



June 21, 2022

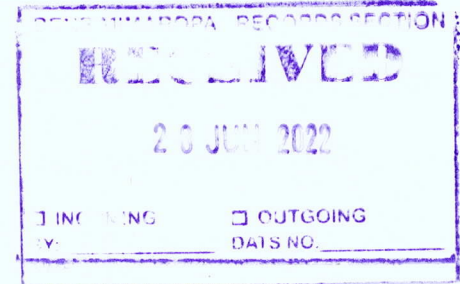
MEMORANDUM

FOR : The Regional Executive Director
DENR MIMAROPA Region
1515 L & S Building, Roxas Boulevard,
Ermita, Manila

THRU : The Assistant Regional Director
for Technical Services

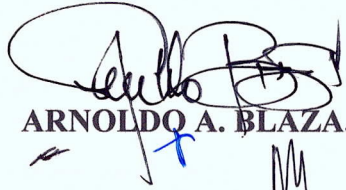
FROM : The OIC-PENR Officer
Odiongan, Romblon

SUBJECT : SB RESOLUTION NO. 83 SERIES OF 2022 – OPPOSING THE
MINING ACTIVITY IN THE MUNICIPALITY OF SAN
FERNANDO, ROMBLON



Respectfully furnishing you a copy of Sangguniang Bayan Resolution No. 83 series of 2022 entitled, “A Resolution strongly opposing the Mineral Production Sharing Agreement of Altai Philippines Mining Corporation in San Fernando, Romblon; Requesting President Rodrigo Roa Duterte and Incoming President Ferdinand Romualdez Marcos, Jr. and the Congress of the Philippines to declare the Sibuyan Island free from Metallic Mining and revoke all mining permits and applications in Sibuyan Island.”

For information and record.


ARNOLDO A. BLAZA, JR.

cc:

Office of the DENR Secretary

Office of the Director
Biodiversity Management Bureau

Office of the RD
MGB- MIMAROPA

Office of the RD
EMB-MIMAROPA



R4B PENRO Romblon <penroromblon@denr.gov.ph>

SB Res. No. 83 s. 2022 - Opposing Mining Activity in the Mun. of San Fernando, Romblon

1 message

sangguniangbayan sanfdo <sanfdosangguniangbayan@gmail.com>

Mon, Jun 13, 2022 at 3:42 PM

To: "sencynthiavillar@gmail.com" <sencynthiavillar@gmail.com>, "osec@denr.gov.ph" <osec@denr.gov.ph>, "ohea.denr@gmail.com" <ohea.denr@gmail.com>, "region4b@mgb.gov.ph" <region4b@mgb.gov.ph>, "doymadrone8@gmail.com" <doymadrone8@gmail.com>, "penroromblon@denr.gov.ph" <penroromblon@denr.gov.ph>, romblon sp <romblon.sp@gmail.com>, "sbmagdiwangromblon@gmail.com" <sbmagdiwangromblon@gmail.com>, AIVAN VINCENT GARNIEL <dilgsanfernando@gmail.com>

June 13, 2022

Sir/Madam;

Greetings!

The Office of Sangguniang Bayan - Municipality of San Fernando, Province of Romblon respectfully furnish your good office a copy of **SB Resolution No. 83 series of 2022** entitled, "**A Resolution strongly opposing the Mineral Production Sharing Agreement of Altai Philippines Mining Corporation in San Fernando, Romblon; Requesting President Rodrigo Roa Duterte and Incoming President Ferdinand Romualdez Marcos, Jr. and the Congress of the Philippines to declare the Sibuyan Island free from Mettalic Mining and revoke all mining permits and applications in Sibuyan Island.**" For your information and record.

Please see attached file for your reference.

Kindly acknowledge receipt of this email. Thank you.

Very truly yours,

(Sgd.) **FRIDAY ANNE R. AMANTE**
Admin. Aide II - SB Sec. Office



res. no. 83- Opposing Mining Activity in the Mun. of San Fdo., Romblon.pdf
256K



Republic of the Philippines
Province of Romblon
MUNICIPALITY OF SAN FERNANDO

OFFICE OF THE SANGGUNIANG BAYAN

EXCERPTS FROM THE MINUTES OF THE REGULAR SESSION OF THE SANGGUNIANG BAYAN OF SAN FERNANDO, ROMBLON HELD AT THE MUNICIPAL HALL ON JUNE 6, 2022 AT 10:45 O'CLOCK A.M.

PRESENT:

Hon. Arben R. Rosas	.....	Vice Mayor/Presiding Officer
1. Hon. Jezrel P. Aquino	.....	SB Member
2. Hon. Romel R. Repil	.....	-do-
3. Hon. Cedmarc Francis A. Renion	.....	-do-
4. Hon. Rodelio R. Relox	.....	-do-
5. Hon. Dante M. Marin	.....	-do-
6. Hon. Cynthia R. Rios	.....	-do-
7. Hon. Daxie Benedict R. Rios	.....	-do-
8. Hon. Robert R. Relox	.....	-do-
9. Hon. Armando R. Rios	.....	Liga ng mga Brgy. Pres., Member
10. Hon. Celedonio R. Tamayo	.....	IP Representative, Member

ABSENT:

1. Hon. Freddie R. Abelita Jr.	SK Federation Pres., Member
--------------------------------	-------	-----------------------------

RESOLUTION NO. 83

A RESOLUTION STRONGLY OPPOSING THE MINERAL PRODUCTION SHARING AGREEMENT OF ALTAI PHILIPPINES MINING CORPORATION IN SAN FERNANDO, ROMBLON; REQUESTING PRESIDENT RODRIGO ROA DUTERTE AND INCOMING PRESIDENT FERDINAND ROMUALDEZ MARCOS, JR. AND THE CONGRESS OF THE PHILIPPINES TO DECLARE SIBUYAN ISLAND FREE FROM METALLIC MINING AND REVOKE ALL MINING PERMITS AND APPLICATIONS IN SIBUYAN ISLAND.

WHEREAS, Sections 15 and 16 under Article II of the 1987 Philippine Constitution state that:

SECTION 15: The State shall protect and promote the right to health of the people and instill health consciousness among them.

SECTION 16: The State shall protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature.

WHEREAS, Republic Act 7160 otherwise known as the Local Government Code of 1991 states that:

SECTION 16: General Welfare - Every local government unit shall exercise the powers expressly granted, those necessarily implied there from, as well as powers necessary, appropriate, or incidental for its efficient and effective governance, and those which are essential to the promotion of the general welfare.

Within their respective territorial jurisdictions, local government units shall ensure and support, among other things, the preservation and enrichment of culture, promote health and safety, enhance the right of the people to a balanced ecology, encourage and support the development of appropriate and self-reliant scientific and technological capabilities, improve public morals, enhance economic prosperity and social justice, promote full employment among their

residents, maintain peace and order, and preserve the comfort and convenience of their inhabitants.

WHEREAS, the Convention on Biodiversity (CBD) enjoins Parties to establish *a system of protected areas or areas where special measures need to be taken to conserve biological diversity*. Additionally, in agreement with the Convention, Parties notes that: "... where there is a threat of significant reduction or loss of biological diversity, lack of full scientific certainty should not be used as a reason for postponing measures to avoid or minimize such a threat; that the fundamental requirement for the conservation of biological diversity is the in-situ conservation of ecosystems and natural habitats and the maintenance and recovery of viable populations of species in their natural surroundings; and being aware that conservation and sustainable use of biological diversity is of critical importance for meeting the food, health and other needs of the growing world population, for which purpose access to and sharing of both genetic resources and technologies are essential;

WHEREAS, Republic Act 9147 otherwise known as the Wildlife Resources Conservation and Protection Act signed in 2001 states that:

Section 2. It shall be the policy of the State to conserve the country's wildlife resources and their habitats for sustainability: (a) to conserve and protect wildlife species and their habitats to promote ecological balance and enhance biological diversity; (b) to regulate the collection and trade of wildlife; (c) to pursue, with due regard to the national interest, the Philippine commitment to international conventions, protection of wildlife and their habitats; and (d) to initiate or support scientific studies on the conservation of biological diversity.

WHEREAS, Sibuyan Island, nicknamed the *Galapagos of Asia*, features flora & fauna found nowhere else on the planet. It is where the *world's densest forest* flourishes in which the National Museum identified, in a single hectare, 1,551 trees comprising 123 species, of which 54 were endemic. Primary forests cover 120 sq km, which is 26% of the land area. Orchids abound as do other vascular plant species; *Nepenthes sibuyanensis*, a pitcher plant species, is endemic as its scientific name suggests. There are 131 species of birds that share the skies with ten species of fruit bat; the plethora (nobody knows quite how many) of land-dwelling mammals, reptiles, and rodents include at least five species of mammals that are endemic;

WHEREAS, The Field Museum in Chicago, Illinois, says that Sibuyan is a *center of endemism*; the Philippine National Herbarium (PNH), claims the island as a *critical plant site*; hence, making the island as *biodiversity hotspot*. Further, a paper of a University of the Philippines – Los Baños researcher proves that there are 35 endangered and endemic species in almost all barangays outside the protected area;

WHEREAS, Presidential Proclamation No. 746 declares *Mt. Guiting-guiting as Natural Park* and legislated as such under Republic Act 11038 or Expanded National Integrated Area Systems Act; and the whole island as an initial component for the National Integrated Protected Areas System (NIPAS) as *mangrove forest swamp reserve* per Presidential Proclamation No. 2152; proclaimed as an Important Bird Area (PH 058) and Conservation Priority Area (CPA 82) with an area of 15,265 hectares Furthermore, within and outside the area, roaming on Sibuyan Island, are one critically endangered, 4 endangered and 8 vulnerable species of biodiversity;

WHEREAS, in the final report of the National Biodiversity Strategy and Action Plan in 2004, the seas surrounding Sibuyan and Romblon Islands have been considered as *priority conservation areas for Cetaceans*, *Sibuyan Island* is considered *Conservation Priority Area for amphibians and reptiles*;

WHEREAS, *water is essential to life on our island and planet, as a whole*. Mining affects fresh water through heavy use of water in processing ore, and through water pollution from discharged mine effluent and seepage from tailings and waste rock impoundments. *Mining by its nature consumes, diverts and can seriously pollute water resources*;

WHEREAS, 3,200 liters of water per ton of ore considering present grade levels is required to grind copper; for every tonne of copper extracted 99 tonnes of waste material must also be removed; It takes 3 tons of waste generated at a mine site to produce a single gold ring;

WHEREAS, there are four main types of mining impacts on water quality, namely: Acid Mine Drainage; Heavy Metal Contamination & Leaching; Processing Chemicals Pollution; and Erosion and Sedimentation;

WHEREAS, evidence of the negative environmental impacts of past mining activity causes local and downstream populations to worry that new mining activities will adversely affect their water supply;

WHEREAS, in July 2010 the United Nations General Assembly declared safe and clean drinking water and sanitation as a human right essential to the full enjoyment of life and all other human rights.

WHEREAS, illegal small-scale mining activities in some of the villages in Sibuyan Island resulted to environmental threats, such as mercury contamination in rivers and fields as per findings of the Blacksmith Institute in partnership with the World Bank¹; and the very inhabitants of some illegal small-scale mining areas have experienced health problems due to mercury exposure. Further, illegal small-scale mining activities encroached the management area of Mt. Guiting-guiting Natural Park. This was further supported by a study made by a non-government organization BAN Toxics! which measured the levels of high mercury in various places in Magdiwang. Due to the principle of bioaccumulation, mercury accumulates in animals faster than they can get rid of it. As such, people are exposed to the highest concentrations of mercury because of their consumption of meat and fish. This is cause for concern, as too much mercury exposure can lead to various physical conditions as well as to loss of IQ and memory.

WHEREAS, there is still a suspended *Special Permit to cut 69,709 trees* that was issued to the subsidiaries of Sibuyan Nickel Properties Development Corporation (SNPDC), assigned by Mineral Production Sharing Agreement (MPSA) holder Altai Philippine Mining Corporation (Altai), in Sibuyan Island by then DENR Sec. Angelo T. Reyes within 406 hectares of land, equal to 9,455.183 m³ or more or less 4 million board feet, in which *Haribon Foundation* assessed that *there are threatened species tree species to be cut such as apitong and yakal species* included in the national list of endangered plant species;

WHEREAS, in 1997, *Sibuyan Island's forest cover* had been 75% which is *one of the last remaining forests in the Philippines*;

WHEREAS, Altai Philippines Mining Corporation was given MPSA for nickel exploration and extraction in December 2009 with an area of 1580.80 hectares which will affect more than 20 tributaries and rivers in Barangays Espana and Taclobo in San Fernando municipality. This will also affect a watershed which provides water to a number of tributaries leading to Cantingas River, the cleanest inland body of water, river category, in the country; and that despite of the series of public hearings and consultations, former DENR Sec. Lito Atienza approved the MPSA in December 2009, days before he resigned from office;

WHEREAS, as of May 2022, there are still three active mining applications in Sibuyan Island: Fil-China Mining Development Corporation for MPSA with 621.2581 hectares to mine feldspar in San Fernando; and Rommel Ibuna to explore nickel and iron in 1339.95 hectares in Magdiwang; and Altai Philippines Mining Corporation to explore nickel, iron and chromite in 752.11 hectares in San Fernando;

WHEREAS, Section 2 Republic Act 9729 otherwise known as the Climate Change Act of 2009 states that:

Sec. 2

xxx

Further recognizing that climate change and disaster risk reduction are closely interrelated and effective disaster risk reduction will enhance climate change adaptive capacity, the State shall integrate disaster risk reduction into climate change programs and initiatives. Cognizant of the need to ensure that national and subnational government policies, plans, programs and projects are founded upon sound environmental considerations and the principle of sustainable development, it is hereby declared the policy of the State to systematically integrate the concept of climate change in various phases of policy formulation, development plans, poverty reduction strategies and other development tools and techniques by all agencies and instrumentalities of the government.

WHEREAS, *mining and metals industry is responsible for 21 percent of the global greenhouse gases emissions;*

WHEREAS, it is established as State Policy under Republic Act 10121 otherwise known as the *Philippine Disaster Risk Reduction and Management Act of 2010*

xxx

(a) Uphold the people's constitutional rights to life and property by addressing the root causes of vulnerabilities to disasters, strengthening the country's institutional capacity for disaster risk reduction and management and building the resilience of local communities to disasters including climate change impacts;

xxx

(f) Adopt and implement a coherent, comprehensive, integrated, efficient and responsive disaster risk education program incorporated in the development plan at various levels of government adhering to the principles of good governance such as transparency and accountability within the context of poverty alleviation and environmental protection.

xxx

(k) Recognize the local risk patterns across the country and strengthen the capacity of LGUs for disaster risk reduction and management through decentralized powers, responsibilities, and resources at the regional and local levels;

(l) Recognize and strengthen the capacities of LGUs and communities in mitigating and preparing for, responding to, and recovering from the impact of disasters.

WHEREAS, since year 2008, the whole province of Romblon has been stricken by flooding, landslides, storm surges and typhoons, to mention Typhoon Frank, among others, which devastated crops and livestock amounting to Php 110 million. Further, the *combined climate and weather related risks vulnerability* of Romblon is *relatively high*.

WHEREAS, according to the geohazard map records of the Mines and Geosciences Bureau, almost 80% of Sibuyan Island is highly susceptible to landslides and the coastal villages are moderately and highly susceptible to floodings.

WHEREAS, Article XII Section 2 and 16 of the 1987 Constitution vests upon the state ownership of natural resources but also imposes upon it the obligation to protect them and advance the *right of people to a balanced and healthy ecology in accord with the rhythm and harmony of nature*.

WHEREAS, Section 5 (a)(c) of the Local Government Code of 1991 mandates that provision on power of the LGU shall be interpreted in favor of devolution and its general welfare clause (Section 16) be liberally construed, to quote:

Section 5 (a)(c) Rules of Interpretation – In the interpretation of the provisions of this Code, the following rules shall apply: (a)–Any provision on a power of a local government unit shall be liberally interpreted in its favor, and in case of doubt, any question thereon shall be resolved in favor of devolution of powers and of the lower local government unit. Any fair and reasonable doubt as to the existence of the power shall be interpreted in favor of the local government unit concerned; (c)–The general welfare provisions in this Code shall be liberally interpreted to give more powers to local government units in accelerating economic development and upgrading the quality of life for the people in the community.

WHEREAS, the Sangguniang Bayan is mandated by Section 447 of the Local Government Code of 1991 to exercise powers, duties and functions such as:

xxx

(1) Approve ordinances and pass resolutions necessary for an efficient and effective municipal government, and in this connection shall:

xxx

(iv) Adopt measures to protect the inhabitants of the municipality from the harmful effects of man-made or natural disasters and calamities and to provide relief services and assistance for victims during and in the aftermath of said disasters or calamities and their return to productive livelihood following said events;

xxx

(vi) Protect the environment and impose appropriate penalties for acts which endanger the environment, such as dynamite fishing and other forms of destructive fishing, illegal logging and smuggling of logs, smuggling of natural resources products and of endangered species of flora and fauna, slash and burn farming, and such other activities which result in pollution, acceleration of eutrophication of rivers and lakes, or of ecological imbalance;

WHEREAS, in accordance with the general mandate of the highest law of the land, the Constitution of the Republic of the Philippines, specifically Article XII Sections 15 and 16; with the Local Government Code's Section 16; and the provisions of Climate Change Act, Philippine Disaster Risk Reduction Management Act, National Integrated Protected Areas Act, Wildlife Conservation and Protection Act; and in the spirit of the Convention on Biodiversity, and all of the aforesaid facts and figures; in which the Mining Act of 1995 stands alone together with the Small Scale Mining Act of 1991, and some other related policies, although constitutional; *intergenerational responsibilityⁱⁱ and precautionary principlesⁱⁱⁱ* may be invoked within the powers vested upon the Local Governments by the Constitution of the Republic of the Philippines *to protect and advance the right of people to a balanced and healthy ecology in accord with the rhythm and harmony of nature.*

THEREFORE, the Sangguniang Bayan on motion of Hon. Daxie Benedict R. Rios duly seconded by Hon. Dante M. Marin.

RESOLVED, as it hereby resolves OPPOSING THE MINERAL PRODUCTION SHARING AGREEMENT OF ALTAI PHILIPPINES MINING CORPORATION IN SAN FERNANDO, REQUESTING PRESIDENT RODRIGO ROA DUTERTE AND INCOMING PRESIDENT FERDINAND ROMUALDEZ MARCOS, JR. AND THE CONGRESS OF THE PHILIPPINES TO DECLARE SIBUYAN ISLAND FREE FROM METALLIC MINING AND REVOKE ALL MINING PERMITS AND APPLICATIONS IN SIBUYAN ISLAND


RESOLVED FURTHER, THAT ANY PREVIOUS RESOLUTIONS ISSUED IN FAVOR OF ALTAI PHILIPPINES MINING CORPORATION AND ANY MINING APPLICATIONS ARE HEREBY REVOKED.

RESOLVED FINALLY, to furnish copy of this resolution His Excellency Rodrigo Roa Duterte, President of the Republic of the Philippines, Malacañang Palace, Manila; His Excellency Ferdinand Romualdez Marcos Jr. incoming President of the Philippines,

the Congress of the Philippines, Chairman on the Committee on Environment Protection, Quezon City; the Department of Environment and Natural Resources (DENR), Visayas Ave., Diliman, Quezon City; the Mines and Geosciences Bureau – IVB, DENR Building, Roxas Blvd., Ermita, Manila; the Hon. Eleandro Jesus F. Madrona, Congressman, Lone District of Romblon, Constitution Hills, Quezon City; the Hon. Jose R. Riano, Governor, Romblon, Romblon; the PENRO, Odiongan, Romblon; the Sangguniang Panlalawigan, Romblon, Romblon – for their information, appropriate action and record; the Local Government Unit of Magdiwang, Magdiwang, Romblon; the Local Government of Cajidiocan, Cajidiocan, Romblon; the Hon. Salem R. Tansingco, Municipal Mayor, San Fernando, Romblon; the Liga ng mga Barangay, San Fernando, Romblon; the MLGOO and all offices concerned – for their information and record.


Carried unanimously by all members present.

I HEREBY CERTIFY to the correctness of the foregoing resolution.


CYNTHIA R. RIOS
SB Member/Acting Secretary

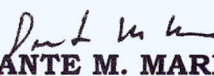
CONFORMED:



JEZREL P. AQUINO
SB Member



ROMEL R. REPIL
SB Member


CEDMARC FRANCIS A. RENION
SB Member



RODELIO R. RELOX
SB Member


DANTE M. MARIN
SB Member


CYNTHIA R. RIOS
SB Member

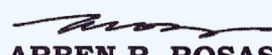

DAXIE BENEDICT R. RIOS
SB Member


ROBERT R. RELOX
SB Member


ARMANDO R. RIOS
LnB President, Member


CELEDONIO R. TAMAYO
IPMR, Member

ATTESTED:


ARBEN R. ROSAS
Vice Mayor
Presiding Officer