

1 Republic of the Philippines
2 HOUSE OF REPRESENTATIVES
3 Quezon City
4 EIGHTEENTH CONGRESS
5 First Regular Session



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7 HOUSE RESOLUTION NO. **302**

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10 Introduced by
11 BAYAN MUNA Party-list Representatives EUFEMIA C. CULLAMAT,
12 CARLOS ISAGANI T. ZARATE and FERDINAND R. GAITE,
13 ACT Teachers' Party-list Representative FRANCE L. CASTRO,
14 Gabriela Women's Party Representative ARLENE D. BROSAS, and
15 Kabataan Party-list Representative SARAH JANE I. ELAGO
16

17
18 A RESOLUTION
19 DIRECTING THE COMMITTEE ON ENVIRONMENT AND NATURAL
20 RESOURCES TO CONDUCT AN INVESTIGATION, IN AID OF LEGISLATION,
21 ON THE ANOMALIES AND VIOLATIONS SURROUNDING THE RENEWAL
22 PROCESS FOR THE FINANCIAL OR TECHNICAL ASSISTANCE AGREEMENT
23 (FTAA) OF OCEANAGOLD PHILIPPINES INC.; (OGPI)
24

25 WHEREAS, the Financial or Technical Assistance Agreement (FTAA) of Oceanagold
26 Philippines Inc., an 11,489-hectare Australian-Canadian mining corporation of copper and gold
27 operating in Kasibu, Nueva Vizcaya, expired last June 20, 2019;
28

29 WHEREAS, the Oceanagold Philippines Inc., which applied for the renewal of its FTAA in
30 2018, has a longstanding negative track record of violating various human rights, including socio-
31 economic and particularly environmental rights, of its affected communities;
32

33 WHEREAS, in 2007, Oxfam Australia released a report stating that many people in the Didipio
34 community of Kasibu, Nueva Vizcaya, did not give their free, prior, and informed consent
35 (FPIC) to Oceanagold Philippines Inc. Likewise, consents were not freely given, with allegations
36 of bribes, harassment and intimidation;
37

38 WHEREAS, in 2011, the Commission on Human Rights issued a resolution on the
39 displacement complaint of the residents of Didipio, with findings of violation of the right to
40 residence, right to freedom of movement, right to security of person, indigenous community's
41 right to manifest their culture and identity, and possible endangerment of the community's right
42 to access clean water;
43

44 **WHEREAS**, in 2013, a National Fact Finding and Solidarity Mission organized by the Defend
45 Patrimony Alliance identified several environmental impacts of the mine, including water, air,
46 and noise pollution, water shortage and depletion at the Didipio river, and loss of forest cover;
47

48 **WHEREAS**, in 2014, an Environmental Investigation Mission found heavy metal
49 contamination in the river of Didipio; Moreover, mine workers' concerns were conveyed, with
50 accounts of below minimum wage salaries, unequal work opportunities, and displacement of
51 small-scale miners;
52

53 **WHEREAS**, in February 2017, Oceanagold was ordered to suspend its operations after an
54 industry-wide audit in 2016 discovered that Oceanagold lacked the following interventions in
55 their operations:
56

- 57 1. Continuous monitoring and assessment of the environment
- 58 2. Conduct of information, education, and communication on the company's environment
59 monitoring activities and results of their assessments and analysis
- 60 3. A study of surface and groundwater, particularly on upstream and downstream water
- 61 4. Establishment of a mechanism or strategy so that the community can relay their
62 immediate concerns
- 63 5. An assessment of species composition caught along Dinauyan (river) creeks tributaries
- 64 6. Establishment of bio-indicators prior to discharge of effluents, particularly using food
65 fish for bio-assay indicator
66

67 **WHEREAS**, in March 2017, Oceanagold workers under the Pun Oh Ohaan Hi Kiphodan
68 Organization (PHKO) union also protested the continuing contractualization of their workers
69 amid stalled collective bargaining negotiations with the management of the company;
70

71 **WHEREAS**, in September 2017, some 133 families were displaced due to the militarization of
72 the area by the Armed Forces of the Philippines. Cases of illegal arrests and imprisonment of
73 leaders and members of anti-mining groups Kasibu Inter-Tribal Response towards Ecological
74 Development (KIREDD) and Samahang Pangkarapatan ng Katutubong Magsasaka at
75 Manggagawa Inc; (SAPAKKMMI) were also reported;
76

77 **WHEREAS**, in 2018, members of SAPAKKMMI, DESAMA, ANVIK, FRIENDS, AGHAM,
78 and other organizations and groups opposing Oceanagold Philippines Inc. experienced
79 widespread red-tagging in Nueva Vizcaya, with thousands of pamphlets and hundreds of banners
80 circulated naming 27 environmental defenders: This includes public interest lawyers Atty. Fidel
81 Nemenzo and Atty. Ed Balgos, and scientists Finesa Cosico, Alfonso Shog-oy, and Tess Acosta
82 who are supporting the campaign against the large-scale mining operations of OceanaGold;
83

84 **WHEREAS**, the Mines and Geosciences Bureau of the Department of Environment and
85 Natural Resources (MGB-DENR) endorsed Oceanagold's FTAA renewal to the Office of the
86 President, despite complaints presented to DENR by the people of Didipio;
87

88 **WHEREAS**, on June 21, 2019, the Office of the Sangguniang Barangay of Didipio filed a
89 resolution directing Oceanagold Philippines Inc; to stop its operations upon the expiration of the
90 FTAA;

91
92 **WHEREAS**, Oceanagold Philippines Inc; continues to operate despite the expiration of their
93 FTAA citing the legal opinion of the MGB-DENR stating that the Administrative Code allows
94 Oceanagold to operate as it has allegedly made a “timely and sufficient application for the
95 renewal of a license;”

96
97 **WHEREAS**, the Office of the Provincial Governor of Nueva Vizcaya disputed the said claim
98 on June 25, 2019 to Oceanagold’s operations stating “said provision is not applicable to OGPI
99 (Oceanagold) as the FTAA entered into by them is not a license but a contract entered into by
100 the Government through the President in accordance with the provisions of the Constitution;”

101
102 **WHEREAS**, on July 1, 2019, residents and village officials erected people's barricades along the
103 access roads to the Oceanagold mine, as an enforcement of the cease and desist order filed by
104 the provincial government;

105
106 **WHEREAS**, on July 4, 2019, Oceanagold filed a petition for a temporary restraining order and
107 an injunction against the cease and desist order of the provincial government for the mining
108 company to continue its operations;

109
110 **WHEREAS**, on July 25, 2019, the Regional Trial Court denied Oceanagold’s petition for
111 injunctive relief, stating “Injunction should not issue except upon a clear showing that the
112 applicant has a right in esse to be protected, and that the acts sought to be enjoined are violative
113 of such right; A preliminary injunction should not determine the merits of a case or decide
114 controverted facts, for, being a preventive remedy, it only seeks to prevent threatened wrong,
115 further injury, and irreparable harm or injustice until the rights of the parties can be settled;”

116
117 **WHEREAS**, on July 26 to 29, 2019, a 40-member National Solidarity Mission to the people's
118 barricade in Nueva Vizcaya (NVNSM) organized by 18 national and local organizations led by
119 Defend Patrimony validated numerous anomalies and violations surrounding the FTAA renewal
120 and the barricade; The NVNSM post-mission statement details the following:

121
122 *The NVNSM documented cases of leaders and organizers of the Tawali Ifugao people’s organizations*
123 *leading the barricade experiencing a surge of vilification, red-tagging, surveillance, and intrusions in their*
124 *homes by suspected personnel of Oceanagold; There are also threats of dispersal and harm against the*
125 *barricade especially in light of Oceanagold’s failure to secure an injunction against Governor Carlos*
126 *Padilla’s restraining order anchored on the expiration of Oceanagold’s Financial or Technical Assistance*
127 *Agreement (FTAA);*

128
129 *The mission ascertained the lack of consultations and impact assessments surrounding Oceanagold’s bid*
130 *to renew its FTAA; The Tawali elders have not once been approached by Oceanagold to secure their free,*
131 *prior, and informed consent (FPIC); Without FPIC, Oceanagold violates local laws and internationally*
132 *recognized declarations that recognize and protect indigenous people’s rights over their lands, territories,*
133 *and livelihood;*

This validates the news that the Office of the President has returned the endorsements for Oceanagold's FTAA renewal by the Department of Environment and Natural Resources (DENR) for lacking FPIC clearance from the National Commission on Indigenous Peoples (NCIP);

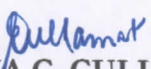
Participating scientists saw initial signs of continuing water depletion of wells, creeks, and springs that community members recounted to have happened during the commercial operations of Oceanagold; In some cases, it was reported that the productivity of agricultural lands have decreased, such as rice paddies drying up and citrus orchards dangerously dwindling down to 10% of their original abundance, since Oceanagold started operating;

This raises questions on how Oceanagold was able to secure endorsements for FTAA renewal from the Mines and Geosciences Bureau and the Department of Environment and Natural Resources (DENR) despite the ongoing unmitigated impacts on the villages' water resources;

WHEREAS, the decisions made for the FTAA renewal of Oceanagold Philippines Inc; sets a precedent for all the following FTAA's as the first of its kind in the Philippines that has concluded their 25 years of agreement, and to undergo renewal process; If Oceanagold is able to secure FTAA renewal without having to undergo stringent environmental impact assessment, public consultation for social acceptability, and free and prior informed consent, this will be the standard operating procedure for all future FTAA renewals;

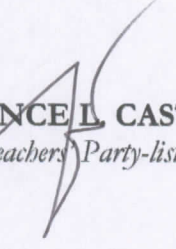
NOW, THEREFORE, BE IT RESOLVED, AS IT IS HEREBY RESOLVED, that the House Committee on Natural Resources conduct an on-site investigation and hearing, in aid of legislation, on the anomalies and violations surrounding the renewal process for the FTAA of OGPI.

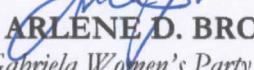
Adopted,


Rep. EUFEMIA C. CULLAMAT
BAYAN MUNA Party-list


Rep. CARLOS ISAGANI T. ZARATE
BAYAN MUNA Party-list


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