



CORDILLERA PEOPLES ALLIANCE

For the Defense of the Ancestral Domain and for Self Determination

15 April 2013

CPA to Supreme Court: Declare the Philippine Mining Act of 1995 Unconstitutional

We challenge the Supreme Court to declare RA 7942 or the Philippine Mining Act of 1995 unconstitutional. Many years ago on January 29, 2004 the SC declared unconstitutional major provisions of RA 7942, but reversed its decision the same year, allowing 100 % foreign ownership and control of mining activities in the country, contrary to provisions of the Philippine Constitution. This decision dangerously opened the gate for foreign investors' and corporations' total control of over people's mineral resources and the country's whole natural resources as well. This is a mockery of the people's control over their patrimony and a clear violation of the rights of indigenous peoples over their land and resources.

Let us look back at the 18 years since the Mining Act was signed into law and ask, what have we gained? The truth is, we gained nothing—save for plunder of our land and resources; massive destruction of the environment and ecosystem, mining disasters (Philex, Lepanto, Marcopper, Lafayette), violation of people's rights especially indigenous peoples' collective right to Free, Prior and Informed Consent (FPIC), ancestral land and self determination, militarized communities especially those opposing the entry of the large mines, pollution of agricultural lands and water bodies, health hazards, food insecurity and more. Large mining is no longer taking place in mountain tops but also along coastal areas. Many community leaders have been victims of extrajudicial killings and enforced disappearances. Opposition has been historical, and it is important to note that the people are already proposing.

Mining is an issue of social justice, and for justice to prevail, the Mining Act must be declared unconstitutional. The SC must be open to alternative mining laws to reorient and overhaul the current mining industry, such as the People's Mining Bill. Reorienting the current Philippine mining industry must mean correcting the historical injustice committed to the people, especially indigenous peoples, and all victims of mining plunder, by making mining companies accountable. Reorienting the Philippine mining industry means it must not be profit-driven, not import-oriented and export-dependent, environmentally regulated especially in indigenous peoples territories where these mineral resources are, among others. It must be for the common good, in the framework of a nationally industrialized Philippine mining industry. And it is important that these matters are constitutionally guaranteed.

In the light of the May 2013 elections, we challenge political parties and candidates to make a stand on the legal debate on the Mining Act's constitutionality, and push for the enactment of the People's Mining Bill. For justice to truly prevail, the Mining Act must be declared unconstitutional, and this should start with the Supreme Court. ***

Reference:
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