

# Philippine Resources

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## The Philippines Asia's Next Tiger?

**Of Bangsamoro  
and other  
musings**

**Mining Versus  
Tourism**

**Philippine  
Capital Markets  
Running Hot**



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# Should it be a choice between mining and tourism?

By Patricia A. O. Bunye

Section 1 of Executive Order No. 79 ("EO 79") provides that, among the areas closed to mining applications are tourism development areas as identified in the National Tourism Development Plan ("NTDP").

However, under Section 3 of EO 79's Implementing Rules and Regulations, as embodied in Department Administrative Order No. 2012-07 ("DAO 2012-07"), "tourism development areas" refer to specific tourism sites within an area, including its attendant landscapes, identified in national and local tourism development plans, as well as those designated through legislative and executive issuances, to be developed into Tourism Enterprise Zones, tourism complexes, integrated resorts, leisure and recreation centers, and other tourism related facilities and activities.

Not only is the definition of "tourism development areas" found in Section 3 of DAO 2012-07 an expansion of what EO



79 provides, i.e., that tourism development areas must be actually be identified in the NTDP, Section 1 of EO 79 itself is an expansion of the areas closed to mining provided in Republic Act 7942, the Philippine Mining Act of 1995 ("Mining Act").

While Section 1 of EO 79 was revised to include a definition of "expired mining tenements", the aforementioned definition of "tourism development areas" remains, and unless and until EO 79 is invalidated, it is something we will have to live with.

On 05 May 2012, during the 45th Annual Meeting of the Board of Governors of the Asian Development Bank, the NTDP was unveiled, calling for a total investment of P265 billion from 2011-2016, for the country to be able to reach its target arrivals of 10 million international and 35.5 million domestic tourists by 2016.

In this regard, the Department of Tourism has listed 78 "existing and emerging tourism development areas" that will be ostensibly protected from mining activities. [Please refer to the attachment]

Notably, based on the NTDP, "tourism development areas" are delineated nor do they pertain to specific locations in a city or region. For instance, in Central Luzon, the NTDP names Pangasinana, Nueva Ecija, Zambales among others.

Based on the massive areas designated for tourism development, and which consequently "no-go" zones for mining, an argument could be made by anti-mining advocates that practically the entire Philippines is a "tourism development area" closed to mining.

Are mining and tourism mutually exclusive such that a choice has to be made between them?

Responsible miners do not think so particularly since they are obligated under the Mining Act to rehabilitate and redevelop the mining areas after utilizing the same.

Under Section 69 of the Mining Act, every contractor shall undertake an environmental protection and enhancement program.

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program covering the period of the mineral agreement or permit.

Such environmental program shall be incorporated in the work program which the contractor or permittee shall submit as an accompanying document to the application for a mineral agreement or permit. The work program shall include not only plans relative to mining operations, but also to rehabilitation, regeneration, revegetation and reforestation of mineralized areas, slope stabilization of mined-out and tailings covered areas, aquaculture, watershed development and water conservation; and socio-economic development.

In fact, under Section 167 of the Mining Act's IRR, during every stage of the mining operation, as well as after the termination stage thereof, all open pit work areas, underground workplaces, mine waste and tailings impoundment systems, quarry sites and other mining-disturbed landforms, including those disturbed during exploration, shall be progressively rehabilitated to a condition prescribed in the Environmental Compliance Certificate and/or Environmental Protection and Enhancement Program.

National Tourism Development Plan, 2011-2016

List of Cluster Destinations and Tourism Development Areas

Grouping	Cluster Destinations	Tourism Development Areas
Northern Philippines	NP-1: Batanes, Cagayan Coast and Babuyan Islands	NP-1A: Batanes Island NP-1B: Babuyan Island NP-1C: Cagayan Coast
	NP-2: Laoag-Vigan	NP-2A: Laoag-Pagsajud NP-2B: Vigan
	NP-3: Sierra Madre	NP-3A: Tuguegarao-Tabuk NP-3B: Ilagan & Isabela Coast NP-3C: Quirino
	NP-4: Cordillera	NP-4A: Central Cordillera NP-4B: Benguet-Baguió-Mt. Province NP-4C: Nueva Vizcaya
	NP-5: Lingayen Gulf	NP-5A: La Union Coast NP-5B: Western Pangasinan Loop NP-5C: East Pangasinan Circuit NP-5D: Lingayen Coast & Islands
	NP-6: Central Luzon	NP-6A: Subic-Clark-Tarlac Corridor NP-6B: Nueva Ecija NP-6C: Pampanga NP-6D: Bulacan NP-6E: Zambales Coast NP-6F: Bataan Coast and Inland NP-6G: Aurora
	NP-7: Metro Manila and CALABARZON	NP-7A: Metro Manila & Environs NP-7B: Nasugbu-Looc-Ternate-Cavite Coast NP-7C: Laguna de Bay NP-7D: Batangas Peninsula NP-7E: Quezon Coast & Islands
Central Philippines	CP-1: Bicol	CP-1A: Camarines & Catanduanes CP-1B: Albay-Sorsogon-Masbate
	CP-2: Marinduque-Mindoro-Romblon	CP-2A: Marinduque Island CP-2B: Romblon Island CP-2C: Puerto Galera CP-2D: Southwest Mindoro Coast
	CP-3: Palawan	CP-3A: San Vicente-El Nido-Taytay CP-3B: Puerto Princesa CP-3C: Southern Palawan CP-3D: Busuanga-Coron-Culion Islands
	CP-4: Western Visayas	CP-4A: Metro Iloilo-Guimaras CP-4B: Bacolod-Silay CP-4C: Boracay Island-Northern Antique-Kalibo CP-4D: Capiz
Eastern Visayas	CP-5: Central Visayas	CP-5A: Northern Cebu-Bantayan-Malapascua CP-5B: Metro Cebu-Mactan-Olango Island CP-5C: Southern Cebu CP-5D: Negros Oriental-Dumaguete-Sicujor CP-5E: Tagbilaran-Panglao
	CP-6: Eastern Visayas	CP-6A: Northeastern Leyte-Basey-Marabut CP-6B: Northeastern Leyte-Biliran CP-6C: Southern Leyte CP-6D: West Samar CP-6E: Eastern Samar CP-6F: Northern Samar
Southern Philippines	SP-1: Surigao-Dinagat Island	SP-1A: Dinagat-Siargao Islands SP-1B: Surigao City-Lake Mainit
	SP-2: Agusan River Basin	SP-2A: Butuan City-Cabadbaran SP-2B: Agusan Marsh SP-2C: Agusan Sur-Hinatuan SP-2D: Agusan Sur-Bilig
	SP-3: Cagayan de Oro Coast and Hinterland	SP-3A: Camiguin Island SP-3B: Cagayan de Oro-Misamis Oriental Coast SP-3C: Iligan City/Lanao del Norte SP-3D: Misamis Occidental Coast and (Tanguib Bay/Ozamis-Oroquieta) SP-3E: Bukidnon
	SP-4: Zamboanga Peninsula	SP-4A: Zamboanga Sibugay SP-4B: Zamboanga City-Sta Cruz-Isabela SP-4C: Pagadian City-Zamboanga Del Sur SP-4D: Dapitan SP-4E: Dipolog
	SP-5: Davao Gulf & Coast	SP-5A: Davao City - Samal Island - Davao Del Norte SP-5B: Davao Del Sur SP-5C: Compostella Valley - Davao Oriental
	SP-6: Cotabato-Sarangani	SP-6A: Cotabato Province - Mt. Apo SP-6B: South Cotabato - Lake Sebu SP-6C: Sultan Kudarat SP-6D: General Santos - Sarangani SP-6E: Cotabato City
	SP-7: ARMM	SP-7A: Basilan - Tawi Tawi - Jolo SP-7B: Lanao Del Sur - Maguindanao

In addition, mine site decommissioning and rehabilitation shall aim to establish a land use capability that is functional and proximate to the land use prior to the disturbance of the mine area, unless other more beneficial land uses are predetermined and agreed in partnership with local communities and local government units.

As mining is only a temporary land use, and with the safeguards provided by the Mining Act and proper implementation, mine sites can be rehabilitated and thereafter developed for tourism. There are countless examples throughout the world of these, particularly in Malaysia, New Zealand, Australia and Canada.

In Selangor, Malaysia, both the Integrated Sunway City and the Sunway Lagoon Resort, which was adjudged as the best leisure project by the International Real Estate Federation in Paris in 2002, used to form part of a tin mine.

In South Africa efforts have been made to declare certain mining areas as UNESCO World Heritage Sites, which means that they are of outstanding importance, either cultural or natural, to the common heritage of humankind.

It reportedly has four mining heritage-related sites on UNESCO's Tentative List, including the Kimberley Mines and Associated Early Industries site, the site of Africa's first significant mineral discovery, which launched their mineral revolution, and the Namaqualand Copper Mining Landscape, the site of the first sustained modern mining operation in Southern Africa.

As the Mining Minister of South Africa will visit Baguio on the occasion of this year's Philippine Mine Safety and Environment Association's Annual Conference to launch "South Africa Month", it would be interesting to learn how South African tourism has been built around old and existing mines, demonstrating that it is not even necessary to wait for the end of a mine's life in order for it to be a tourist attraction.

Nota bene: A dialogue sponsored by Diwata-Women in Resource Development, Inc. will also be held between the South Africa Mining Minister and Cordillera Women on 14 November 2012 to discuss the lessons learned from 100 years of mining in Baguio and how the South Africa experience may be instructive. ■