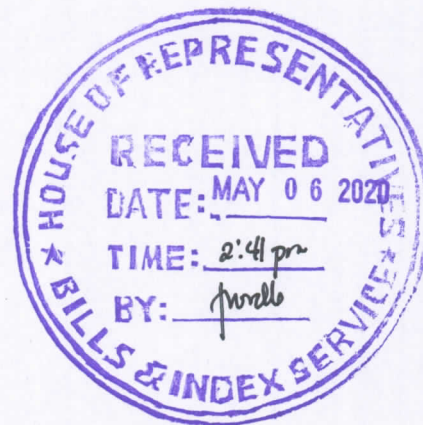


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session

HOUSE RESOLUTION No. 833



Introduced by
BAYAN MUNA Representatives CARLOS ISAGANI T. ZARATE,
FERDINAND R. GAITE and EUFEMIA C. CULLAMAT

RESOLUTION
URGING THE COMMITTEE ON ENVIRONMENT AND NATURAL
RESOURCES TO INVESTIGATE, IN AID OF LEGISLATION,
THE DEPLOYMENT OF PHILIPPINE NATIONAL POLICE OFFICERS
TO VIOLENTLY DISPERSE THE PEOPLE'S BARRICADE
AND FACILITATE THE ENTRY OF FUEL TANKS
FOR OCEANAGOLD'S ILLEGAL MINING OPERATIONS

WHEREAS, the Financial or Technical Assistance Agreement (FTAA) between the Government of the Philippines and the OceanaGold Philippines, Inc. (OGPI), an Australian-Canadian mining corporation of copper and gold operating in Kasibu, Nueva Vizcaya, expired last June 19, 2019;

WHEREAS, the Mines and Geosciences Bureau of the Department of Environment and Natural Resources (MGB-DENR) endorsed the renewal of OceanaGold's FTAA to the Office of the President, despite the complaints and resistance from the people of Didipio;

WHEREAS, on June 21, 2019, the Office of the Sangguniang Barangay of Didipio filed a resolution directing OGPI to stop its operations upon the expiration of the FTAA;

WHEREAS, OGPI continued its operations despite the expiration and non-renewal of its FTAA, citing a mere legal opinion of the MGB-DENR stating that Section 18, Chapter 3, Book VII of the Executive Order 292 or the Administrative Code allows OceanaGold to operate as it has allegedly made a "timely and sufficient application for the renewal of a license;"

WHEREAS, Section 3 (r) of RA 7942 or the Philippine Mining Act of 1995 defines FTAA as "a contract involving financial or technical assistance for large-scale exploration, development, and utilization of mineral resources," and **not a license**;

WHEREAS, on June 25, 2019, the Office of the Provincial Governor of Nueva Vizcaya iterated that, "said provision is not applicable to OGPI as the FTAA entered into by them is not a license but a contract entered into by the Government through the President in accordance with the provisions of the Constitution;"

WHEREAS, on July 1, 2019, residents and village officials erected a people's barricade along the access roads to the OceanaGold mine, as an enforcement of the cease and desist order filed by the provincial government;

1 **WHEREAS**, on July 4, 2019, OceanaGold filed a petition for a temporary restraining order and
2 injunction against the cease and desist order of the provincial government, for the mining
3 company to continue its operations;
4

5 **WHEREAS**, on July 25, 2019, the Bayombong Regional Trial Court denied OceanaGold's
6 petition for injunctive relief, stating, "Injunction should not issue except upon a clear showing
7 that the applicant has a right in esse to be protected, and that the acts sought to be enjoined are
8 violative of such right; A preliminary injunction should not decide the merits of the case or
9 decide controverted facts, for, being a preventive remedy, it only seeks to prevent threatened
10 wrong, further injury, and irreparable harm or injustice until the rights of the parties can be
11 settled;"
12

13 **WHEREAS**, apparently, OceanaGold has no right to be protected and has since been violating
14 Philippine laws for operating without a valid FTAA. OGPI allegedly continued its operation
15 until October 2019 despite the expiration of their FTAA.¹
16

17 **WHEREAS**, under the order of President Rodrigo Roa Duterte, the Office of the Executive
18 Secretary issued a memorandum dated March 16, 2020 that placed the entire Luzon under
19 community quarantine and provided additional guidelines for the management of the Corona
20 Virus Disease 2019 (COVID-19) situation. The memorandum signed by no less than Executive
21 Secretary Salvador Medialdea, became effective 0:00 (12 AM) of March 17, 2020;"
22

23 **WHEREAS**, the said memorandum states that "only those establishments providing basic
24 necessities and such activities related to food and medicine production, i.e., public markets,
25 supermarkets, groceries, convenience stores, hospitals, medical clinics, pharmacies and drug
26 stores, food preparation and delivery services, water-refilling stations, manufacturing and
27 processing plants of basic food products and medicines, banks, money transfer services, power,
28 energy, water, and telecommunications supplies and facilities, shall be open;
29

30 **WHEREAS**, accordingly, mining operations should be closed and their operations suspended
31 upon the effectivity of the community quarantine of the entire Luzon as these are not essential
32 establishments related to food and medicine production;
33

34 **WHEREAS**, according to Alyansa ng Novo Vizcayano para sa Kalikasan (ANVIK),
35 OceanaGold Philippines has attempted to bring in their fuel tanks to the mining site at least six
36 times in March, despite the expired FTAA;
37

38 **WHEREAS**, on April 4, according to ANVIK, policemen arrived at the community serving
39 residents copies of a letter allegedly issued by Executive Secretary Medialdea, to allow the entry
40 of a fuel tank for the operations of the OceanaGold large-scale mine;
41

42 **WHEREAS**, on April 6, 2020, more than 100 members of the Philippine National Police (PNP)
43 in full anti-riot gear violently dispersed the people's barricade watched over by 29 residents. The
44 PNP also arrested Roland Pulido, chairman of Didipio Earth Savers' Movement Association
45 (Desama), and residents Elena Calingayan and Nardo Pugong;
46

47 **WHEREAS**, Calingayan and Pugong were later released, while Pulido was brought to the police
48 station for allegedly violating Republic Act 11332 or the Mandatory Reporting of Notifiable
49 Diseases and Health Events of Public Health Concern Act. He also allegedly resisted and

¹ <https://www.bulatlat.com/2020/04/06/anti-mining-leader-nabbed-as-police-disperse-peoples-barricade-against-oceanagold/>

1 disobeyed a person in authority. Pulido was released on April 7, 2020 after posting a bail of
2 P6,000;³
3

4 **WHEREAS**, despite the opposition of the affected communities, different groups,
5 organizations, and the local government, and even in violation of the COVID-19 pandemic
6 situation protocol, OGPI continued its operations threatening not only the environment, but
7 also the life, health, and well-being of the residents of Didipio.
8

9 **NOW THEREFORE BE IT RESOLVED**, that the House of Representatives, through its
10 Committee on Environment and Natural Resources, investigate, in aid of legislation, the
11 deployment of Philippine National Police officers to violently disperse the people's barricade and
12 facilitate the entry of fuel tanks for the OceanaGold's illegal mining operations.
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REP. CARLOS ISAGANI T. ZARATE
Bayan Muna Partylist


REP. FERDINAND R. GAITE
Bayan Muna Partylist


REP. EUFEMIA C. CULLAMAT
Bayan Muna Partylist

³ <https://www.rappler.com/nation/257275-groups-decry-violent-dispersal-barricade-mining-firm>