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SENATE

P.S. Res. No. 675

APPROVED BY 

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Introduced by Senator Loren Legarda

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RESOLUTION

DIRECTING THE SENATE COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES AND COMMITTEE ON CLIMATE CHANGE TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, INTO THE ACCOUNTABILITY OF FINANCIERS OF SMALL-SCALE MINING OPERATIONS IN THE LANDSLIDE THAT OCCURRED IN BARANGAY NAPNAPAN, PANTUKAN, COMPOSTELA VALLEY ON 5 JANUARY 2012

WHEREAS, Section 16, Article II of the 1987 Philippine Constitution provides that 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, in 1991, Congress enacted Republic Act No. 7076 otherwise known as the People's Small-Scale Mining Act, which seeks to promote, develop, protect and rationalize viable small-scale mining activities in order to generate more employment opportunities and provide and equitable sharing of the nation's wealth and natural resources;

WHEREAS, Section 13 of the same Act provides that the holder of a small-scale mining contract shall comply with pertinent rules and regulations on environmental protection and conservation;

WHEREAS, the same section provides that the holder of a small-scale mining contract shall abide by the Mines and Geosciences Bureau (MGB) and the small-scale Mining Safety Rules and Regulations. Further, the holder of a small-scale mining contract shall assume responsibility for the safety of persons working in the mines;

WHEREAS, Section 22 of the same Act provides that the DENR Secretary, upon the recommendation of the MGB director, shall withdraw the status of the people's small-scale mining area when safety, health and environment conditions warrant that the same shall revert to the State for proper disposition;

WHEREAS, on 5 January 2012, a landslide occurred in a small-scale mining community in Barangay Napnapan in Pantukan, Compostela Valley, killing at least 32 persons and leaving 36 persons missing;

WHEREAS, due to the rains in Eastern Mindanao in the past days that loosened up the mountain soil, a landslide occurred at 3:00 a.m., sweeping away houses, shanties and other buildings;

WHEREAS, according to the MGB, those who were killed or injured in the disaster were small-scale gold miners who had no permits to mine the area, which is under the license of Napnapan Mineral Resource Corp.;

**WHEREAS**, a geo-hazard map of Pantukan revealed that the mountain region could collapse from high pressure or big movements. Its topography and geological features of Pantukan make it vulnerable to landslides, among other hazards;

**WHEREAS**, heavier and more frequent rains, brought about by climate change, intensify the vulnerability of mining communities to hazards;

**WHEREAS**, according to Governor Arturo Uy, a local ordinance bans people from dwelling in Barangay Napnapan, particularly in the area where the landslide happened in April 2011;

**WHEREAS**, in May 2011, the Department of Interior and Local Government has ordered a "no habitation policy" in areas in Pantukan identified as landslide-prone;

**WHEREAS**, despite hazard warnings, small miners stay in the mining sites and place their lives at risk for a chance of finding gold instead of relocating to safer places, where there is no alternative livelihood;

**WHEREAS**, illegal mining activities in Pantukan are reportedly financed by operators who provide the necessary equipment such as mechanized pumps and sizable mills, which are too expensive for the small miners to afford;

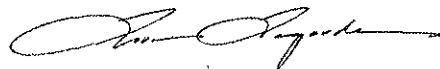
**WHEREAS**, as these small-scale mining operations are illegal and unregulated, miners and communities are exposed to safety hazards and environmental disasters;

**WHEREAS**, to put a stop to these illegal operations, financiers, who profit at the expense of small miners' lives, must be identified;

**WHEREAS**, these financiers must be held liable for the loss of lives due to mining operations in landslide-prone areas;

**NOW, THEREFORE, BE IT RESOLVED**, as it is hereby resolved, to direct the Senate Committee on Environment and Natural Resources and Committee on Climate Change to look into the accountability of financiers of small-scale mining operations in the landslide that occurred in Barangay Napnapan, Pantukan, Compostela Valley on 5 January 2012.

Adopted,



**LOREN LEGARDA**  
Senator