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DENR

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STRATEGIC COMMUNICATION AND INITIATIVES SERVICE



SDMP: Key to mining industry's sustainability

THE Mines and Geosciences Bureau (MGB) in Region 2 (Cagayan Valley) of the Department of Environment and Natural Resources (DENR) said guiding mining stakeholders in the development of their social development management program (SDMP) will ensure sustainable development in the mining industry.

A precondition to starting a mining operation, SDMP is a five-year plan carried out during the mine's lifespan to bring about a sustained improvement in the living standards of the host and neighboring communities (HNCs) of mining companies.

MGB Region Director Mario Ancheta said three large-scale mining companies in Region 2 have recently undergone orientation on Enterprise Development and Networking in Santiago City, Isabela: the Didipio Mine of the Australian-Canadian OceanaGold (Philippines) Inc.; the London-based FCF Minerals Corp. and the Dinapigue Mining Corp. (DMC), a subsidiary of Nickel Asia Corp.

Ancheta explained the significance of the orientation: "It is a good opportunity to learn from one another to benchmark our best practices so we can better

equip our communities to be sustainable and self-sufficient through enterprise development."

DENR Region 2 Executive Director Gwendolyn Bambalan cited the importance of the DENR Administrative Order 2020-12 in the promotion of the general welfare of the people in the communities where the mining area is located.

She also put emphasis on the SDMP implementation areas of concern of the mining companies, which include capacity building on project management, organizational development, entrepreneurship, and skills development and training.

While MGB Region 2 senior science research specialist Maribeth Tumaliuan discussed SDMP policies, mining companies' representatives presented their existing development and management plans.

Nerry Langres, Didipio Mine Community Relations (ComRel) manager, discussed the overview of the SDMP allocation in their HNCs. Community development supervisor Vincent Flores tackled livelihood updates in communities, and community development superintendent Peter Benaires spoke about the social impact as-



■ DENR-MGB guides mining practitioners in the development of their Social Development Management Program.

essment of the company's SDMP. FCF Minerals ComRel superintendent Judy Ann Romero presented the findings and recommendations of the first SDMP for 2017-2022 implementation and

the status of their program on enterprise development implementation. DMC ComRel supervisor Maria Perpetua de la Cruz discussed the development of their HNCs. **LEANDER C. DOMINGO**



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GAIA releases Zero Waste Declaration

NEW YORK CITY: On the first annual United Nations International Day of Zero Waste on March 30, the Global Alliance for Incinerator Alternatives (GAIA) released a public declaration signed by over 200 organizations in almost 60 countries representing zero waste practitioners, policy experts and community groups. The declaration defines the principles and essential components of "zero waste" that governments are encouraged to observe to successfully tackle global waste problems.

Joshua Amposen of GAIA's network said, "We are faced with triple planetary crises — climate change, pollution and loss of biodiversity — which are threatening our survival on Earth. For many communities, zero waste is pivotal to building resilience against climate risk and achieving sustainable socioeconomic systems."

The letter emphasizes the importance of reducing waste through reuse, refill, repair and redesign, and recommends that governments further critical infrastructure investments and policies that facilitate these systems.

"Zero waste must also center social and environmental justice, redressing the historic harms inflicted on communities at every stage of the linear economy — from those living near extraction and manufacturing sites to the waste pickers working without proper pay or recogni-

tion, to the neighborhoods where waste is dumped or burned, especially waste sent from overseas," said Alejandra Parra, zero waste and plastics advisor for GAIA Latin America and the Caribbean.

GAIA and Zero Waste Europe members in numerous Latin American cities in Brazil, Argentina and Chile, among others, have introduced robust programs that separately collect organics and recyclables, and ban single-use plastic products. Over 400 municipalities have committed to zero waste in Europe, and cities across Europe and Asia are modeling zero-waste solutions that reduce waste by up to 80 percent.

A recent GAIA study showed that better waste management policies such as waste separation, recycling and composting could cut total greenhouse gas emissions from the waste sector by more than 1.4 billion tonnes, equivalent to the annual emissions of 300 million cars.

Aditi Varshneya, network development manager at GAIA US and Canada, commended the United Nations "for its decision to proclaim March 30th as International Day of Zero Waste. It is a meaningful validation for the thousands of GAIA members who have worked tirelessly for decades to build zero waste systems in their communities that protect nature, the climate, and human rights."



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MARINA SUES OWNER OF SUNKEN TANKER

THE Maritime Industry Authority (Marina) has pressed administrative charges against the owner of the MT Princess Empress, the tanker that caused a massive oil spill in the province of Oriental Mindoro and nearby coastal areas.

► **TankerA2**

■ TANKER FROM A1

MARINA

Marina Director Ronald Bandalaria said during a press briefing there is "probable cause" to sue RDC Reield Marine Services Inc., for unauthorized operations due to the absence of a valid Certificate of Public Conveyance (CPC).

Bandalaria said that during the preliminary hearing last March 17, Marina

discovered that RDC Reield "still chose to operate the subject ship, and this they had done not only once but nine (9) times."

Operating a ship in domestic trade without a valid CPC is a violation of Section 16, Chapter VI of Republic Act 9295, which promotes the "development of Philippine domestic shipping, shipbuilding, and ship repair and ship breaking..."

"This prohibition is likewise reflected in Section 7, Rule III of the 2014 Amend-

ments which requires that the CPC shall be amended in case a ship is to be added or removed from the shipowners/operators' CPC," Marina stated.

The Princess Empress sank on February 28 off Naujan town while carrying around 800,000 liters of industrial fuel.

As of April 4, a total of 4,706 sacks and 22 drums of oil waste have been collected from the coastline of 13 barangay in Naujan, Bulalacao and Pola.

The oil spill is considered to be one of the country's worst maritime environ-

ment disasters.

The Philippine Coast Guard (PCG) said it has collected 16,000 liters of oily water mixture from oil spill-affected areas.

In a statement it issued, Marina said it "remains committed to ensuring that all maritime companies operate within the law," and the filing of charges against RDC Reield Marine Services "is a demonstration of the agency's resolve to enforce regulations to promote the safety of the maritime industry."

JANINE ALEXIS MIGUEL



SC upholds Biñan ordinance phasing out big hog farms near residential areas

By REY G. PANALIGAN

The Supreme Court (SC) has declared constitutional the 2004 municipal ordinance issued by Biñan, now a city in Laguna, which gradually phased out large piggery, fowl, and other livestock farms within and near residential areas.

In a decision made public on April 4, the SC said the ordinance "merely

seeks to reduce the level of livestock to a manageable level, and only those farms with large livestock will be affected."

It pointed out the ordinance "does not totally prohibit the conduct of business and even specifies the number of livestock and poultry that must not be exceeded by the business owners."

"To be sure, it (the ordi- ▶ 4

nance) is a form of regulating businesses, which is within the power of local governments under the general welfare clause of the Local Government Code," the SC said in a decision written by Justice Jhoseph Y. Lopez.

Case records show that the 2004 municipal ordinance was approved on April 6, 2005 by the Sangguniang Panlalawigan of Laguna.

On Aug. 25, 2005, Holiday Hills Stock & Breeding Farm Corporation (Holiday Hills) and Domino Farms, Inc. (Domino Farms) received a notice from the Biñan municipal government.

On Feb. 7, 2006, Holiday Hills and Domino Farms filed a case before the regional trial court (RTC) assailing the validity of the ordinance.

The firms claimed the ordinance is "vague, whimsical, arbitrary, capricious, and unconstitutional" and violative of the due process clause of the Constitution.

The municipal government told the trial court that the ordinance was a valid exercise of police power.

On Oct. 30, 2008, the RTC dismissed the petition by the two firms with a ruling that the firms' facilities near residential subdivisions constitute a nuisance per se (by itself).

But on Aug. 22, 2011, the Court of Appeals (CA) reversed the ruling of the RTC. The CA said that while the ordinance was not vague and did not violate the property rights of Holiday Hills and Domino Farms, the firms' right to substantive due process was violated because their hog farms were not a nuisance per se but a nuisance per accidens (by chance or extraneous circumstance).

When the CA denied the then municipality's motion for reconsideration, it elevated the appellate court's ruling before the SC.

The municipality told the SC that the hog farms of the two firms near

residential subdivisions endanger the health of the residents of nearby communities and the foul odor emanating from these farms are obviously distressing or annoying.

It also said the ordinance was a valid exercise of the local government's power to regulate trade within urban control zones.

The two firms maintained that their businesses can only be considered a nuisance per accidens, and the then municipality failed to adduce evidence that the hog farms are directly injurious to the health of the community or its inhabitants.

Resolving the issue, the SC said: "Here respondents' (two firms) hog farms must be considered a nuisance per se. The fact that they emit an unfavorable stench immediately interferes with the safety of the residents of Biñan."

It cited Section 16 of the Local Government Code which states: "... within their respective territorial jurisdictions, local government units shall ensure and support, among other things, the preservation and enrichment of culture, promote health and safety, enhance the right of the people to a balanced ecology, encourage and support the development of appropriate and self-reliant scientific and technological capabilities..., and preserve the comfort and convenience of their inhabitants."

"By passing Municipal Ordinance No. 06, the Municipality of Binan simply exercised its power to promote the general welfare of the residents of Biñan by preserving their comfort and convenience," it said.

"Accordingly, the petition is granted. The decision dated August 22, 2011 and the resolution dated January 26, 2012 of the Court of Appeals in CA-G.R. SP No. 107564 are reversed and set aside. Municipal Ordinance No. 06 (2004) of the Municipality of Biñan, Laguna, is declared not unconstitutional," the SC ruled.