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Press Release

Longest Temporary Environmental Restraining Order (TEPO) against Marcventures Mining Development Corp. First in Philippine Mining History!

Cantilan, Surigao del Sur; March 24, 2011: Cantilan, Surigao del Sur, June 8, 2011: In a court order dated May 26, 2011, and released on June 7, Surigao del Sur Regional Trial Court Judge Alfredo Jalad wrote, "The TEPO issued by this court is declared as still subsisting and effective until there is an order lifting, revoking or dissolving it." Furthermore, Judge Jalad ordered starting June 24, the court will periodically monitor the mining operations.

The seven month TEPO against MMDC is the first longest environmental protection order in Philippine mining history, a landmark victory for Cantilangnons who are against mining in their watershed. It was issued on Nov.10, 2010 against Marcventures Mining Development Corporation, a mining company operating in Brgy Cabangahan in Cantilan and owned by Mario Vijungco of Butuan City.

The complaint for injunction and with urgent ex-parte application for TEPO and/or EPO was filed through Atty. Jan Perry B. Eugenio of Balaod Mindanao, Inc., Cagayan de Oro City. by plaintiffs Jaime "Datu Dagsaan" Bat-ao, LIQUISA Irrigators Association, represented by Peter William Olan, Nagkahugpong Managatay Para sa Kalambuan nan Ayoke (NAGMAKAAYO) represented by Crisologo E. Anino, Sr. Lydia L. Lascano, and Nick Matthew Q. Iriberry, a minor represented by his Father, Vicente Cirilo A. Iriberry. The TEPO was filed to preserve the watershed as a matter of extreme urgency since the plaintiffs will suffer irreparable damage or injury if the TEPO was not issued. In the New Rules of Procedure for Environmental Cases, Administrative Matter 09-6-9SC, environmental cases may be filed by any person, office or group "whose constitutional right to a balanced and healthful ecology is violated or threatened with a violation."

The Ex-Parte TEPO was issued effective for only 72 hours from the date of the receipt of the TEPO by the defendant, "restraining and enjoining" MMDC from continuing its mining activities and operation inside the watershed forest reserves as proclaimed under PP No. 1747, until further orders from the court. The Presidential Proclamation covers the municipalities of Cantilan, Carrascal, Madrid, all of SDS.

However, the defendant, through its lawyers, Attys. Noel N. Libris and Henry C. Filloteo of Butuan City and Rene O. Medina of Surigao City prevailed on Jalad not to conduct an ocular inspection the day the TEPO was issued which was a Friday and moved for the resetting of the summary hearing of the TEPO, subject to the submission of an independent memorandum whether or not the TEPO is still effective after the lapse of 72 hours. At subsequent hearings Libris insisted that the TEPO automatically ended after 72 hours thus failing to move for the dissolution of the TEPO while presenting affidavits to support their grounds to lift it as required by law.

Meantime, MMDC continued with its operations and also without the necessary permit from the municipal government of Cantilan, constructed a road from its mining area in Cabangahan to the neighboring town of Carrascal, where they plan to offload their mined ore. Mayor Vicente Pimentel of Carrascal granted the mining company a permit to construct their road, stockyard and causeway an act that Cantilan considers a violation of its sovereignty. MMDC applied for a business permit four

times but was denied by Cantilan Mayor Genito Guardo citing among other reasons, that it will destroy the watershed and threaten Cantilan's environment, water supply and rice production.

MMDC is also the respondent to an administrative case for cancellation of its Mineral Product Sharing Agreement (MPSA) filed by the Irrigators' Federation and Communal Associations, Baywatch, and Lovers of Nature Foundation with the DENR for violations of the Philippine Mining Act. Filed since July 2009 at the main office in Manila, the case is almost two years old but has not been acted on by the DENR. Likewise, it is also a respondent to the Writ of Kalisan filed on May 30, 2011 by residents and tribesmen of Surigao Norte and Surigao del Sur against several mining companies to stop their operations in the two provinces.

Brgy Cabangahan where MMDC has its mining site is located in Mt. Hilong Hilong, a Key Biodiversity Area (KBA) and former home to Kantilang, a Philippine Eagle caught in a falcata plantation. It is one of nine KBAs in the conservation program unveiled by the DENR on May 24, 2010. The program called the New Conservation Areas in the Philippines Project (NCAPP) "would encourage sustainable development and conserve biodiversity with the help of communities and local governments." The program will protect the habitats of threatened creatures from invasive human activities and development. The five-year NCAPP, is funded by the United Nations Development Program and Global Environmental Facility.

The program is yet another spring of hope for Cantilangnons who only desire to have their declared watersheds protected and free from extractive activities; and who wish that the DENR stop paying only lip service to its programs and mind what its left and right hands are doing.