

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City



SEVENTEENTH CONGRESS
Third Regular Session

2238

HOUSE RESOLUTION No. _____

Introduced by Representatives CARLOS ISAGANI T. ZARATE, ANTONIO L. TINIO, EMMI A. DE JESUS, FRANCE L. CASTRO, ARLENE D. BROSAS, ARIEL B. CASILAO, and SARAH JANE I. ELAGO

RESOLUTION URGING THE HOUSE COMMITTEE ON NATURAL RESOURCES TO CONDUCT AN INVESTIGATION, IN AID OF LEGISLATION, ON THE DEATHS OF MORE THAN 90 PEOPLE IN ITOGON, BENGUET AND THE FEARED DEATH OF ALMOST 100 PEOPLE IN NAGA, CEBU DUE TO LANDSLIDES TRIGGERED BY THE ONSLAUGHT OF TYPHOON OMPONG AND OTHER EXTREME WEATHER EVENTS SAID TO BE CAUSED BY LARGE-SCALE MINING AND QUARRYING ACTIVITIES IN THE AREA

WHEREAS, Typhoon Ompong (international name Mangkhut) was a powerful storm that struck Northern Luzon on September 15, 2018. It was the strongest typhoon to strike the Philippines since Typhoon Yolanda (Haiyan) in 2013. Its highest winds reached 285 km/h and caused more than ₱26.7 billion in damages according to the Department of Agriculture;

WHEREAS, Supertyphoon Ompong brought unprecedented levels of rainfall upon landslide-prone areas, dumping 760 millimeters of rainfall in one day in Baguio City, more than that city's one month's 650-millimeter average; made landfall with wind gusts packing up to 255 kilometers per hour; and said rainfall and strong winds directly affected provinces in at least 7 regions across the Philippines on September 15, 2018;

WHEREAS, five days later, heavy rains were also brought upon by thunderstorms forming within the Inter-Tropical Convergence Zone affecting Visayas;

WHEREAS, in both instances, a total of 563,000 families were affected, with up to eighty nine (89) dead in rainfall-induced landslides in Barangay Ucab in Itogon, Benguet by October 3, 2018, and 78 dead in Naga, Cebu by October 6, 2018;

WHEREAS, on September 17, just two days after Ompong struck, Department for the Environment and Natural Resources Secretary Roy Cimatu ordered a cease and desist order on small-scale mining operations in the Cordillera Administrative Region. In an interview with the media, Sec. Cimatu said that

in the first phase, it will stop all small-scale mining operations, and the second phase is to relocate small-scale miners. The closure will affect some 70,000 small-scale miners;

WHEREAS, on September 19, the DENR denied that mining caused any of the landslides. DENR undersecretary Benny Antiporda said that the landslide and the deaths following was not about mining. Additionally, Fay Apil of Mines and Geosciences Bureau (MGB), the agency tasked to regulate mining operations, said the heavy amount of rainfall brought by Typhoon Ompong only made the hazardous area more susceptible to landslides¹;

WHEREAS according to the Cordillera People's Alliance (CPA), it is the large-scale mining operations of Benguet Corporation, Inc. (BCI) that should be held accountable for the Itogon tragedy. BCI has been extracting mineral resources in Itogon since 1904;

WHEREAS, CPA adds that Itogon has suffered from repeated mining disasters. In 2009, Sitio Luneta in Loakan experienced an almost apocalyptic scenario when Typhoon Pepeng pounded the region and triggered massive landslides. Residents claimed that a BCI diversion tunnel caused a rupture, and cracked the surface soil. Dalicno communities in Ampucao have also experienced land subsidence believed to be caused by the abandoned tunnels of BCI. Additionally, major river systems such as the Ambalanga and the Liang rivers have been poisoned and became mere waste canals as the company flush its mine wastes in these waters;

WHEREAS, the Kalikasan People's Network for the Environment (Kalikasan PNE) points out that BCI has a very recent track record of its operations bringing adverse impacts, such as the pseudokarst piping of its abandoned mine tunnel in 2015 that swallowed seven houses including a three-story building and affected at least 43 families, and a mine tailings spill triggered by Typhoon Lawin in 2016 where 50,000 metric tons of mine tailings leakage affected three rivers for which the Environmental Management Bureau slapped said company with a P24 Million fine;

WHEREAS, during the monsoon rains in August this year, tailings impounded in Phase 3 in Gold Creek leaked adding more contaminants to the waters passing through Poblacion down to the Agno;

WHEREAS, BCI claims to be the holder of almost 70% of the mineral reserves in Itogon, where the said tragedies occurred. But despite Benguet Corp.'s claims that these incidents were simply natural occurrences (*force majeure*), small-scale miners and residents of Itogon, especially in the open pit area, asserted that these adversities were the results of the company's irresponsibility, negligence, and greed;

WHEREAS, since 1996, the people of Itogon have been demanding a stop to the mining contract scheme of Benguet Corporation with small-scale miners. This scheme, registered as the 'Benguet Corporation – Acupan Contract Mining Project' patented mining claim denominated as PC-ACMP-002-CAR, was considered as a move to prolong the control of Benguet Corporation over Antamok despite its bankruptcy, and for its continued profit-making. Under this scheme, the company and the small-scale miners shared an agreement in production whereby 70% of the output is owned by BCI and 30% goes to the small-scale miners. Small-scale miners are also compelled to pay the company monthly dues as part of their sharing scheme;

WHEREAS, most settlers in First Gate, part of the area that was buried in the recent landslide in Itogon, were contract miners who had no security of tenure, no security of shelter, and no protection from the company or compensation for workplace mishaps. These miners gambled their lives with BCI. Thus, the

company is accountable for the lives lost in the September 18 landslide that buried First Gate and BCI Tunnel 070;

WHEREAS, small-scale mining is a traditional livelihood for indigenous peoples of Benguet. While it is true that there needs regulation, small-scale miners are not at fault for the Itogon tragedy. To not point out the accountability of BCI in the landslides compounds to the insurmountable grief of those who have lost not only their family members but also their source of income;

WHEREAS, the results of a mining audit conducted under the auspices of former Department of Environment and Natural Resources (DENR) Secretary Gina Lopez in 2016 led the latter to order BCI's suspension until its abandoned mining facilities are fully rehabilitated;

WHEREAS, said suspension order was stayed by the Office of the President itself in 2017 in response to the appeals made by BCI alongside 27 other large-scale mining projects, letting the corporation maintain status quo for more than a year;

WHEREAS, the history of mining in Benguet is a narrative of the plunder and damage to the mountains by large-scale mining operations of the BCI for almost a century. Its years of plundering the Ibaloi lands created a maze of underground tunnels thus making it more vulnerable to landslides and subsidence. Worse, BCI encouraged small-scale miners to mine inside its tunnels for profit, through its small-scale mining contract scheme. Worse, the mining firm abandoned these mining tunnels and other environmental damages from their previous open-pit mining operation without efforts of rehabilitation;

WHEREAS, it is the House of Representatives' mandate to ensure the safety of our mine workers and our people, especially in the extreme weather events brought on by climate change;

WHEREAS, residents of Naga, Cebu have observed and raised fear over cracks and fissures that have developed and widened in the limestone slopes of Naga City as quarrying company Apo-Cemex started its operations in the area early this year;

WHEREAS, the Sheet No. 2 of the Mines and Geosciences Bureau's landslide susceptibility map for Cebu province has determined that the limestone slopes of Naga City are among those that are highly susceptible to landslides;

WHEREAS, despite the residents' concerns and the agency's own landslide hazard map saying otherwise, officials from the Mines and Geosciences Bureau told the Naga City Mayor that the areas being quarried by Apo-Cemex are safe, the basis upon which the Mayor made her decision to allow Apo-Cemex to continue operating, notwithstanding the "Precautionary Principle" which should have prompted the mayor to order Apo-Cemex to stop its operations;

WHEREAS, President Rodrigo Duterte himself reiterated the government position that the recent landslides were caused by the extreme rainfall alone during a speech before the Naga landslide survivors;

WHEREAS, Sheila Eballe, a resident of Barangay Tinaan, one of the landslide-affected barangays in Naga, corrected Duterte upon being given the opportunity to speak during the program that Apo-Cemex's quarrying operations were to blame for the landslide, to which Duterte responded by tagging Eballe as 'trained' by New People's Army rebels;

WHEREAS, Sheila is now in hiding after seeking sanctuary with the Roman Catholic Church when she experienced surveillance and threats after her defiant speech;

WHEREAS, communities in Marikina and other contiguous areas were inundated by flashfloods and mud flows also during the August monsoon rains this year. Residents and local government officials point to quarrying activities in the Marikina Watershed as well, resulting in the suspension of quarrying activities in Rizal by the DENR. A clear trend of watershed degradation amid unsafe extractive operations can be gleaned from this collection of experiences;


WHEREAS, our mining and quarrying industries, the supposed backbone of the Philippine industry, are governed by the grossly ineffective and defective Philippine Mining Act of 1995. Many groups have pushed for its repeal for more than two decades, citing its legalizing unbridled mining plunder, massive land grabbing, environmental degradation, and endangering mine workers and communities. The House of Representatives must respond to these issues in a prompt, fair, and judicious manner especially at the wake of this tragedy;

NOW THEREFORE BE IT RESOLVED, that the House of Representatives' Committee on Natural Resources, conduct an investigation, in aid of legislation, on the deaths of more than 90 people in Itogon, Benguet and the feared death of almost 100 people in Naga, Cebu due to landslides triggered by the onslaught of Typhoon Ompong and other extreme weather events said to be caused by large-scale mining and quarrying activities in the area.

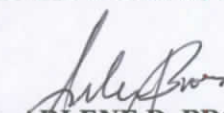
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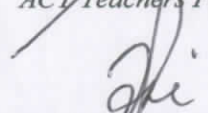

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