

22 January 2023, Sunday



**DENR**

# **NEWS ALERTS**

# **NEWS CLIPPINGS**

STRATEGIC COMMUNICATION AND INITIATIVES SERVICE



## Alphaland luxury homes sa Benguet, nahaharap sa alanganin

NAGHAIN ng "Notice of Violation" ang Environmental Management Bureau ng Department of Environment and Natural Resources sa Alphaland Baguio Mountain Log Homes, Inc. sa diumano'y pagtatambak ng lupa hanggang sa labas ng area sa nagpapatuloy nitong condominium development sa sitio Tocmo, Loacan, Itogon, Benguet.

Nakasaad sa January 3, 2023 Notice of Violation ang 11 paglabag ng Alphaland sa Environmental Management Conditions and Environmental Compliance Certificate nito gaya ng kawalang nagawang "mitigation interventions" sa excavation activities na lubhang mapanganib sa kapaligiran gaya ng mga malapit na kabahayan, sapa o ilog, lalo na kapag dumating na ang tag-ulan.

Ang nakapagtataka, bakit sa kabila ng matagal na nitong development sa lugar, wala pa rin itong Discharge Permit, Permit to Operate and Hazardous Wastes Generator ID na ipinangako nito sa EMB noong Mayo pa ng



nakaraang taon na ayon sa EMB ay paglabag sa naigawad na ECC nito. Hindi ba't nararapat lamang na mauna muna ang mga permits bago mag-umpisa ang mga kahalintulad na proyektong makaaapekto sa kapaligiran?

Ayon pa sa EMB, hindi pa rin inilalahad ng Alphaland ang "proof of compliance" nito sa Information and Education Campaign (IEC) na nararapat nang naisagawa upang ipaalam sa mga apektadong mamamayan sa lugar ang mga isasagawang environmental at human safety features ng luxury condominium project.

Ayon pa sa pagsisiyasat ng EMB noong Disyembre 2022, mayroong mga naputol na kahoy sa project area na walang mga kaukulang permit mula sa DENR.

Sa isinagawang Technical Conference noong Biyernes ng EMB at mga kagawad ng Alphaland, hindi na nakipagtalo

*(Sundan sa pahina 5)*

### GO NORTH... Mula pahina 4

pa ang luxury homes developer sa ahensiya ng gobyerno kundi tumalima na lang sa mga resulta ng pagsisiyasat ng EMB at nangako ng kahandaang tutupdin ng mga rekomendasyon upang pangalagaan ang kapaligiran sa Itogon, Benguet.

Sadyang inamin ng Alphaland ang mga paglabag at nagpakita ng kahandaang ituwid ang mga pagkakamali nito sa mga sinumpaang nito sa pamahalaang susunding

mga panuntunan ukol sa isinasagawang development nito sa Itogon.

Mainam kung ganito kayos ang kinahihinatnan ng mga dayalogo ng mga kagawaran ng pamahalaan at mga kompanyang nagsasagawa ng mga proyektong may kaugnayan sa kapaligiran. Ngunit, hindi ba masyado pang maaga para husgahan kung tagumpay nga ang resulta ng paghaharap ng EMB at Alphaland? Hindi ba

masasabi lamang na tagumpay ito kung ang lahat ng pangako ng Alphaland ay tutuparin nito sa takdang panahon?

Nangangailangan din ang masusing pagbabantay ng mga mamamayan ng Itogon sa pamamagitan ng mga halal

na opisyal upang isigurdong tupdin ng Alphaland ang mga pangako nitong hakbang upang hindi na maulit ang mga paglabag!

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## Dumagat tribe employed as 'nature guardians' in Ecija town

**By STEVE GOSUICO**

**GABALDON, Nueva Ecija** — Members of the Indigenous People — the Dumagat tribe are designated and employed as "nature guardians" in this third-class municipality, it was learned.

Municipal mayor Jobby P. Emata said this novel idea of hiring the Dumagats to become useful members of the community started when he was then the town's vice mayor in 2016.

Now that he is on his second term as the local chief executive, at least 30 Dumagats, six of them

assigned as the tribe's chieftains, are employed at the town hall as so-called "Bantay Kalikasan" job order workers with a pay rate of P300 per day.

Vice Mayor Victorino V. Sabino said it was a brainchild of the mayor to help the Dumagats and put into harness their skills for the sake of community-building.

"Kagandahan nito natulog sila bilang Bantay-Kalikasan natin, gayundin sa tree-planting activities, pati sa protection at conservation, pati din sa pagkakarapintero dito sa munisipyo," said the vice mayor.

"Sakit sila ng ulo noon dahil sa tinatawag na kainigin system pero ngayon hindi na simula nang mag-

ing kasama natin ang kanilang mga chieftains mula sa Sitio Pagsanjan, Mabaldog, Pindangan, Caanawan, Dupinga at Pag-asa," added Sabino.

Mayor Emata said the IPs are also well-represented in the Sangguniang Bayan with a member of the Dumagat designated as ex-officio member of the municipal council here.



# Ebdane eyes strict mining regulation

BY MAHATMA RANDY DATU

**I**BA, Zambales: Gov. Hermogenes Ebdane Jr. reiterated his call for a proper regulation of mining operations in Zambales after a shipload of nickel laterite ore extracted in Candelaria town and bound for China was seized by the Bureau of Customs (BoC) for lack of an export permit and environmental compliance certificate (ECC).

Ebdane said businesses, particularly mining companies operating in the province, must abide by laws to keep the industry efficient and sustainable.

"What we really need is properly regulated mining operations," he insisted.

Ebdane also revealed relevant information related to the seized

shipment to clarify assertions made by columnist Rigoberto Tiglao in his opinion piece titled "Palace official issues anomalous order backing Chinese firm illegally mining nickel" that ran in *The Manila Times* on Monday, January 16.

Among others, Tiglao said the DENR's Environmental Manage-

ment Bureau had ordered Yinglong Steel Corp., which owned the seized shipment, to stop its nickel-mining operations in Zambales for lack of an ECC.

He also said that Westchinamin Corp., the original operator of the mined area, had sold its mining rights in 2021 to Yinglong "with the agreement requiring Yinglong to secure its own ECC."

Tiglao added that since 2021, local NGOs and Westchinamin officials had asked the Zambales governor to persuade Yinglong to stop its illegal mining.

"Ebdane, however, had ignored the pleas," Tiglao wrote.

Ebdane said that the public "must be informed of what is happening on the ground."

He clarified that under its origi-

nal operator, Westchinamin never conducted mining operations, but instead sold piecemeal its mineral production sharing agreement (MPSA) over the mining area to Yinglong and other companies.

"But now, for reasons only known to Westchinamin, it became interested in taking over the mining operations of Yinglong," Ebdane noted.

The governor also said that while Westchinamin successfully obtained a cease-and-desist order against the operations of Yinglong, a motion for reconsideration was filed before the Office of the President, and that consequently, a stay of the CDO was issued.

"This temporary lifting of the CDO was grounded on the fact that there is imminent environmental danger posed by nickel

stockpiles in the area, including flooding, that my constituents from Candelaria and Sta. Cruz do not want to experience again," Ebdane added.

Ebdane pointed out that it is on record "that I have long sounded the call to stop illegal mining operations in Zambales."

He recalled that when he first took over as governor in July 2010, his first order as Zambales executive was to cancel all 110 small-scale and quarrying permits issued by the previous administration "to pave the way for the strict implementation of environmental safeguards."

In 2010 to 2014, he also requested the DENR to move to ports "sizeable nickel stockpiles left unattended to by mining companies to avoid a potential catastrophe." Some of

those stockpiles, however, eventually inundated farm lots and fishponds in some parts of Sta. Cruz town.

"Such incidents did not happen due to illegal mining operations, but rather through irresponsible mining operations," Ebdane added.

Ebdane also said that as elected governor, he has no authority nor the personality to influence decisions of agencies and instrumentalities of the national government when it comes to large-scale mining operations.

"What we are after only is the pursuance of what is right for our people," he said. "By the same token, we also expect businesses in Zambales to respect local authorities and regulations — as doing business in Zambales is just a matter of privilege and not a right," Ebdane added.



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## MOST OF PHL'S 15 RAFFLESIA SPECIES 'ON THE EDGE OF EXTINCTION'

# Philippines, the center of Rafflesia diversity



THE Banao people posing with a Rafflesia banaoana.

RAFFLESIA LEONARDI found in Aurora province. It is named after the murdered Filipino botanist Dr. Leonardo Co of Conservation International.

ADRIANE TOBIAS, a teaching associate at the College of Forestry and Natural Resources at the University of the Philippines Los Baños, with a Rafflesia banaoana, a species named after the Banao Indigenous Cultural Community in Balbalasang, Balbalan, Kalinga.

BY JONATHAN L. MAYUGA  
Photos by Adriane Tobias,  
CFNR-UPLB

**R**AFFLESIA, the world's largest flower, is on the brink of extinction, and saving the species will require the formulation of a national framework for conserving this unique species and its habitat across the Philippines.

Known for its rich biological diversity, the Philippines is known to host a wide variety of rare animals and plant species.

Among them is Rafflesia. It is famous for producing the world's largest flowers that can only be found in tropical forests of Southeast Asia, particularly in the Philippines, Indonesia, Malaysia, Brunei and Thailand.

There are 41 Rafflesia species known globally, with flower sizes ranging from 6 centimeters to more than a meter across. On record, there are only 13 known different species of Rafflesia.

### Rafflesia research

ADRIANE TOBIAS, a teaching associate at the Department of Forest Biological Sciences, College of Forestry and Natural Resources (CFNR) at the University of the Philippines Los Baños (UPLB), the Philippines has emerged as an important center of its diversity, with 15 species, not 13, as described to date so far.

Tobias, a BS Forestry graduate at UPLB, as part of his thesis for a post-

Tobias, a BS Forestry graduate at UPLB, as part of his thesis for a post-graduate degree in forestry, studied Rafflesia in the Philippines in 2021.

The study's output was published as a USAID Research Brief titled, "Taxonomic Study and Conservation Assessments of Rafflesia in the Philippines." His coauthors were Chris J. Thorogood, Innocencio Buot Jr., Lerma S.J. Maldia and Pastor Malabrigo, Jr.

"With a number of relatively recent species discoveries, the Philippines has emerged in the past two decades as an important center of diversity for Rafflesia," the paper said.

However, most of the country's Rafflesia species are "on the edge of extinction."

The study sought to build a national strategic framework and action plan to conserve Philippine Rafflesia species using science-based data. Through these efforts, researchers

also hope to promote a greater appreciation for plants and the great need to conserve them.

### Easily recognizable

THE paper said that with its singular appearance and distinction as the world's largest flower, plants belonging to the genus Rafflesia are among the more easily recognizable in the world.

However, as in the case of all plants, Rafflesia conservation efforts often receive far less attention compared to charismatic animal species, such as large mammals or visually striking birds.

"People must understand that plant conservation does not strictly refer to preventing plant extinction. It matters for the promotion of environmental health and, most importantly, human health. In the case of Rafflesia, it is also important to highlight their interconnectedness to the ecosystem," the authors pointed out.

### Threatened, pollinator magnet

ACCORDING to the paper, Rafflesia is composed of species that are exclusively holoparasitic to a Tetrastigma vine from the grape family.

"They also mimic the smell and appearance of rotten flesh to attract flies as their pollinators," the authors said, which made the flower become known as "corpse flower."

"Rafflesia's intimate connection to their host and pollinators shows



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how a plant is very dependent on its habitat and various organisms in an ecosystem. Hence, protecting Rafflesia means protecting their hosts, pollinators and habitat," the authors explained.

In coming up with the paper, the authors conducted a comprehensive taxonomic examination and collated the best available information on the country's Rafflesia.

In the process they recognized 15 species in the Philippines, all of which are endemic or can only be found in the country.

"Applying IUCN [International Union for Conservation of Nature] Red List Categories and Criteria, it was determined that all of these species are threatened, with 10 species assessed at the highest threat category of Critically Endangered," the study said.

The study proposed a holistic framework and identified priority actions to push the conservation of these iconic blooms.

Tobias said he is pursuing another research focusing on four aspects, namely, species diversity, extinction risk, awareness campaign and future research focus.

There are existing and future collaborative projects, especially between Oxford Botanic Garden and Arboretum through Dr. Chris Thorogood and CFNR-UPLB through Prof. Pastor L. Malabrigo, Tobias said.

"Results of the study will finally provide the basis for formulating a national framework in conserving our Rafflesia and their habitats across the Philippine archipelago," he told the BUSINESSMIRROR via Messenger on January 18.

### Rafflesia's richness

ACCORDING to Tobias, the number of species known in the Philippines is still debatable.

He said depending on the taxonomic treatment, the Philippines has 13 to 15 species, which hampers setting up conservation actions for the Philippines' species.

Tobias believes Rafflesia banaoana from Cordillera is unique and should be treated at species rank and, therefore, should be separate from Rafflesia leonardi which can be found in Sierra Madre.

A paper he co-authored about the reinstatement of Rafflesia banaoana is still in review for publication.

"Furthermore, we found putative new species in Luzon, thus, emphasizing the need for more field surveys and explorations," he said.

### Identifying conservation priorities

According to Tobias, while taxonomy gives species a name, extinction risk assessment of Rafflesia species is crucial in identifying conservation priorities.

In fact, he said following the IUCN standards, all Philippine species of Rafflesia are mostly Critically Endangered.

"These are species with restricted distribution range or occurring only in a very small habitat," he said.

### Conserving not just the plant

TOBIAS said people see plants as just a background of the planet.

"Rafflesia, being unique for producing the biggest flowers and for having no leaves and stem, can be a good representative of flowering plants," he said

This iconic yet enigmatic holoparasite can be used to catch the attention of policy-makers and government officials to once and for all act toward the conservation of the country's plants and forests, he added.

Knowing that Rafflesia species are at great risk of extinction, their occurrence in nationally proclaimed protected areas adds more conservation value to the sites, he said.

"Rafflesia can be used as trigger species to strengthen conservation efforts in protected areas. Such species are important for setting conservation priorities," he said.

### Policy recommendation

IN general, he and his group believe there should be a conservation program in place, especially for Rafflesia, which is endemic to the Philippines.

However, he said funding always serves as a hindrance.

"It's high time for the Philippine government to protect and conserve our biodiversity, our rich natural treasure!"

"It's ironic to think that the Philippines, being one of the hottest biodiversity hotspots and a megadiverse country, have no law enacted except for the Nipas [National Integrated Protected Areas System] Act," he lamented.

He said a law or a national program for the protection and conservation of Rafflesia is needed.

### High species diversity

THERESA MUNDITA S. LIM, executive director of the Asean Centre for Biodiversity (ACB), said the Philippines has a high Rafflesia species diversity considering that there are

currently only 41 species of the plant in the world, and all found in Southeast Asia.

"However, as of now, it is Indonesia that has the highest number of species, at 17," Lim told the BUSINESSMIRROR in an interview.

She disclosed that the Philippines, however, has the distinction of being host to the "smallest of the biggest flower in the world, R. consue-loae, first sighted in Pantabangan in Nueva Ecija.

According to Lim, if the report is to be believed that there are 15, and not just 13 Rafflesia species in the Philippines, an increasing number of species discoveries "is always a welcome occasion," as this indicates that the Philippines "is increasingly having a better understanding of the biological resources we have."

### Harnessing benefits of biodiversity

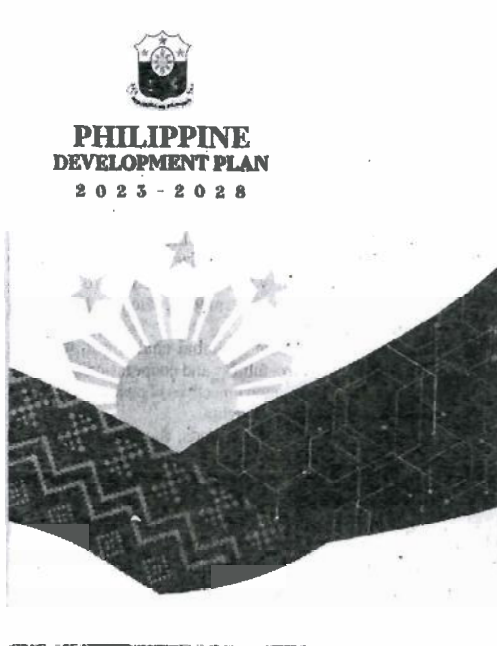
"If we have a good inventory and awareness of them, we will be able to determine how to harness them to benefit our people and our economies," she said.

She cited for instance that Rafflesia blooms have become tourist attractions, "therefore, if we know when these flowers bloom in our Asean Heritage Parks this information can be used to promote nature tourism in protected areas and bring in added revenues if sustainably managed."

Lim said some species of Rafflesia have also been recorded to have wound-healing properties, and so perhaps there can be substances in Rafflesia plants that can be tapped later for pharmaceuticals and nature-based remedies.



# Phl Dev't Plan 2023-2028 tackles climate change



## 15

### Accelerate Climate Action and Strengthen Disaster Resilience



PHOTOGRAPH COURTESY OF PDP

CHAPTER 15 of PDP 2023-2028 identifies the goal for communities, institutions, and the natural and built environment to be 'more resilient to the impacts of natural hazards and climate change' by 2028.

'PDP Chapter 15 reflects the Philippine Government's commitment and dedication to enhance the nation's overall resilience to climate change and its impacts'

The Climate Change Commission welcomed the inclusion of an accelerated climate change agenda in the Philippine Development Plan 2023-2028, pointing out that this will further strengthen the commitment of the Philippine Government to deliver on key climate actions.

CCC Vice Chair and Executive Director Robert E.A. Borje cited the addition of an entire chapter on climate change in the PDP 2023-2028: Chapter 15: Accelerate Climate Action and Strengthen Disaster Resilience.

"PDP Chapter 15 reflects the Philippine Government's commitment and dedication to enhance the nation's overall resilience to climate change and its impacts, putting a premium on the need for integrated and comprehensive climate action between and among government, partners and all stakeholders," Borje said.

The chapter identifies the goal for communities, institutions and the natural and built environment to be "more resilient to the impacts of natural hazards and climate change" by 2028.

To achieve this objective, Chapter 15 of PDP 2023-2028 identified the following strategies: 1) increasing climate and disaster risk resilience of communities and institutions, 2) enhancing ecosystem resilience and 3) enabling transition to a low-carbon economy.

To support and operationalize PDP 2023-2028, the CCC is updating the National Climate Change Action Plan and the Nationally Determined Contribution, strengthening the implementation of the National Climate Risk Management Framework, and developing the National Adaptation Plan.



These plans and frameworks provide convergence points for CCC to work with relevant government agencies on enhancing ecosystem resilience and enabling low carbon economy transition. Likewise, these plans and framework will allow the Philippine government to assess the required climate finance and investments on top of public resources for needed climate change actions.

Toward this end, P453.1 billion has already been tagged for Fiscal Year 2023 for climate change expenditure by National Government Institutions to be used for adaptation and mitigation programs.

Borje said the figure represents a significant 56-percent increase from the climate change expenditure tagged for Fiscal Year 2022 of P289.7 billion, with 83 percent for adaptation and 17percent for mitigation – “an indication of the priority of the Administration given to transformative climate change agenda, as laid out by President Ferdinand R. Marcos Jr.”

According to Borje, it is essential that NGIs implement the adaptation and mitigation projects anchored on the following NCCAP thematic priorities: food security, water sufficiency, human security, environmental and ecological stability, sustainable energy, climate smart industries and services, and knowledge and capacity development.

The NCCAP was developed by the CCC in consultation with relevant government agencies. This document outlines the country’s strategic direction from 2011 to 2028 as a response to the current situation and projected impacts of climate change.

To increase the climate and disaster risk resilience of communities and institutions, the CCC bared that it will ramp up its programs on further strengthening the capacity of LGUs and communities through the development, enhancement and submissions of Local Climate Change Adaptation Plan.

“The CCC will continue to further strengthen its public-private-community engagements to further develop public awareness and understanding on climate change, and further improve the quality of risk and vulnerability assessments,” Borje said.

A total of 1,397 out of 1,715 LGUS submitted their LCCAPs in 2022, compared to 715 submissions from LGUs in 2021, showing a substantial 42 percent increase. The data represent a year-on-year submission rate increase of 40 percent.

“We will continue to work with the Department of Interior and Local Government in order to follow through with the target of having all 1,715 submit their LCCAPs,” Borje said.

The PDP presents the six-year vision of President Ferdinand Romualdez Marcos Jr.’s administration toward an upper middle-income and low-carbon development, and climate-smart and climate-resilient Philippines. It was developed by the National Economic and Development Authority with other government agencies and stakeholders.

The Climate Change Commission, on the other hand, is the lead policy-making body of the government tasked to coordinate, monitor and evaluate government programs and ensure mainstreaming of climate change in national, local, and sectoral development plans toward a climate-resilient and climate-smart Philippines.





## UN backs 5-year Phl Dev't Plan

The United Nations has expressed support for the Philippine Development Plan (PDP) 2023-2028, which is the Marcos administration's strategy for growth and development in the next six years.

"Great meeting with Executive Secretary of the President, former chief justice Lucas Bersamin, where I briefed him on the long-standing partnership between the UN and the country. I briefed him on our UN collective support to new Philippine Development Plan," UN Resident Coordinator to the Philippines Gustavo Gonzales said on Twitter on Friday.

Gonzales shared on Twitter photos of his meeting with Bersamin at Malacañang.

PDP 2023-2028 aims to elevate the country to upper-middle income status by 2023 and reduce poverty incidence to single digit by 2028.

Gonzales said he also discussed with Bersamin the "ongoing development challenges, impact of climate crisis on displacement of people and human rights."

The official also followed up

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## UN backs From Page 1

on Marcos' last intervention at the UN General Assembly.

Speaking at the UN General Assembly in September last year, Marcos said climate change is the greatest threat to nations and the people, adding it is a global problem that needs strong leadership from the UN.

"Let me reassure you, Secretary General, that the Philippines is committed to supporting and collaborating with the UN in the global effort to fight climate change and other environmental issues," the President said.

In a meeting with Gonzales in Mandaluyong City in June last year, Marcos pledged to uphold and protect human rights in the Philippines.

**-Helen Flores**



## Maharlika bill filed in Senate

By CECILLE SUERTE FELIPE

A bill creating a Maharlika Investment Fund (MIF) has been filed in the Senate as counterpart of the one passed recently by the House of Representatives.

Senate President Juan Miguel Zubiri confirmed yesterday that Sen. Mark Villar filed the proposed measure

last week.

"I think he filed last week. I hope the soonest possible time he will call a committee hearing so that we members of the Senate can discuss this," Zubiri said in an interview with dwIZ radio yesterday afternoon. "Sen. Mark Villar, if I were him, he should

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Marcos said there have been exchanges of communication between the Executive Branch and Congress with regard to the direction of the sovereign wealth fund even before the Maharlika bill was filed. "So, we came to a consensus," he said.

### 'Privately led'

Last Friday, Albay Rep. Joey Salceda who chairs the House Ways and Means Committee said the bill creating the Maharlika wealth fund has been revised to make it more "privately led."

Salceda said the initial fund sources of Maharlika would be limited to dividends from government-owned and controlled corporations. Dividends from the Bangko Sentral ng Pilipinas (BSP) and state-run banks would no longer be among the Maharlika fund sources, he added.

He said there will be an initial public offering – the selling of shares of stocks to the public for the first time – to raise money for the wealth fund.

Reacting to Salceda's suggestions, Zubiri said he would look into them and determine whether they are sound or if his proposal is a better piece of legislation.

Based on what he has read online about Salceda's proposal, the Senate chief said: "I think he wants this investment fund to have an IPO. For the public to get the funds and foreign investors to increase the funds and less risk for our government institutions."

Marcos, too, said he is aware of that direction for the MIF but clarified that he has yet to approve a final form because the Maharlika bill is still in the process of legislation. "I do not have a role yet," he said.

The IPO for MIF, the President said, was a suggestion of a company chief executive officer.

"We'll see if it will suit the Philippines," Marcos said. "Some funds have done it... the more we study it, the more it's clear."

The Maharlika wealth fund is intended to become a vehicle for the government to invest in various outlets such as real estate, infrastructure, bonds and foreign currencies.

Lawmakers pushing for it said the fund would be used to promote fiscal

## Maharlika From Page 1

call a committee hearing as soon as possible," he said.

Referring to Villar as the chairman of the Senate Committee on Banks, Financial Institutions, and Currencies, Zubiri said: "So, the ball is in his court."

The Senate President said he intends to inquire with Villar about the direction of the MIF proposal since the latter must have discussed it with President Marcos in the many times they spent together.

"He (Villar) is always with him when he travels abroad, in Presidential trips and visits and they talk about the Maharlika Fund so I think he is well adapted and he is well-versed on the need of the Maharlika Fund," Zubiri, partly speaking in Filipino, said.

"We want to ask him what the plan here is with this wealth fund. What are the amendments that need to be added to make this proposal even better," he said.

Zubiri admitted that he has not yet read the bill filed by Villar, but his staff had informed him that it is "more or less" the same as the version passed by the House.

Speaking to reporters while in Zurich, Switzerland last Friday, Marcos said he is leaving it up to lawmakers to deliberate on the final form of the Maharlika wealth fund, stressing that he wants it to be suitable to the realities and needs of the country.

The President said that while sovereign wealth funds around the world have the same name, they are different in methodology, purpose and legal context.

"We have to design it very specifically to the Philippine condition and that's what the legislators are trying to do now to make sure that it will suit us and it will be a good thing for us," he said.



stability and support the government's priorities.

### 'Read the bill'

Romualdez, a cousin of Marcos and one of the authors of the Maharlika bill, defended the administration's decision to push for the sovereign wealth fund, saying the government needs to work double-time to fund development projects.

"We passed it in the House. With all due respect, it's been already filed in the Senate. For all the senators who may have their contrary thoughts, just read the bill and deliberate in the Senate and let's take it from there but the Filipinos cannot wait," Romualdez said. "We cannot wait. President Marcos will not sit on his hands. He has no time to just waste time," he added.

Romualdez also responded to critics questioning the timing of the proposed wealth fund.

"On the contrary, we're late... We're really far behind... You see the better performing sovereign funds, they've been around for decades," the lawmaker said.

"We have to bring down the cost of electricity, the cost of power, the cost of oil. We have to bring in developmental projects, not just infrastructure, but we have to bring agricultural projects in. We have to make sure that there's food security," he added.

Reacting to the proposal to drop the dividends from BSP and state-run banks as initial funding source of Maharlika, Romualdez said there are other possible alternatives that can be explored.

He said government financial institutions, government-owned and controlled corporations and the BSP were initially considered because they have a lot of underutilized capital that are "asleep" rather than invested in AAA-grade securities or in western economies.

"There is now a shift... Even the IMF MD (International Monetary Fund managing director Kristalina) Georgieva suggests that it's best that capital from African and Asian countries be invested in development projects and infrastructure projects in their developing countries and not in western economies that are already fully developed," Romualdez said.

### Mining, tourism

For his part, Surigao del Norte Rep. Robert Ace Barbers said he supports the plan of Finance Secretary Benjamin Diokno to use the earnings from the mining industry to help jumpstart the MIF.

Barbers noted that only the mining industry can save the economy post-pandemic as it is the "single biggest resource that the country has with the potential to earn trillions of dollars."

Lawmakers have claimed that the Philippines is the "fourth richest in mineral resources" with its yields of total gold, copper, nickel and other mineral reserves more than enough to pay off the country's entire debt.

"I have said it many times before, our mining industry can save us and our country. In 10 years, Europe plans to have 50 percent of its vehicles run on full electricity," said Barbers, adding that the raw materials needed for the electric car batteries are in the Philippines.

"Allowing the mining industry to proceed full-scale will give us the edge we badly need. We should not miss the bus again," he said.

Aside from mining, he also proposed that the earnings from tourism be used to bankroll the Maharlika fund.

"You see, where I come from, Surigao del Norte is not only the mining capital of the country, it is fast becoming a primary tourism destination," he said.

"So, I would propose that we also tap the huge earnings from the tourism industry. These two combined industries will no doubt rescue and lift us from this pit of debt that we are now in," Barbers added. - With Alexis Romero, Sheila Crisostomo



## Sustainable energy seen to help in economic recovery

By **RICHMOND MERCURIO**

The pursuit of more sustainable energy solutions such as the transition to renewable energy and use of electric vehicles (EVs) is seen helping the country sustain its path towards economic recovery, according to experts.

Asian Development Bank chief of the energy sector group Prinyantha Wijayatunga said the transition to green energy is an important step to move forward, noting that the energy sector is a cross-sectoral indus-

try that affects many aspects of a country, particularly the economy.

"The energy sector should not be taken as a single sector to proceed with development. We must consider the energy sector part of an overall cross-sectoral intervention. If you take any project, it's cross-sectoral, not just a single energy project," he said during a webinar hosted by Meralco.

The multilateral lender sees decarbonization efforts such as using low-carbon or clean and

renewable energy sources, decreasing energy intensity, digitalization, and decentralization as the way forward.

Wijayatunga said a shift away from traditional areas of investment and towards these decarbonization aspects could help increase the country's GDP by lowering energy costs, among others.

Many countries are switching or transitioning to low-carbon energy sources not only to meet the demand, but also to minimize the effects of climate change.

Maria Fe Perez-Agudo, president of the Association of Vehicle Importers and Distributors, said the use of EVs to support decarbonization is viable in the country, especially with the enactment of the Electric Vehicle Industry Development Act (EVIDA).

Perez-Agudo, however, said this can only work if stakeholders work together to build the right ecosystem.

She said global EV sales reached a record high of 6.9 million in 2021, but sales are still emerging in countries,

such as the Philippines because the mass market has yet to afford the available models.

The EVIDA provides for a national policy framework to develop the electric vehicle industry in the Philippines, particularly for the shift to electric vehicles and for further attracting investments and creating high-value jobs.

For its part, Meralco, which serves 7.6 million customers in Luzon, said it is hoping to empower and support the Philippine economy further in

its economic growth.

"We know that for the economy to prosper, we need a reliable and sufficient supply of energy," said Joebet Isaac Del Rosario, Meralco's lead specialist for forecasting, utility economics.

"We have been investing heavily in our electric distribution network, and we stand ready to provide the kind of electric service needed by our local companies, partners, and customers to compete in the global market," Del Rosario added.



# Editorial

## Doing business in PH remains challenging

As mentioned before in this space, promoting the Philippines to foreign investors should be complemented by faster reforms that make the country more business friendly. Economic managers and others in government should continue building on the progress made, such as the enactment of Republic Act 11032 that is more popularly known as the "Ease of Doing Business" law.

While many Philippine industries require attention, the mining sector sits high on the priority list. The government wants to unlock the potential of mining, which contributes only 1 percent to the country's gross domestic product.

The industry's underperformance is a concern. Australia, for instance, estimates that the mineral resources of the Philippines to be worth about AU\$1.3 trillion or nearly P50 trillion. Despite its relatively small land area, the Philippines is the fifth most mineralized country in the world, with large deposits of gold, copper, nickel and chromite. But those are largely untapped.

Many have said the Philippines needs substantial investments in the mining sector. The Marcos government also wants foreign firms to invest in plants that would process the minerals here, as that would generate more jobs and maximize the country's returns.

One company that answered the call is Yinglong Steel Corp. (YSC), which has, according to an advertisement in this newspaper, spent P2 billion on its local operations. The company is a subsidiary of a Chinese firm, Yuanlong Corp., but the YSC is 70 percent Filipino-owned. It was established in 2017, and it claims to be planning to construct a ferro-nickel plant and a steel factory in Zambales this year. That would match the government's desire for mining firms to establish processing plants in the country, rather than focus on exporting raw minerals that yield smaller dividends for the Philippines.

In its paid space, the YSC called on the government to further improve the ease of doing business in the Philippines. The firm was apparently referring to its dispute against another mining company, which was the subject of opinion columns written by Rigoberto Tiglao. As in any corporate "war," the issues are complex. In his columns, Mr. Tiglao explains the conflicting rules issued by different government departments, and he warns that the conflict could become an issue for the Marcos administration.

The legal battle will be for the courts or some government office to settle. But more to the point here, the problem could distract from the message that the Philippines is open for business.

The YSC case should also remind officials of the long road ahead, so to speak, to realizing the full potential of the Philippine mining industry.

And perhaps more broadly, more needs to be done to improve the country's overall investment climate.

## Better roadmap

Truth be told, many issues weigh down the mining industry. And the problems are not exclusive to large-scale miners.

Last November, the government reported that 70 percent to 80 percent of small-scale mining companies operate illegally. In the same statement, President Ferdinand "Bongbong" Marcos Jr. expressed concern for the lack of safety of mining workers.

Additionally, environmental issues hound that industry. Public resistance to mining likely stems from its poor record in the Philippines, where accidents have spoiled natural resources and destroyed small communities.

In their defense, mining proponents like to say the Philippines has good laws regulating the industry but lacks the capability to enforce them effectively. The remedy to that, they add, is for the authorities to exercise "political will." Easier said than done, though.

Also, mining advocates argue that Filipinos only need to dig up the riches beneath their feet to escape poverty. But that sounds off-key because the idea assigns lower value to the abundant natural resources above ground, like trees that supply the air that people breathe and water that sustains life.

Granted, mining has lots of potential. But reality suggests that the industry's problems are too complex to be captured by general statements. A deeper look into the challenges investors still face and the misgiving of critics should be helpful in crafting a roadmap toward making the Philippines an inviting business haven.



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# Fighting wildlife trafficking, environmental crime in Palawan

BY JOM GARNER  
@tribunephil\_jom

The Philippines on Tuesday received three evidence containers amounting to at least P1.6 million from the government of the United States.

In a statement, the US said the donation aims to strengthen the capacity of the Palawan Council for Sustainable Development to properly retain confiscated contraband and evidence presented in the prosecution of wildlife traffickers and persons engaging in environmental crime.

US Department of State Bureau of International Narcotics and Law Enforcement Affairs Principal Deputy Assistant Secretary Lisa Johnson led the handover ceremony of the equipment at the PCSD headquarters in Puerto Princesa



US Department of State Deputy Assistant Secretary Lisa Johnson joins PCSD Acting Executive Director Niño Rey Estoya at the turnover of equipment for evidence storage to support environmental cases.

City.

Johnson stressed that the INL is strongly committed to dismantling the criminal networks behind wildlife trafficking.

“Building our partners’ capacity to investigate and prosecute environmental crimes is a priority for the US government,” she said.

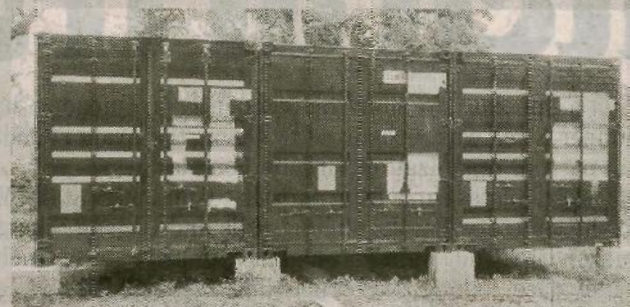
PCSD Executive Director Niño Rey Estoya, representing the Philippine government, expressed

gratitude to the US government for its continued support.

Estoya noted that the donation would be critical in ensuring that cases PCSD teams investigate and prosecute over several months are not dismissed for technical reasons.

The secured storage units are expected to improve the PCSD’s adherence to the chain of custody requirements, making evidence more likely to be admissible in court.

According to the Asian Development Bank, the value of the global



PHOTOGRAPHS COURTESY OF US EMBASSY

THE US-donated storage units will be used by investigators and prosecutors in the proper handling of evidence in cases involving illegal poaching and environmental crime.

illegal wildlife trade is estimated at between P548 billion to P1.26 trillion per year, making wildlife crime the fourth most lucrative illegal business after narcotics, human trafficking, and arms.

Established in 1978, the INL has been supporting environmental justice in Palawan since 2019 through a P28-million partnership with the US Forest Service to strengthen the institutional capacity of PCSD and its law enforcement partners to combat and prevent environmental crimes.

“Globally, INL assists partner governments in assessing, building, reforming, and sustaining competent and legitimate criminal justice systems.

It also develops and implements the architecture necessary for cross-border law enforcement cooperation,” the US statement said.





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## US donates P1.6M to counter Palawan wildlife trafficking, environmental crime



US Department of State Deputy Assistant Secretary Lisa Johnson (right) joins PCSD Acting Executive Director Nho Rey Estoya at the turnover of equipment for evidence storage to support environmental cases. US EMBASSY PHOTO



THE US-donated storage units will be used by investigators and prosecutors in the proper handling of evidence in cases involving illegal poaching and environmental crime. US EMBASSY PHOTO

**T**HE United States government recently donated three evidence containers to help strengthen the capacity of the Palawan Council for Sustainable Development (PCSD) to properly retain confiscated contraband and evidence in the prosecution of wildlife traffickers and persons engaging in environmental crime.

The P1.6 million equipment handover at the PCSD headquarters in Puerto Princesa City on January 16 was led by visiting Principal Deputy Assistant Secretary Lisa Johnson of the US Department of State Bureau of International Narcotics and Law

Enforcement Affairs (INL), a US Embassy news release said.

"INL is strongly committed to doing everything it can to disrupt the criminal networks behind wildlife trafficking. Building our partners' capacity to investigate and prosecute environmental crimes is a priority for the U.S. government," Johnson said at the turnover ceremony.

PCSD Executive Director Niño Rey Estoya thanked the US government for its continued support.

He noted that the donation would be critical in ensuring that cases PCSD teams investigate and prosecute over

several months are not dismissed for technical reasons.

The secured storage units are expected to improve the PCSD's adherence to chain of custody requirements, making evidence more likely to be admissible in court.

According to the Asian Development Bank, the value of the global illegal wildlife trade is estimated at between P548 billion (\$10 billion) to P1.26 trillion (\$23 billion) a year, making wildlife crime the fourth most lucrative illegal business after narcotics, human trafficking, and arms.

INL's support for environmental

justice in Palawan began in 2019 through a P28 million (\$500,000) partnership with the US Forest Service to strengthen the institutional capacity of PCSD and its law enforcement partners to combat and prevent environmental crimes, the US Embassy said.

Globally, INL assists partner governments in assessing, building, reforming and sustaining competent and legitimate criminal justice systems. It also develops and implements the architecture necessary for cross-border law enforcement cooperation.



# The legal weapon against climate action



■ The International Chamber of Commerce's Court of Arbitration headquarters in Singapore. PHOTO FROM ICC TWITTER



ROUGH TRADE

BEN KRITZ

If it were not already bad enough that the oil industry has engaged in a decades-long, coordinated campaign to suppress climate change research and spread disinformation about climate science, it is also apparent that the industry is increasingly wielding another weapon to prevent climate action from constraining its business.

Investor-state dispute settlement (ISDS) mechanisms are common features of almost every sort of agreement where private sector and government interests intersect, whether those are public-private partnership (PPP) arrangements, franchises for the provision of utility or other services, or even trade agreements between countries. On paper, ISDS is a good idea: disputes between private-sector contractors and governments are referred to a third-party arbitration body — the one most often used for contracts here in the Philippines is based in Singapore — where a de-

finite ruling on the question at hand can be obtained relatively quickly. The system heavily favors investors, but is still considered an advantage for governments, because the insurance that investors do not have to consider risks posed by the country's own legal system makes the country a more attractive investment destination.

In practice, however, ISDS has proven to be problematic. As *The Georgetown Law Journal* explains, the legal process of ISDS is private, and typically is handled by a tribunal of three arbitrators chosen by the disputing parties. Because of the nature of the disputes, however, the people who serve as arbitrators are a small group of experts in corporate law; they can sometimes even act as lawyers for an investor in one case, while simultaneously serving on a tribunal in another, a practice called "double hatting." As arbitration proceedings are almost always confidential, investors and states have no way of knowing if the legal experts involved in their own cases are dividing their attention in this manner.

Another problem of ISDS systems is that there is no system of precedence. The provisions in contracts or treaties all vary to some degree, so a ruling one way in one case does not necessarily have a bearing on another similar case. As there is no appeal for a tribunal decision, the legal standards for justifying a ruling are much lower, and are basically only governed by the arbitrator's own interest in maintaining his credibility so that he will be selected to serve as arbitrator or counsel in future cases.

The fossil fuel industry is increasingly making use of ISDS to thwart challenges to projects on environmental grounds. In 2020, about 20 percent of all ISDS cases were brought by oil and gas companies, and a recent study published in the journal *Science* revealed that there is an astonishing level of global risk exposure to potential ISDS claims. Global efforts to limit new oil and gas developments, the study said, could generate as much as \$340 billion in legal claims from fossil-fuel investors seeking to recoup their losses. For comparison, the Green Climate Fund, the fund set up by the 2015 Paris Agreement to help low-income countries finance climate action, only has about \$14 billion in funds.

The threat of huge financial loss to the lower-income countries that





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are the source of a great deal of the planet's mineral wealth allows companies to forestall unfavorable action against their business. As just one example, another recent analysis, this one published in the journal *Climate Policy* in December, found that Mozambique has an ISDS risk exposure of \$29 billion from the two dozen or so gas, coal and oil projects in that country — an amount that is almost twice its annual national income.

The risk is in no sense imaginary. One particularly tragic example of that occurred in December 2019, when an ISDS tribunal ordered the government of Pakistan to pay the Australian copper mining company Australian Tethyan Copper \$5.9 billion for lost projected future profits, after the government denied the company's mineral lease. This, despite Australian Tethyan only having invested about \$150 million in its Pakistan project up to that point. What made the ruling particularly painful is that it came only about a week after the International Monetary Fund gave Pakistan a \$6-billion loan, representing about 40 percent of the country's cash reserves, and which immediately went up in smoke as a result of the arbitration decision.

It is not just developing countries that are feeling the threat from ISDS claims. In a highly publicized case, oil company TransCanada filed a \$15-billion claim against the US government in 2015 when the Obama administration denied a permit for the controversial Keystone XL pipeline to cross the US-Canada border. When President Obama's successor signed an executive order in 2017 reversing that decision and allowing Keystone XL to go forward, TransCanada announced that it would suspend its ISDS case against the US for 30 days, or in other words, exactly the amount of time allotted for the decision on their new permit application. In March of that year, the new permit was approved, and TransCanada dropped its ISDS claim.

An even more recent case involved the UK-based oil drilling company Rockhopper, which filed for arbitration against the government of Italy when it was denied a permit to develop a near-shore oilfield off the coast of Abruzzo, with Italy having banned offshore drilling within 12 nautical miles of the coast. Despite the law, Italy was ordered in August to compensate the UK firm 210 million pounds (\$260 million).

Despite growing recognition that ISDS is a serious problem that is being exploited by the oil and gas and mineral industries, there seems to be little that can be done about it. The recommendations that have been offered so far are unfortunately, typically idealistic development economics Captain Obvious-style nonsense. "Governments should focus on establishing internal regulatory frameworks and strengthening domestic judicial systems to protect investors," the Columbia Center on Sustainable Development said in a report in December. If only it were that easy.

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## WWF-PH, BPI Foundation partner for vulnerable areas

**T**HE World Wide Fund for Nature Philippines (WWF-Philippines) and the BPI Foundation recently said they will continue to provide climate risk assessments and livelihood programs for vulnerable communities even as their earlier projects were recently concluded.

Under the Project Pagisibol that was created in 2020, the WWF-Philippines and BPI Foundation have been working together to build sustainable food sheds and climate-resilient food production facilities that will help low-income communities all over the country, the partnership said in a news release.

WWF-PH Project Manager Monci Hinay said the project has directly assisted a total of 499 individuals, while 2,037 were provided with access to fresh and quality food.

Financial literacy sessions were held with the creation of 10 functional Group Savings and Loan Associations in these communities with a total of P1,568,000 in savings.

"Our communities need to be able to take care of themselves. They understand this, and the pandemic has made this all the more apparent. These workshops are the first step in a long process towards helping our farming communities to stand up on their own two feet amid the current climate crisis," Hinay said.

The partnership continues to take on

the challenge of aiding food and livelihood security through community-specific programs.

The Farm-to-table-for-fisherfolks Project, a newly-launched program of the BPI Foundation, provides climate-smart facilities for fish drying and water purification to reduce fish spoilage and promote sustainable livelihood will run until 2023 to help the Halian, Siargao, community.

He said that although the island barangay of Halian is recognized as an emerging tourism spot with a marine sanctuary, it has limited access to appropriate technology to support livelihood and basic necessities like stable and safe potable water sources.

Facilities for fish drying and water purification will also be built in the area, with BPI's help, to reduce fish spoilage and increase economic and health benefits for the community.

Hinay added that trainings on fish catch documentation and financial literacy will also be conducted to increase the knowledge and capacities of the members.

The WWF-Philippines and BPI Foundation partnership pledged to continue to find solutions to #ChangeTheEnding for our environmental frontliners as the country continues to struggle from the economic impact of the Covid-19 pandemic, and as concerns such as rural hunger and livelihood insecurity remain to be addressed, the news release said. **Rizal Reyes**



## NOTES FROM THE EU DELEGATION

LUC VÉRON

### EU and the Philippines in 2023



As I wrote in this column last November, 2022 brought a renewed positive momentum in EU-Philippines relations. Our ambition is to keep going and build on this momentum to further develop our strong relationship. 2023 is shaping up to be a year where we will have plenty of opportunities to do so through various events, projects, initiatives, visits and engagements. Allow me to elaborate further on this.

Since the signing of the Partnership and Cooperation Agreement between the EU and the Philippines in 2018, we have held annual meetings in which we discuss many topics and build further on new areas of cooperation. During these joint committee meetings, high-level officials from Brussels and the Philippines discuss all aspects of our extensive relationship. Topics range from the overall political situation and the environment, climate change, security and foreign policy to human rights, development cooperation and trade relations. For these last three matters, we delve further into the details in separate sub-committees to ensure that we deeply understand each other's interests and priorities. These meetings are an excellent opportunity to share best practices and truly learn from each other. My delegation has already started the preparations to ensure that we will have fruitful discussions again this year.

On EU partnerships with the Philippines, two primary programs are in the offing in 2023. On the one hand, we will see the launch of the Philippines' partnership with the EU Copernicus Earth Observation Program. Once the partnership is signed, the Philippines will have access to Copernicus's extensive database, which government agencies can use to streamline disaster response, monitor environmental efforts and update the country's forest and coastal resources maps.

On the other hand, we will see the launch of the Green Economy Program to support the Philippines in its inclusive and green recovery. Combating climate change and the transition to a green economy are top priorities in the EU's policy agenda internally and in our external relations. The Philippines also sees these as central to its future, so naturally, we cooperate in this area. And, of course, we will continue supporting the Philippines in reforming the justice sector and contributing to peace and development in Mindanao and the BARMM.

In 2023, we will also increase our cooperation in the maritime area. This is crucial for both the Philippines and the EU. Our cooperation aims to build capacity in partners' maritime law enforcement authorities to protect marine resources, counter illegal activities at sea and uphold the UN Convention on the Law of the Sea (UNCLOS). Thus, this year, we will continue to partner with the Philippine Navy, the Coast Guard,

the National Coast Watch Center and other relevant authorities on maritime security through the EU's Crimario project. With Crimario, the EU aims to improve the region's law enforcement capacity and increase knowledge about the maritime domain through a regional coordination and communications tool. Cooperation in this area is crucial for the EU as approximately 50 percent of our maritime trade passes through this region.

In this context, we hope that our discussions can be deepened with the set up of an additional annual sub-committee focusing on maritime issues. In this forum, we will discuss, among others, the possibility of expanding cooperation on maritime jurisdictions, security, ocean governance and shipping. We will also work constructively on the training standards of Filipino seafarers.

2023 will be another important year for EU-Philippine trade relations. The EU is the Philippines' fourth largest trading partner, accounting for 7.9 percent of the country's total trade in 2021. Since December 2014, the Philippines has enjoyed enhanced trade preferences with the EU under the EU's Generalized Scheme of Preferences plus (GSP+). This special arrangement grants the removal of tariffs for Philippine exports to the EU on two thirds of all product categories.

In return, the Philippines commits to effectively implement 27 core international conventions on human and labor rights, environmental protection and good governance. As the current GSP+ scheme ends on Dec. 31, 2023, we will work closely with the Philippines on issues like the environment, climate change and human rights to ensure that the Philippines can continue to benefit from these trade preferences as the new scheme begins in 2024.

Respect for human rights is a top priority in the foreign policy of the EU and another area in which we will cooperate closely in the coming year. In this context, we strongly welcome the commitments made by the Marcos administration in various international fora to continue its work in this area. The EU will continue to be the Philippines' partner in this never-ending effort.

In this context, a delegation from the European Parliament and possibly the EU Special Representative for Human Rights, Eamon Gilmore, will visit the country to discuss this important topic with all relevant stakeholders. Such visits ensure that policymakers in the EU have a thorough understanding of the country's situation and the various challenges and opportunities that exist to make progress.

As you can see, my colleagues at the EU Delegation to the Philippines and I will have plenty of work this year. We are all very excited that we can contribute to strong EU-Philippine relations and look forward to a very productive 2023!

