



Republic of the Philippines
PROVINCE OF ORIENTAL MINDORO
CALAPAN CITY

SANGGUNIANG PANLALAWIGAN

EXCERPT FROM THE JOURNAL OF THE 120th REGULAR SESSION OF THE SANGGUNIANG PANLALAWIGAN OF ORIENTAL MINDORO HELD AT THE SANGGUNIANG SESSION HALL, PROVINCIAL CAPITOL COMPLEX, CALAPAN CITY, ON OCTOBER 26, 2009

PRESENT:

Hon. Maria Estela Felipa M. Aceron	Vice Governor, Presiding Officer
Hon. Maria Fe V. Brondial	Member
Hon. Humerlito A. Dolor	Member
Hon. Ramil O. Dimapilis	Member
Hon. Ernesto E. Liwanag	Member
Hon. Ferdinand Thomas M. Soller	Member
Hon. Corazon F. Agarap	Member
Hon. Philip Cesar B. Joson	Member
Hon. Abraham R. Abas	Member
Hon. Romeo G. Infantado	Member
Hon. Romeo S. Buenaventura	Member
Hon. Alfredo R. Viaña	Member, ABC President
Hon. Myrra Khrisma Normina F. Mendoza	Member, SKPF President

ABSENT:

Hon. Roberto L. Concepcion	Member, PCL President
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RESOLUTION NO. 719-2009

RESOLUTION EXPRESSING THE STRONG OPPOSITION OF THE SANGGUNIANG PANLALAWIGAN OF ORIENTAL MINDORO IN THE GRANTING OF ENVIRONMENTAL COMPLIANCE CERTIFICATE (ECC) TO INTEX RESOURCES PHILIPPINES, INC. APPROVED BY THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES (DENR) ON OCTOBER 14, 2009 FOR VIOLATING AN EXISTING PROVINCIAL ORDINANCE IMPOSING A 25-YEAR LARGE-SCALE MINING MORATORIUM IN THE PROVINCE OF ORIENTAL MINDORO

Whereas, while Section 2, Article XII of the 1987 Philippine Constitution provides that "[A]ll lands of the public domain, waters, minerals, coal, petroleum, and other mineral oils, all forces of potential energy, fisheries, forests or timber, wildlife, flora and fauna, and other natural resources are owned by the State. With the exception of agricultural lands, all other natural resources shall not be alienated. The exploration, development, and utilization of natural resources shall be under the full control and supervision of the State", Section 15 and 16 under Article II of the Constitution have clearly dictate that "[T]he State shall protect and promote the right to health of the people and instill health consciousness among them" and that "[T]he 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, Section 16 of R.A. No. 7160 otherwise known as the Local Government Code of 1991 states that "[E]very local government unit shall exercise the powers expressly granted, those necessarily implied therefrom, 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,... promote health and safety, enhance the right of the people to a balanced ecology... and preserve the comfort and convenience of their inhabitants";

Whereas, on 28 January 2002, the Sangguniang Panlalawigan of Oriental Mindoro enacted Provincial Ordinance No. 01-2002 entitled "AN ORDINANCE DECLARING 25-YEAR MORATORIUM ON LARGE-SCALE MINING IN THE PROVINCE OF ORIENTAL MINDORO, PROVIDING EXCEPTIONS AND PENALTES THEREFOR". The present Sangguniang Panlalawigan strongly upholds the constitutionality and legality of the said ordinance;

Whereas, on October 14, 2009, the Department of Environment and Natural Resources (DENR) through Secretary Jose L. Atienza granted the Environmental Compliance Certificate (ECC) for the Mindoro Nickel Project in Oriental Mindoro, which covers the extraction and processing of nickel laterite ore and its by-products such as chromite, cobalt, zinc, sulfide and ammonium sulfate;

Whereas, the issuance of the said ECC is in complete disregard of the opposition of most numbers of local government units, the church and the civil society groups, both in Oriental and Occidental Mindoro;

Whereas, the approval and issuance of the ECC is premature and short of procedural and substantial requirements particularly on the Environmental Impact Assessment (EIA) process, considering that the Review Committee has not come up with its recommendation when Secretary Atienza issued the same certificate;

Whereas, the people of Oriental Mindoro vehemently opposed the said project for many reasons, to wit:

- a. the right to enforce Provincial Ordinance No. 001-2002 or the Mining Moratorium Ordinance, with the prime intention of safeguarding the province's remaining ecological soundness;
- b. the proposed mining site is located at the upper portion of Barangay Villa Cervesa, part of the central range of Mindoro which serves as a contiguous watershed to more than 15 river systems;
- c. the project is incompatible with the sustainable development agenda of the Provincial Government which is anchored on food security and eco-tourism; and
- d. the area covered by the Mineral Production Sharing Agreement of the said project is within the ancestral domain being claimed by Mangyan Tribes. Under the Rules and Regulations Implementing the Indigenous Peoples Rights Act, when a project affects a whole range of territory covering two or more ancestral domain, the consent of all affected indigenous cultural communities shall be secured. The Intex Resources Philippines, Inc. failed to secure such consent.

Whereas, it is worthy to note that the project has no social acceptability. Records would show that the provincial and municipal sanggunians have passed resolutions opposing the project. Public hearings/consultations on the matter in the Municipalities of Pola and Victoria, both in this province, were cancelled because of the opposition of thousands of Mindoreños;

Whereas, the massive flooding which recently happened in Marikina, Antipolo, Rizal and Northern Luzon, should prompted the Honorable Secretary Atienza to think twice in granting the ECC to INTEX considering that Mindoro is an Island Province;

Whereas, consistent with the provision of the 1987 Philippine Constitution as well as the Local Government Code of 1991 (R.A. No. 7160), the Provincial Government shall continue to defend and protect the rights of its children's children to a healthy ecology;

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Whereas, the granting and approval of the said ECC is very untimely and improbable for reason that the Honorable Secretary Atienza's term of office is about to end in less than a year or even shorter when he joins the race for any political position in the coming election;

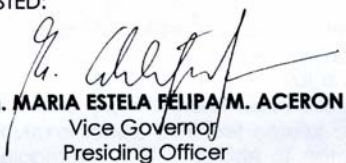
Whereas, together with this expression of the August Body's sentiment is their hope that the Honorable Secretary Atienza would change heart in consideration of the plea of the most numbers of Oriental Mindoreños and recall the said Environmental Compliance Certificate issued to INTEX Resources Philippines, Inc.

NOW THEREFORE, BE IT RESOLVED, as it is hereby resolved to express the strong opposition of the Sangguniang Panlalawigan of Oriental Mindoro in the granting of Environmental Compliance Certificate (ECC) to Intex Resources Philippines, Inc. approved by the Department of Environment and Natural Resources (DENR) on October 14, 2009 for violating an existing Provincial Ordinance imposing a 25-year large-scale mining moratorium in the Province of Oriental Mindoro.

RESOLVED FURTHER, that copies of this resolution be furnished Hon. Jose L. Atienza, DENR Secretary, for his information and action.

On mass sponsorship of the Members of the Sangguniang Panlalawigan present, said resolution was . . . UNANIMOUSLY APPROVED.

ATTESTED:


HON. MARIA ESTELA FELIPA M. ACERON
Vice Governor
Presiding Officer

CERTIFIED CORRECT:


DIWATA H. FETIZANAN
Secretary to the
Sangguniang Panlalawigan