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-DF:NR 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;
WHEREAS, on July 4, 2019, OceanaGold filed a petition for a temporary restraining order and injunction against the cease and desist order of the provincial government, for the mining company to continue its operations;

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

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

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

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

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

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

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

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

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

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

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

NOW THEREFORE BE IT RESOLVED, that the House of Representatives, through its
Committee on Environment and Natural Resources, 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 the OceanaGold’s illegal mining operations.