

STRATEGIC COMMUNICATION AND INITIATIVES SERVICE

DATE : 09 NOV 2016

DAY : Wednesday

DENR

IN THE NEWS

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STRATEGIC COMMUNICATION AND INITIATIVES SERVICE

Groups support refiling of suit vs Marcopper

Reopening of case in Canada draws backing, but LGU, civil society split on choice of law firm

By Maricar Cinco
@maricarcincoINQ

A plan to pursue the multimillion-dollar suit against a global mining firm gained the support of the Catholic Church and civil society groups in Marinduque province to recover the cost of damage left by the 1996 mine tailings spill, tagged as the worst mining tragedy in the Philippines.

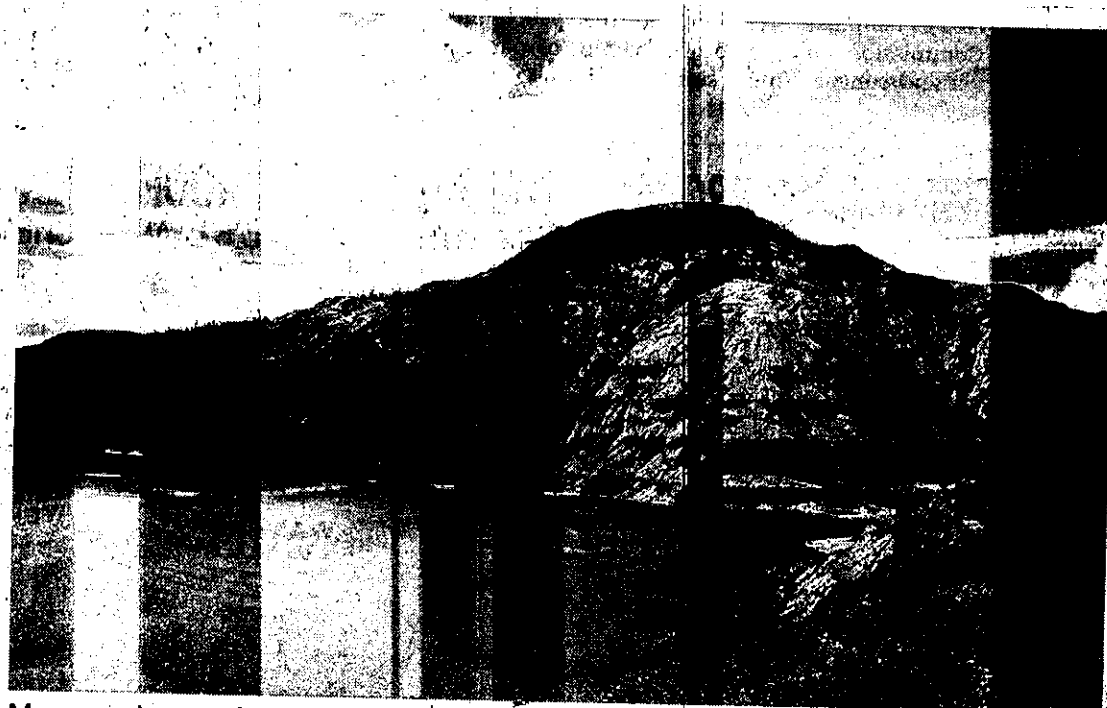
The provincial board of Marinduque, in June, issued a resolution to refile the case in a Canadian court against the Toronto-based Barrick Gold Corp., the company that absorbed Placer Dome, the parent company of the defunct Marcopper Mining Corp.

In 1996, one of Marcopper's drainage tunnels gave way, unleashing about 200 million tons of tailings into Boac River. Traces of mine wastes are still visible in the water today.

The Marinduque provincial government, in 2005, filed a \$100-million class suit against the mining company at the Nevada district court in the United States.

But after 10 years of court proceedings, the Nevada State Supreme Court threw out the case for forum non conveniens, meaning the US was a wrong jurisdiction to hear it.

In 2014, Barrick Gold offered a \$20-million settlement but the Marinduque provincial board turned it down after it felt that the amount was not enough to compensate for the environmental damage wrought by the mining disaster.



Marcopper's open pit at Mt. Tapan in Marinduque, as shown in a photograph in 2010, taken 14 years after the country's worst mining disaster. —INQUIRER PHOTO

province were divided as to whether they would continue engaging the services of law firm, Diamond McCarthy.

The US-based firm originally represented the Marinduque government under a contingency arrangement, meaning it would be paid a fraction of whatever the court awards the province once a resolution or a settlement is reached.

In a letter on Oct. 13, Marinduque Gov. Carmencita Reyes asked the provincial board to grant her the authority to enter into another contract with the firm for the "immediate filing of suit" in British Columbia or Ontario.

funder. The purpose of a funder is to shoulder the costs during litigation, she said.

But the Marinduque Council for Environmental Concerns (Macec) opposed Reyes' move to continue engaging lawyers from Diamond McCarthy saying it is "unnecessary and costly."

"We remain positive and we support the intention of the provincial government to refile the case in Canada, but we strongly oppose the continuous engagement of Diamond McCarthy ... for the case," it said.

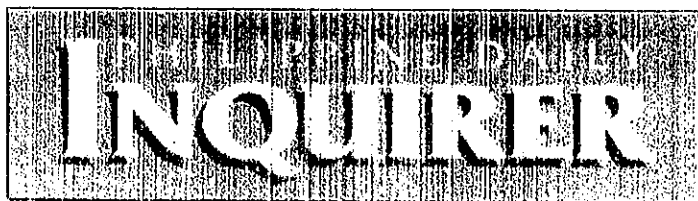
Macec instead urged the provincial government to "directly engage the services of Canadian firms [or] lawyers for the case."

geles said Diamond McCarthy does not have a presence in Canada and it would need to hire lawyers from Lax O'Sullivan Lisus Gottlieb, a Canadian firm.

In effect, "the province [will be] hiring multiple layers of lawyers [and] that is not only costly but unnecessary [because] that will significantly affect the final return or net recovery [for Marinduque]," she said.

"There are several other Canadian law firms that expressed interest [to represent Marinduque] and are amenable to a contingency arrangement," Angeles said.

Boac Bishop Marcelino Antonio Maralit in a letter to the



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WHAT WENT BEFORE

Aside from the case filed in Nevada, seven damage claims and environmental complaints have been filed separately by Marinduque residents in Philippine courts against the mining corporation and its officials.

Among these is the case filed by Calancan fishermen in July 2004 against Placer Dome that was junked by a Marinduque Regional Trial Court in August 2013. The court, however, denied the motion to dismiss the charges against Marcopper, which was a correspondent in the class suit. Marcopper had ceased operating after the 1996 mine disaster.

In May 2009, the Supreme Court ordered the mining company to pay at least P36 million in taxes to the Marinduque provincial government. The Supreme Court ruled on a technicality over the use of the land. On March 8, 2011, the Supreme Court also issued a writ of *kalasán* in favor of three residents who sued Placer Dome Inc. and Barrick Gold on behalf of the victims of the mining disaster. —MARIELLE

MEDINA, INQUIRER RESEARCH

Sources: Inquirer Archives, "Access to Justice Case Studies: Marcopper Mining in Marinduque" by Miguel Magalang in academia.edu

out the necessary changes in favor of the province would be very disadvantageous."

The provincial board, in a special session on Oct. 25, voted against authorizing Reyes to enter into the contracts. It has yet to reach a decision on the choice of a legal representative.

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Nickel Asia income drops 61% in 9 months

Nickel Asia Corp. saw a 61 percent drop in net income in the first nine months of the year owing to lower nickel prices and sales volume.

In a report to the local bourse, Nickel Asia said net earnings reached P980 million, down from P2.49 billion in the same period a year ago due to its share of the losses on its 22.5 percent equity interest in Taganito Nickel Corp. and its 10 percent equity interest in Coral Bay Nickel Corp. amounting to P561 million.

"Our mining operations continued to be profitable

By LOUISE MAUREEN SIMEON

despite very low nickel prices that during this nine month period averaged at a level not seen since about 13 years ago," Nickel Asia president and CEO Gerard Brimo said.

Nickel Asia's four operating mines sold a total of 15.2 million wet metric tons (WMT) of nickel ore, down five percent.

The drop in shipment volumes was due to the delayed start of shipments from its Hinatuan and Cagdianao mines due to the prolonged rainy season and resulting sea swells in northeastern Mindanao.

Prices of nickel ore exports averaged at \$19.20 per WMT, significantly lower than the average of \$22.70 per WMT during the first nine months of 2015.

Low-grade limonite ore shipped to the Coral Bay and Taganito processing plants, which remain linked to prices at the London Metal Exchange, fetched an average price of \$4.19 per pound of payable nickel compared to \$5.74 per pound sold a year earlier.

Meanwhile, Brimo expects a continuing improvement in prices in the world market.

"Nickel prices have started to improve in the third quarter of the year due to a global supply deficit resulting from a steady rise in nickel demand, particularly in China, and production cutbacks by a number of high cost producers," he said.

Nickel Asia is a global supplier of lateritic nickel ore and exports both saprolite and limonite ore to customers in Japan and China.

Its operating mines are Rio Tuba, Taganito, Cagdianao and Taganaan, all located in the southern part of the Philippines.

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DENR sets aside ₱28 M for development of Zambales area adversely affected by mining

By MAR T. SUPNOD

STA. CRUZ, Zambales — The Department of Environment and Natural Resources set aside ₱28 million for the development of this town that was affected by mining operations.

Laudemir S. Salac, chief of the DENR's provincial environment office, said that a capsule proposal is being prepared for the development and renovation of 10 projects.

These are a 50-hectare Integrated Agroforestry; 7.55-hectare Riverbank Rehabilitation; seven-hectare Mangrove

Rehabilitation; Biochar Production; Charcoal Briquette Production; 50-hectare Fuelwood Plantation Establishment; Lomboy-Tubo-tubo Nature Reserve Eco-tourism Promotion; Hermana Menor Reef Discovery, Forest Protection Activity Enhancement; and an Integrated Solid Waste Management Project.

"All of which entails the disbursement of ₱28,132,011.60 intended for the development of pre-identified areas within the municipality of Sta. Cruz," Salac said.

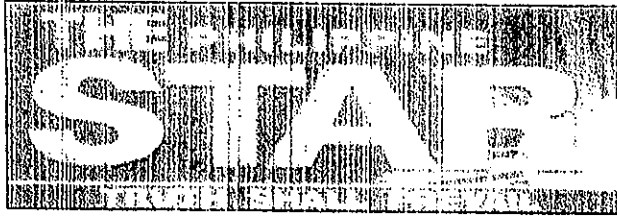
"Mining is relatively a talk of the town recently. The current Secretary of the

Department of Environment and Natural Resources (DENR), Ms. Regina Lopez, before accepting her Secretarial position with the department has chaired ABS-CBN Lingkod Kapamilya Foundation, the Corporate Social Responsibility arm of the media company, and spearheaded Bantay Kalikasan, a Non-Government Organization (NGO) notable for the rehabilitation of the La Mesa Watershed and the La Mesa Ecopark," said Salac.

Rehabilitation projects are targeted to be implemented in identified mining affected communities in Sta. Cruz," he said.

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*climate pact opens up \$75-B investments
in Phil.*

vestments in water and water sanitation management, green buildings and energy efficient transportation systems.

The IFC also called for the retrofitting of critical hard infrastructure in the country, such as reservoirs and power transmission networks.

Scale back pledge

Meanwhile, the National Academy of Science and Technology (NAST) has urged the government to reconsider its pledge to reduce the country's greenhouse gas emission by 70 percent by 2030.

"NAST supports the decision of President Duterte to sign the Paris Climate Change Agreement while asserting the primacy of our poverty reduction and sustainable development goals," NAST director Fabian Dayrit said.

"(We recommend that we) scale back on our pledge of 70 percent greenhouse gas emission reduction by 2030 through a participatory and evidence-based process to ensure that

it is realistic and strategically consonant to the country's programs for poverty reduction and industrial development, which by necessity may result in some increase in greenhouse gas emissions," Dayrit stressed.

When he announced his decision to ratify the agreement, Duterte questioned the Philippine pledge to reduce 70 percent of its carbon emissions.

Earlier, the President said reducing the carbon emission might impede the country's industrial development.

But Sen. Loren Legarda countered in an earlier privilege speech at the Senate that the agreement would not hinder the country's development, but would instead present opportunities for low carbon development and green growth.

The CCC earlier said that the Philippines might need at least \$15 billion in technical and financial support to achieve the 70 percent target. — With Marvin Sy, Paolo Romero, Janvic Mateo, and Christina Mendez



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Introspective

By TONY KATIGBAK

Protecting our future

These past few years have been really difficult for our planet. The rise in the Earth's core temperature is a terrible indication of how badly Mother Nature is suffering and how important it is going to be for all the nations of the world to pitch in and help make a difference. I know I have written about it before but the problem is a continuous one and we all need to constantly be aware of our actions. It's reaching critical mass with the number of people in the world and our emissions and waste. The planet won't be able to sustain us at this pace for much longer.



Climate change has been a rallying cry of staunch environmentalists for years, but for the bulk of that time their cries fell on deaf ears. People didn't realize the seriousness of the matter because they didn't see the effects yet. It's a pity we didn't act then when it wasn't so bad. Now, people are finally starting to change their tune because the devastating effects of climate change are being felt around the world – polar ice caps are melting, temperatures are rising, and weather patterns are going crazy.

Here in the Philippines we can attest to crazy weather. For several years our weather was quite predictable. Rainy season began roughly in June and lasted maybe until October at the latest. Scattered rains through November and by December until around early February it is cooler until summer hits us in March. Now though that is all out the window. Seasons have shifted and rains can start as late as September and last well throughout the holiday season. What's more, the typhoons are much stronger now too. It's only in recent years that super typhoons such as Yolanda were a real threat and the scary part is, weather experts say storms like that will soon be the norm unless things change.

I am very grateful that President Rodrigo Duterte changed his mind on Monday and agreed to allow the country's ratification of the Paris Agreement on

Climate Change. As I always say in my columns, we are not an island drifting alone in the middle of the ocean anymore, we are part of a global community and we must play our part in doing what we can to protect the environment and bring global temperatures down. What we do in the Philippines no longer affects just us. It affects the whole world too, just like every other nation. We need to work together.

I was quite surprised when the President initially said he did not want to sign the agreement. I understand why he was hesitant just because it was unfair for developing countries to face the same sanctions and the same cutbacks on carbon emissions as more developed countries considering these developed nations have given more than twice the amount of emissions over the last decade. However, there's really nothing we can do about that now. As awful as it is, what's done is done and we have to focus on the future. We all need to take responsibility and make things better.

Fortunately, the majority of the president's Cabinet was for ratification so the president adhered and said that he would sign it, stating that it was the Cabinet's decision. We need to be on the right side of this so when we look back years from now we'll know we did our part in trying to repair the damage we have all done to our world.

The Paris Agreement happened last December, with then President Benigno Aquino III, and nearly 200 other countries. They agreed on a binding global agreement to slash greenhouse gases and keep global temperature below two degrees Celsius. On our part, Manila promised to cut carbon emissions by 70 percent by the year 2030 despite the fact that the Philippines is not a major emitter. Wealthy developed countries were also asked to set aside money amounting to at least \$100 billion yearly as financial assistance to developing countries to enable all countries of the world to find renewable energy sources by the year 2020.

I know that we have a long journey ahead of us, but we need to remember that we did not destroy the planet overnight. This happened from years of misuse and abuse and it's going to take equally long if not longer to repair. The agreement is an important step the world is taking together to ensure the planet's future and I'm glad that the Philippines is finally onboard.

STRATEGIC COMMUNICATION AND INITIATIVES SERVICE

IFC sees investment 'deluge' for PHL after climate deal

By CAI U. ORDINARIO [@cuo_bm](#)

THE global agreement on climate change has turned the Philippines into one of the countries with a huge climate-smart investment potential in the world, according to the International Finance Corp. (IFC).

In a news statement, the IFC said the climate-change agreement signed last year opened up as much as \$23 trillion in emerging-market opportunities.

Around \$16 trillion of this amount can be made in climate-smart investments in East Asia and the Pacific, where China, Indonesia, the Philippines and Vietnam show the largest potentials.

"There has never been a better time than now for climate-smart investing," IFC Executive Vice President Philippe Le Houérou said. "This reflects the dramatic reduction in the price of clean technologies and the rise of smart policies that are driving businesses to invest."

Le Houérou added that the increase in climate-smart opportunities has also convinced them to increase its climate investments to \$3.5 billion a year by 2020.

He added that the IFC also plans to catalyze \$13 billion through other investors.

The IFC also said that a salient point in the report's findings is the role of governments in unlock-

ing the full potential of climate-smart investments.

"[The report] recommends that governments integrate national climate commitments into their development strategies and budget processes, strengthen the investment climate for climate-smart industries and deploy public funds strategically to mobilize private capital—by reducing risk and providing project support, for example," the IFC said.

Since the Paris Agreement was adopted in December 2015, a total of 189 countries have submitted national plans that target aggressive growth in climate solutions.

These include renewable energy, low-carbon cities, energy efficiency, sustainable forest management and climate-smart agriculture.

IFC said these plans offer a clear road map for investments that will target climate-resilient infrastructure and offset higher upfront costs through efficiency gains and fuel savings.

IFC, a member of the World Bank Group, is the largest global development institution focused on the private sector in emerging markets. It has worked with 2,000 businesses worldwide in the past six decades.

In fiscal year 2016, IFC's long-term investments in developing countries rose to nearly \$19 billion to help the private sector end extreme poverty and boost shared prosperity.



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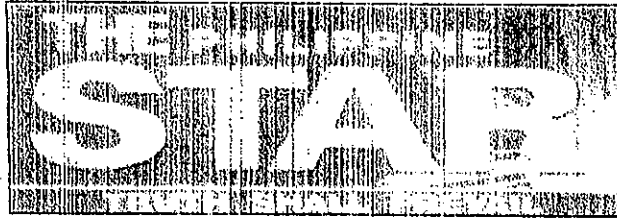
Climate talks sa Morocco nagsimula na

MARRAKECH, Morocco (Xinhua) — Nagsimula na ang 22nd Conference of Parties (COP22) sa United Nations Framework Convention on Climate Change (UNFCCC) dito.

-Sa opening ceremony ng COP22 na ginanap nitong Lunes (Martes sa Pilipinas) sa Marrakech, isinalin ni COP21 president Segolene Royal ang panguluhan kay Foreign Affairs Minister Salaheddine Mezouar ng Morocco.

Sa kanyang talumpati sa mga kalahok, pinuri ni Segolene Royal ang pagpapatibay sa Paris Agreement noong Nobyembre 4 at ang close coordination ng France at Morocco sa nakalipas na taon hanggang sa COP22.

May 20,000 delegado mula sa 196 na bansa ang nagtitipon sa Bab Ighli village, Ochre City, para sa dalawang linggong COP22 climate change conference.



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Bomb hoax hits gov't agencies in MM

By ROMINA CABRERA

A bomb hoax shook up government and private establishments in Metro Manila yesterday after a coordinated e-mail bomb threat was sent to an estimated 300 different public and individual accounts.

The bomb threat was sent by a certain Alexander Unger (alexander.unger111@gmail.com) at around 12:27 p.m., a copy of the e-mail obtained by The STAR showed.

The e-mail said four envelopes containing bombs were kept inside a steel cabinet on the second floor of the respective buildings.

The message added that the employees should vacate the building without notifying the authorities as the bombs were going to detonate by 3 p.m.

At least five government offices in Quezon City immediately reported the bomb threats to the local police upon receiving the e-mail.

The Department of Environment and Natural Resources main and National Capital Region (NCR) offices, the Department of Agriculture, both along Elliptical Road, and the Department of Education (Quezon City division) in Barangay Bago Bantay reported the incident at around 12:45 p.m., police said.

Chief Inspector Noel Sublay, head of the Explosives and Ordnance Division of the Quezon City police, said all buildings and compounds were cleared at around 4 p.m.

The Department of the In-

counts of private individuals apparently registered in different countries.

Some of the government institutions that were included in the e-mail list were the Department of Social Welfare and Development, the Department of Trade and Industry, Technical Education and Skills Development Authority, Asian Development Bank, Department of Tourism and the National Statistics Office.

E-mail addresses of the National Economic and Development Authority, the United

Nations, the Department of Budget and Management, the Department of Energy and the National Statistical Coordination Board, among others were also included.

At least two hotels in Manila also received the bomb threat aside from the government agencies, Sublay said.

He added that the local police force will turn over the e-mail to the Anti-Cybercrime Group of the Philippine National Police for further investigation.

'Just a drill'

An e-mail message also disrupted work at the Department of Labor and Employ-

Labor Secretary Silvestre Bello, however, denied that there was a bomb threat.

"I have not seen the e-mail. We are just doing a bomb drill so that our people will know how to evacuate in an orderly manner," Bello told reporters.

But he later directed the officials and employees to go home and report to work early today.

Police said it took a while for the bomb squad to arrive because they had to respond to other bomb threats.

Aside from DOLE, police said four other offices received the same e-mail warning that a bomb will explode at 3 p.m.

Overseas Workers Welfare Administration chief Hans Cacdac said they had to suspend an ongoing board meeting because they were asked to evacuate the building immediately.

Bello said he also had to reset the senior officials meeting due to the bomb "drill."

DOLE senior officials were supposed to hold a meeting to discuss the possibility of adopting a temporary policy to address the illegal end-of-contract or "endo" scheme.

— With Mayen Jaymalin

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ARM: MAGUINDANAO 2,000 residents isolated by floods, landslides

RELIEF WORKERS were trying on Tuesday to reach two upland communities of a town in Sultan Kudarat province whose 2,000 residents were isolated by flashfloods and landslides following Sunday's heavy downpour, officials said.

"They are trapped, they could not go down due to landslides and knee-deep mud," said Mayor Ronan Garcia of Kalamansig. "We tried to reach the upland villages but we could not get through," she added. — **PNA/Interaksyon.com**

>> See full story on
<https://goo.gl/B2N0uf>