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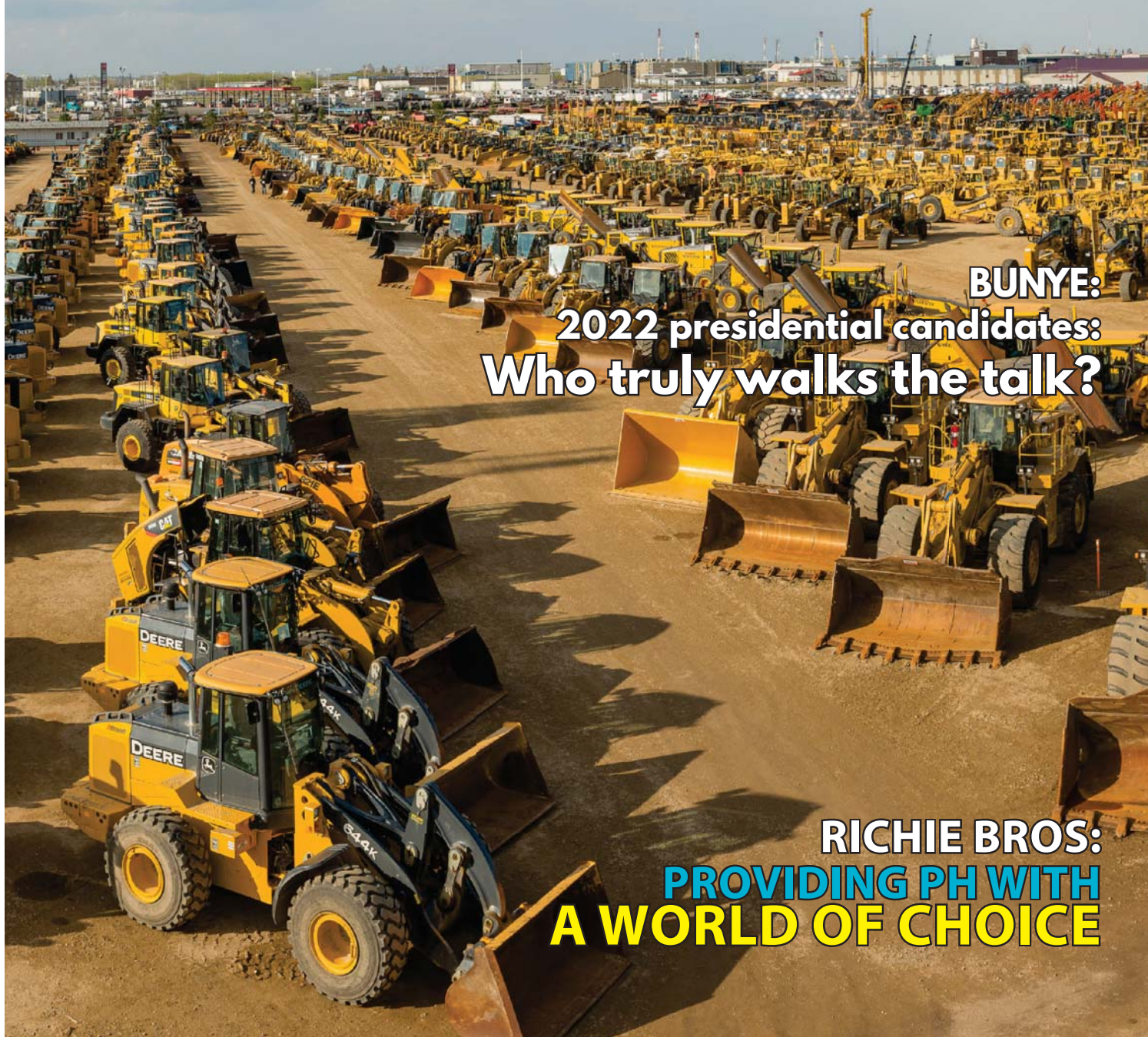
THE MAGAZINE FOR MINING AND CONSTRUCTION
www.philippine-resources.com

ISSUE 1 2022

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2022 presidential candidates: Who truly walks the talk?

As this column is being written, there are less than 100 days to go before the May 9 elections. Many voters have made their minds up from the outset, some purely based on their visceral reactions to, and past experiences with, the candidates. However, we owe it to ourselves and future generations to scrutinize the candidates based on their platforms and advocacies, although time and again we are reminded that most campaign promises are made to be broken.

For the mining industry, the obvious primary point of comparison would be the candidates' position on mining and the development of our natural resources. After all, the Philippine Constitution itself recognizes the role that mining plays in our economic life by providing the framework for the exploration, development and utilization of mineral resources.

The candidates' respective positions on mining have been made public through their recent interviews and statements, including the debates that a certain candidate has been pointedly avoiding.

Speaking to Boy Abunda, instead of Jessica Soho who he claims is biased, Ferdinand Marcos Jr. said he is open to allowing "sustainable mining", while expressing aversion toward open-pit mining. Marcos Jr. said he recognizes that mining is a big source of revenue for the Philippine government, and that in these difficult times, we should take advantage of our vast natural resources. On open-pit mining, he cited the pollution that it allegedly causes and post-mine closure issues. He also called for improving the working conditions and compensation received by mine workers.

Vice President Leni Robredo, for her part, has stated that she supports "responsible mining" and ensuring the protection of the environment. She believes that the benefits from mining should go back to local communities and contribute to holistic national development. She has also stated that she will continue to push for respect for the rights of indigenous peoples, which has been her advocacy from her days as an

"alternative lawyer" and for "honest to goodness consultation" with the communities affected by mining. She, however, said she would immediately cancel President Duterte's Executive Order 130 lifting the moratorium on new mineral agreements, issue an executive order identifying "no-mining areas" and would call for the passage of the National Land Use Act, which she co-authored as a member of Congress. She also supports the passage of the "Alternative Minerals Bill" which bans mining in critical areas and open-pit mining.

Manila Mayor Isko Moreno has said he will support mining as a means of reviving the economy especially after being ravaged by Covid-19, recognizing that mining can attract much-needed foreign direct investments and create jobs. He said that the government cannot rely on taxation alone and must develop its assets, including minerals, responsibly.

Senator Panfilo Lacson said that, if elected President, he will ensure the "responsible" extraction of minerals and eradicate the double standard in the regulation of the mining industry. "Ang mining industry, hindi naman pwede patayin kasi major industry ito ng Pilipinas", he said. He has pointed to small scale mining as the source of violations of mining laws and environmental risks, and an area that he will devote attention to, emphasizing that his actions will be "data driven" and "science based". He has also called for the creation of a special program and funding for indigenous peoples "who suffer the brunt of irresponsible mining."

Senator Manny Pacquiao believes that the extraction of minerals can be done responsibly and is therefore against banning mining. He says that the number of mining projects in the country can be controlled and that the government can focus on monitoring open-pit mining.

Only "Ka Leody" de Guzman has outrightly called for a ban on mining, saying it endangers the lives of people, specifically citing the effects of Typhoon Yolanda in an area where there is a large-scale mining project. Instead, he

advocates advancing a "just transition to a green economy" as a solution to "destructive extractive industries like mining and logging". He said that residents in communities to be rehabilitated should be given the knowledge and skills to conserve the ecology of their environments, which is crucial to the return of their livelihoods in farming and fishing.

There is an entire laundry list of other issues on the candidates can be grilled. However, for the Makati Business Club (MBC) [whose Governance Committee I currently chair] and other business groups, including the Financial Executives Institute of the Philippines (FINEX), Legal Management Council of the Philippines (LMCP), and Management Association of the Philippines (MAP), as well as various Chambers of Commerce, one paramount point is where the candidates stand on Freedom of Information.

Freedom of information is enshrined in the Constitution. The Bill of Rights (Article III), particularly, Section 7, provides "(T)he right of the people to information on matters of public concern shall be recognized. Access to official records, and to documents and papers pertaining to official acts, transactions, or decisions, as well as to government research data used as basis for policy development, shall be afforded the citizen, subject to such limitations as may be provided by law."

What we need, therefore, is a law which implements and operationalizes this. A Freedom of Information (FOI) Law would require government to make public information available to citizens, organizations and businesses. However, it has been 35 years, and counting, but an FOI Law has still not been passed.

From the perspective of FOI



By Patricia A. O. Bunye





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advocates, there is no lack of arguments in favor of the passage of an FOI Law. Good governance reforms are crucial in promoting sustainable and inclusive growth. This can only happen with clear rules and guidelines, easy access to information, eliminating vagueness in procedures, unchecked discretion among regulators, and inefficiency in the bureaucracy. An FOI Law would also encourage developing a culture of transparency at all levels.

On 23 July 2016, soon after President Duterte assumed office, he issued Executive Order 2, entitled "Operationalizing In The Executive Branch The People's Constitutional Right To Information And The State Policies To Full Public Disclosure And Transparency In The Public Service And Providing Guidelines Therefore".

While this was a very welcome development, the EO only covers the Executive branch, including but not limited to, the national government and all its offices, departments, bureaus, offices, and instrumentalities, including government-owned or -controlled corporations, and state universities and colleges. It does not, however, cover the legislature, judiciary and or even LGUs, although it encourages them to observe the order.

Interestingly, the EO contains a reminder to all public officials of

their obligation to file and make available for scrutiny their Statements of Assets, Liabilities and Net Worth (SALN) in accordance with existing laws, rules and regulations, and "the spirit and letter of the Order", but the signatory of the EO himself has time and again refused to provide his SALN, which is a basic instrument of transparency.

For its part, the Supreme Court issued the Rule on Access to Information About the Supreme Court in 2019. The Supreme Court likewise ordered the creation of FOI Manuals in the entire judiciary. The Rule on Access to Information About the Supreme Court guarantees one's "privilege" (but not absolute right) to either obtain a copy, receive the information or gain insight to all information and records or portions of those records in the official custody, possession and control of offices in the Supreme Court. Like all other rights, the "right to know" is not an absolute right. Excluded are those "non-disclosable information" protected by laws, rules or resolutions of the Supreme Court En Banc.

The obvious limitations of these two issuances are that they only cover their respective branches of government. The goal is to pass an FOI Law which covers all three branches of government, including local governments.

The consolidated House Bill (HB 5776) currently pending for

approval by the House Committee on Public Information enjoys strong support and has been consistently identified as a legislative priority by the business community. However, it is highly unlikely that it will pass in this administration, and it is therefore up to the next administration to take up the cudgels.

Information is power. Information will allow us to make better decisions about who we elect to office, how we allow our leaders to allocate and spend our taxes, and also examine the policies they seek to implement. Information will allow us to be better partners in nation-building. The right information will empower us to fight and correct misinformation, falsehoods and outright fake news.

During the campaign, a number of the presidential candidates have professed support for the concept of "freedom of information", though some not necessarily for the passage of the law itself. What is more telling is not what they have said in words, but by their actions through the years, i.e., whether they have led lives of transparency and accountability.

The campaign period is therefore a time for us to really sift through the noise and get to know our candidates, both national and local, but most especially the presidential candidates, as to who truly walks the talk. ■

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