

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FOURTEENTH CONGRESS
Second Regular Session

HOUSE RESOLUTION No. 762



Introduced by **Bayan Muna** Reps. Teodoro A. Casiño and Satur C. Ocampo,
Gabriela Women's Party Reps. Luzviminda C. Ilagan and Liza L. Maza, and **Anakpawis** Rep. Rafael V. Mariano

RESOLUTION

DIRECTING THE COMMITTEE ON NATIONAL CULTURAL COMMUNITIES TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE MINING OPERATION OF CANADIAN FIRM OLYMPUS PACIFIC MINERALS INCORPORATED AND ITS LOCAL CONDUITS ABRA MINING AND INDUSTRIAL CORPORATION (AMIC) AND JABEL CORPORATION (JABEL) THAT VIOLATE THE RIGHTS OF THE INDIGENOUS BINONGAN PEOPLE IN BAAY-LICUAN, ABRA

WHEREAS, Canadian mining firm Olympus Pacific Minerals Inc. is aggressively pursuing its mining operations after it entered into an agreement with its Philippine conduits Abra Mining and Industrial Corporation (AMIC) and Jabel Corporation (Jabel) on November 23, 2006 for the 43-square kilometer Capcapo Gold Project in Baay-Licuan town, Abra province;

WHEREAS, Baay-Licuan has 11 barangays and is part of the ancestral domain of the Binongan people of Abra. Being an ancestral domain, the indigenous communities in the area have prior rights to these lands as recognized by various local and international laws and conventions;

WHEREAS, when the Binongan indigenous communities learned of the mining operations, they immediately made a petition stating that the non-compliance of the mining companies to the Free, Prior, and Informed Consent (FPIC) process as provide by law is a gross violation of their rights as a people. The opposition of the communities led the National Commission on Indigenous Peoples (NCIP) to initially defer all mining activities in Capcapo;

WHEREAS, the FPIC was never secured by Olympus, AMIC and Jabel from the communities prior to the exploration and drilling operations in the Binongan people's ancestral domain at Capcapo mountain;

WHEREAS, Olympus, AMIC and Jabel continued the exploration despite opposition petitions filed by the communities as early as March 2007. Olympus only stopped its operations in August 2007 when the National Commission on Indigenous Peoples (NCIP)-CAR told them to defer all exploration activities;

WHEREAS, no FPIC process was conducted with the communities as they had no prior knowledge that there were Mineral Production Sharing Agreements (MPSAs) approved and issued to AMIC (144-99-CAR) and Jabel (141-99-CAR) in April 1998;

WHEREAS, the NCIP-Abra office, in its Investigation and Ocular Site Inspection Report of the Mining Activity of the Abra Mining and Industrial Corporation and its Conduit Olympus Mines at Capcapo, Baay-Licuan, Abra to the NCIP-CAR on August 28, 2007 stated that Olympus Mines grossly violated the rights of the indigenous cultural communities/indigenous peoples over their ancestral domain and failed to comply with the requirements under the Indigenous Peoples Rights Act (IPRA) and NCIP AO No.1, S. 2006;

WHEREAS, the said mining claims were allegedly anomalously certified by the NCIP in April 1998 and consequently approved by the Mines and Geosciences Bureau of the Department of Environmental and Natural Resources (MGB-DENR) on the mere technicality that there are “no issued or pending applications for ancestral land and domain claims and titles;”

WHEREAS, the affected communities are stepping up their opposition to the intrusion of mining companies and the resulting militarization of their homes with the continuing submission of petitions since March 2007 to the NCIP regional and provincial offices and local government units;

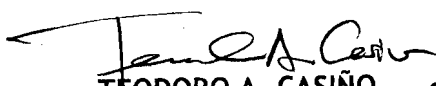
WHEREAS, some 150 representatives of citizen’s groups who gathered in Poblacion Licuan formed the Baay-Licuan Takderan Omnu a Karbengan (Balitok), a multi-sectoral alliance wanting to preserve their ancestral domain in March 2008;

WHEREAS, the said mining firms have allegedly violated the inherent right of the Binongan indigenous people to determine their mode of development with the obvious failure of the companies to obtain an FPIC before any development project is implemented;


WHEREAS, the Binongan people fear that foreign-backed mining will destroy their way of life, the local remaining biodiversity, forests, water and other resources;

NOW THEREFORE BE IT RESOLVED, AS IT IS HEREBY RESOLVED, that the Committee on National Cultural Communities conduct an inquiry, in aid of legislation, on the mining operations of Canadian firm Olympus Pacific Minerals Incorporated and its local conduits Abra Mining and Industrial Corporation (AMIC) and Jabel Corporation (JABEL) that violate the rights of the indigenous Binongan people in Baay-Licuan, Abra.

Adopted,


TEODORO A. CASINO
Bayan Muna Party-List


SATUR C. OCAMPO
Bayan Muna Party-List


RAFAEL V. MARIANO
Anakpawis Party-List


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