00	Sta. Cruz/Gasán/Boac
11	AMA	Luis Pable	486	Boac
12	AMA	Leonor Nepomuceno Asper	810	Buenavista/Boac
13	AMA	PDB Mining Cor., Inc	7.717	Mogpog, Gasán
14	AMA	Liverpool Mng. & Devt. Corp.	83.25	Buenavista
15	AMA	Hopewell Mining Corp	17.5768	Buenavista
16	AMA	Oregon Mng. & Devt. Corp	100	Gasán
17	AMA	CypressMng. & Devt. Corp.	100	Buenavista
18	AMA	Eagle Crest Mng. & Devt. Corp.	97.13	Gasán
19	AMA	Hillsborough Mng. & Devt. Corp.	1,081.35	Torrijos
20	AMA	Liverpool Mining & Devt. Corp.	804.7804	Gasán
21	AMA	Eagle Crest Mining & Devt. Corp.	634.4073	Gasán
22	AMA	Phil. Dynasty Mng. Inc.	727.8657	Boac
23	AMA	Oregon Mng. & Devt. Corp	988.7998	Gasán
24	PMP	Magellan Exploration Inc.	4,860.00	Mogpog
25	EPA	Phil. China Mng Trade	4,063.48	Mogpog
		Promotion Group, Inc.		
26	EPA	First State Mng Res. Corp.	8,811.15	Torrijos and Sta. Cruz
27	EPA	Poly Mining Group Devt. Corp.	1,705.56	Mogpog
28	EPA	Palasyo Mineral Resources, Inc.	749.91	Sta. Cruz
29	EPA	Youngsun Mineral Dev.t. Corp.	665.5381	Boac
30	EPA	Gerardo Cruz Inc.	831.9837	Mogpog
31	EPA	Onephil Mineral Res.	4,552.81	Boac and Sta. Cruz
32	EPA	Boac Mining Corp.	15,552.00	Torrijos/Boac
33	EPA	Goldenpine Devt. Corp.	2,986.12	Sta. Cruz & Mogpog
34	EPA	Global Summit Mines & Devt. Corp.	596.04	Boac
35	EPA	Macroasia Mng Devt. Corp	5,184.00	Torrijos & Buenvista
36	EPA	Divina Riformo	749.0978	Torrijos, Sta. Cruz
37	EPA	Petersant Corp.	936.4491	Gasán
38	AFTA	Tapian Mining Corp.	73,000.00	Marinduque
39	EP	Affluere Mining Corporation	1,633.85	Sta. Cruz
	TOTAL	AREA	144,555.48	



MARINDUQUE COUNCIL FOR ENVIRONMENTAL CONCERNS

San Miguel Street Barangay Mataas na Bayan,

Boac, 4900 Marinduque, the Philippines

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EXCERPT FROM THE MINUTES OF THE MEETING OF THE PROVINCIAL EXECUTIVE COUNCIL & BOARD OF TRUSTEES HELD ON APRIL 26, 2021 AT THE PASTORAL CENTER, BOAC, MARINDUQUE.

ATTENDANCE:

Present:

1. Rev. Fr. Arvin Anthony J. Madla	Chairperson
2. Mr. Sonny L. Paglinawan	Treasurer
3. Mrs. Elizabeth E. Manggol	Secretary
4. Ms. Adeline M. Angeles	Chairperson, Mining & Environment Concerns
5. Mr. Celso J. Quinto	Chairperson, Disaster/livelihood Concerns
6. Ms. Sonia A. Sotto	Chairperson, Recruitment/Membership Concerns
7. Mrs. Lolita M. Natal	Chairperson, Organizational Concerns
8. Mr. Richard R. Pantoja	Chairperson, MEC Sta. Cruz
9. Mr. Rafael S. Soleta	Chairperson, MEC Gasan
10. Mrs. Leonardez I. Espiritu	Chairperson, MEC Boac
11. Mrs. Nimfa P. Cortez	Chairperson, MEC Buenavista
12. Mrs. Florenda G. Kalugdan	Chairperson, MEC Torrijos
13. Mrs. Ruby Mapacpac	Chairperson, MEC Mogpog
14. Ms. Sabrina Fronda	Chairperson, MACEC Youth

Absent:

1. Ms. Norma V. Villar	Vice-Chairman
2. Mr. Edmundo M. Ola	Chairperson, Governance Participation

Other Present:

1. Mrs. Normita S. Maling	LEAP Officer
2. Ms. Marife R. Masculino	Finance Officer
3. Mr. Julio R. Revilloza	Youth Coordinator/Staff Assigned in Boac & St. Cruz
4. Mr. Donato P. Rosas	Focal Person Staff Assigned in Torrijos & Bvista
5. Mr. Hayden S. Semilla	Project Officer – SAGE Fund
6. Mr. Willie R. Noche	Project Coordinator – Core Housing

RESOLUTION NO. 01 series 2021

RESOLUTION EARNESTLY REQUESTING HIS EXCELLENCY PRESIDENT RODRIGO ROA DUTERTE TO UNDERTAKE A RECONSIDERATION ON THE LIFTING OF MINING MORATORIUM, TO DELIST THE ENTIRE PROVINCE OF MARINDUQUE ON THE MINING TENEMENT MAP AND DECLARE IT AS A MINING-FREE ZONE

WHEREAS, on April 14, 2021, mining moratorium under Section 4 of Executive Order 79 s. 2012 of then President Benigno Aquino III, was lifted thru the issuance of Executive Order 130 by Malacanang, claiming that it will generate more jobs and revenue;

WHEREAS, we are not convinced that the mining industry will generate more jobs and revenue, based on the following data:

- mining sector only employed below 1% of the Philippines total employment from 2013-2018 (see attached Data on Employment – Mining and Quarrying from the Mines & Geoscience Bureau from 2013-2019 –Source PMPI).
- Poverty incidence in host mining provinces is extremely high. Based on regional Annual Per Capita Poverty Threshold among prominent mining regions MIMAROPA, CARAGA, Region IX Zamboanga Peninsula (ZAMPEN), Region XII SOCCSKSARGEN, and Region V Bicol in 2015, showing that mining operations within these regions does not necessarily help in alleviating poverty (see attached Table 2 – Source PMPI)
- The share of the Philippine mining sector to the economy has yet to surpass the 2% share to the country's total revenue. (See Table 3 Percentage share of Phil. Mining Sector to Phil. Export, and Govt. Revenue from Taxes, Fees, and Royalties in millions of Pesos- Source PMPI).

- Economic benefit of Marinduque from mining industry is a myth, despite of hosting the largest copper mining operation in the Asia-Pacific region for almost 30 years. The province of Marinduque recorded as 14th poorest province in the Philippines and one of the only 6 Fourth Class provinces in the country & the only Fourth Class province in MIMAROPA Region with a high poverty incidence of 71.9%;

WHEREAS, we do not believe that the current mining policies will safeguard the rights of communities, and the integrity of their environment against the onslaught of foreign-capitalized large-scale mining. The province of Marinduque is one among various mining affected areas witness to the corporate negligence and recklessness of this mining giant. Mine tailings can still be found in important ecosystem, e.g. Boac River and Calancan Bay while Mogpog River is left biologically dead until now. The rehabilitation of this areas and cleaning them up of contaminated mine waste including the imminent threats by the abandoned mine structures, health contamination issues and damage compensation are yet to be attended and fell on the deaf ears of the mining company. The worse scenario after getting profit, this giant mining companies can freely divest their shares with local companies and abandoned their corporate responsibility and accountability, again, Marinduque is witness to this;

WHEREAS, we are in the midst of a Climate Crisis. Based on the 2018 Global Climate Risk Index, the Philippines was ranked second among the world's most vulnerable in terms of the weather-related loss such as floods, storm, and heatwaves (Global Climate Risk Index, 2020). Opening-up new mines in rural areas put them at greater risk on the impacts of climate change. The province of Marinduque is one among many areas in the country which are vulnerable to disaster and climate change. The province was also identified by the Mines & Geosciences Bureau as 7th prone to landslide and has a major fault line (Central Marinduque Fault) and 3rd denuded forest in the country;

WHEREAS, we are worried, that due to the lifting of the mining moratorium, the thirty-nine (39) mining applications pending at the Mines & Geoscience's Bureau including the application of Marcopper for Mineral Production Sharing Agreement (MPSA) pending at the Office of the President will again be process for approval. The province has overlapped mining applications as it covers 144, 555.48 hectares while the total land area of Marinduque is only 95, 925 hectares. The province declared as Protected Area (Republic Act No. 11038) with a total area of 8,827.96 within the jurisdiction of Twenty-Two (22) barangays in Five (5) municipalities, many of this mining applications overlap in the protected areas which is a "no go zone" for mining (see attached copy of list of mining applications from the MGB Web Page);

WHEREAS, we believed that these are all valid grounds for the opposition of the various sectors of the province of Marinduque as manifested in both the previous and present resolution and position papers (see attached compilation of resolution) in relation to the possible opening of mining in the province as guaranteed by the EO 130;

WHEREFORE, on motion of Trustee Ruby Mapacpac duly seconded by Trustee Leonardez Espiritu & Trustee Nimfa Cortez the approval of a Resolution Earnestly Requesting His Excellency President Rodrigo Roa Duterte to Undertake a Reconsideration on the Lifting of Mining Moratorium, to Delist the Entire Province of Marinduque on the Mining Tenement Map and Declare it as a "No-Go Zone" for Mining;

RESOLVED FURTHER, that duly signed copy of this resolution be furnished to all the concerned parties for their information and reference.

ADOPTED: April 26, 2021 at Boac, Marinduque

CERTIFIED CORRECT:


ELIZABETH E. MANGGOL
 Executive Secretary & Secretariat Head

ATTESTED:


REV. FR. ARVIN ANTHONY J, MADLA, JCL
 Executive Chairman & Presider

REGIONAL DEVELOPMENT COUNCIL
TWG on Mining Disaster in Marinduque Meeting
July 29, 2021 Calapan City (Online)

BRIEF FROM THE SECRETARIAT

Subject: Reports on the presence of unidentified nuclear materials and hazardous waste in the Marcopper mining site

1. The Regional Development Council (RDC) passed RDC Resolution No. 2019-069-822: "Approving the creation of a Technical Working Group (TWG) to address potential mining disasters in Marinduque" in support of the efforts to ensure that the abandoned critical facilities and structures of the Marcopper Mining Corporation in Marinduque are properly managed.
2. During the special Economic Development Committee (EDC) meeting held on July 05, 2021, the presence of unidentified nuclear materials and 100 barrels of hazardous wastes found in the Marcopper mining area was reported. The MACEC appealed for the immediate action of the Philippine Nuclear Research Institute (PNRI) and the Environmental Management Bureau as it may threaten the people and environment of Marinduque.
3. The EDC secretariat requested the PNRI to present additional information and possible interventions on the abovementioned concern during the TWG meeting. This will guide the TWG members in the deliberation and recommendations on the necessary actions in handling the nuclear and hazardous wastes in the area to address potential mining disasters in Marinduque.
4. Action requested: For information.



MARINDUQUE COUNCIL FOR ENVIRONMENTAL CONCERNS

San Miguel Street Barangay Mataas na Bayan,

Boac, 4900 Marinduque, the Philippines

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EXCERPT FROM THE MINUTES OF THE ONLINE MEETING OF THE PROVINCIAL EXECUTIVE COUNCIL & BOARD OF TRUSTEES HELD ON JUNE 17, 2021

ATTENDANCE:

Present:

- | | |
|------------------------------------|--|
| 1. Rev. Fr. Arvin Anthony J. Madla | Chairperson |
| 2. Mr. Sonny L. Paglinawan | Treasurer |
| 3. Mrs. Elizabeth E. Manggol | Secretary |
| 4. Ms. Sonia A. Sotto | Chairperson, Recruitment/Membership Concerns |
| 5. Mr. Richard R. Pantoja | Chairperson, MEC Sta. Cruz |
| 6. Mrs. Leonardez I. Espiritu | Chairperson, MEC Boac |
| 7. Mrs. Nimfa P. Cortez | Chairperson, MEC Buenavista |
| 8. Mrs. Florenda G. Kalugdan | Chairperson, MEC Torrijos |
| 9. Mrs. Ruby Mapacpac | Chairperson, MEC Mogpog |

Absent:

- | | |
|---------------------------|--|
| 1. Ms. Adeline M. Angeles | Chairperson, Mining & Environment Concerns |
| 2. Mr. Celso J. Quinto | Chairperson, Disaster/livelihood Concerns |
| 3. Ms. Norma V. Villar | Vice-Chairman |
| 4. Mrs. Lolita M. Natal | Chairperson, Organizational Concerns |
| 5. Mr. Edmundo M. Ola | Chairperson, Governance Participation |
| 6. Mr. Rafael S. Soleta | Chairperson, MEC Gasan |
| 7. Ms. Sabrina Fronda | Chairperson, MACEC Youth |

RESOLUTION NO. 02 series 2021

RESOLUTION EARNESTLY REQUESTING THE INTERVENTION OF THE REGIONAL DEVELOPMENT COUNCIL (RDC) MIMAROPA REGION TO CALL THE ATTENTION OF THE PHILIPPINE NUCLEAR RESEARCH INSTITUTE (PNRI) AND ENVIRONMENTAL MANAGEMENT BUREAU (EMB) TO UNDERTAKE THE NECESSARY URGENT ACTIONS IN RELATION TO THE IDENTIFIED RADIOACTIVE MATERIALS OF CESIUM-137 AND RADIUM-226 FOUND AT THE ABANDONED MINE SITE STORAGE FACILITY AND THE 100 BARRELS OF HAZARDOUS WASTE MATERIALS FOUND IN THE DILAPIDATED AND ABANDONED PORT STORAGE FACILITY OF THE MARCOPPER MINING SITE.

WHEREAS, MACEC represented by its Chairperson Rev. Fr. Arvin Anthony J. Madla joined with the Mines and Geosciences (MGB) 3rd quarter 2020 monitoring of the Marcopper abandoned area held on August 16-21, 2021;

WHEREAS, the findings of the said MGB monitoring were presented with the Provincial Government of Marinduque together with other stakeholders on December 1, 2020 and confirmed the presence of said radioactive materials in the said abandoned mining facilities of Marcopper. In page 36 of the MGB 3rd Qtr. 2020 report it says that a storage facility of radioactive materials was found inside the Marcopper mine site. A license to possess radioactive materials is still posted at the storage facility. However, the license expired on June 30, 2013. Based on the posted license, the storage facility contains. Its actual amount is unknown and undeclared. (see attached MGB Report);

WHEREAS, the Sangguniang Panlalawigan requested clarification from the PNRI on the presence of Radio Active/Hazardous Waste Materials in MMC Properties and Inquiring

about the Steps Undertaken by their Office in Relation thereto (see Attached SP Resolution No. 728 s 2020);

WHEREAS, the Sangguniang Bayan of Sta. Cruz was alarmed on the disclosure of MACEC in the hearing called by the environment committee to discussed mining issues in the province and resolved to request the intercession of Hon. Governor Velasco by requesting the Philippine Nuclear Institute to conduct inspection of the alleged radioactive materials at the Marcopper storage facility in mine site and the hazardous wastes materials in the abandoned and dilapidated storage facilities at the former mining port area in Barangay Balogo, Sta. Cruz, Marinduque (see attached Sangguniang Bayan of Sta. Cruz Resolution No. 148 s. 2021);

WHEREAS, 10 months after the said MGB monitoring, there is no update on the actions taken by the PNRI on the abovementioned concern and the EMB on the presence of 100 Barrels of Hazardous Wastes;

WHEREFORE, on motion of Trustee Ruby Mapacpac duly seconded by Trustee Florenda Kalugdan the approval of a Resolution;

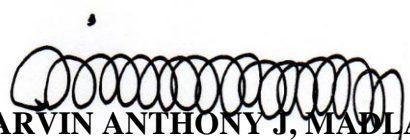
RESOLVED FURTHER, that duly signed copy of this resolution be furnished to all the concerned parties for their information and reference.

ADOPTED: June 17, 2021 Online Meeting

CERTIFIED CORRECT:


ELIZABETH B. MANGGOL
Executive Secretary & Secretariat Head

ATTESTED:


REV. FR. ARVIN ANTHONY J. MADLA, JCL
Executive Chairman & Presider

REGIONAL DEVELOPMENT COUNCIL
TWG on Mining Disaster in Marinduque Meeting
July 29, 2021 Calapan City (Online)

BRIEF FROM THE SECRETARIAT

Subject: Updates on the Construction of Flood/Sediment Control Structure in Mogpog River in Brgy. Bocboc, Marinduque

1. The Regional Development Council (RDC) passed RDC Resolution No. 2019-069-822: "Approving the creation of a Technical Working Group (TWG) to address potential mining disasters in Marinduque" in support of the efforts to ensure that the abandoned critical facilities and structures of the Marcopper Mining Corporation in Marinduque are properly managed.
2. During the special Economic Development Committee (EDC) meeting held on July 05, the committee agreed to reactivate the said TWG to discuss concerns relative to potential mining disasters and mitigating measures.
3. One of the projects identified by the TWG to mitigate mining disaster was the conduct of feasibility study on the construction of flood/sediment control structure in Mogpog river at Brgy. Bocboc, Marinduque (Gabion Dam for Marcopper) amounting to ₱5 million.
4. The budget for the conduct of the study was downloaded by the Department of Environment and Natural Resources Central Office to the Mines and Geosciences Bureau MIMAROPA under the agency's FY 2020 budget. The MGB MIMAROPA will provide updates to the TWG on the activities undertaken relative to the preparation of the feasibility study.
5. Action requested: For information.