

The Contemporary Philippine Church's Engagement in Ecological Advocacy (1988-2019)

Karl M. Gaspar ♦

Abstract: This article documents the historical roots and progress of the Philippine Church's engagement in ecological advocacy from 1988-2019, highlighting especially the pioneering role of the Mindanao Church. It concludes with the account of the deepened and expanded engagement as the official teachings (Catholic Bishops Conference of the Philippines documents and Pope Francis' *Laudato Si'*) journeyed with the worldwide campaign toward ecological integrity.

Keywords: Ecological Advocacy • *Laudato Si'* • Catholic Bishops Conference of the Philippines • Mindanao-Sulu Pastoral Conference • Mining • Human Rights Violations

Introduction

The day came when we gathered on the road where the logging trucks pass. There were several hundred of us – men, women, children and old people We barricaded the road with our bodies and the logging trucks could no longer pass. It was like a fiesta; we sang and danced, we shared our food with one another and with the

♦ Dr. Karl M. Gaspar, CSsR, is a Redemptorist Brother who serves as Academic Dean of the St. Alphonsus Theological and Mission Institute (SATMI), based in Davao City where he also teaches Cultural Anthropology and Missiology subjects. He also teaches Anthropology at the Ateneo de Davao University Anthropology Department. He finished A.B. Sociology at Ateneo de Davao University, M.A. Economics at the Asian Social Institute, and PhD Philippine Studies at the University of the Philippines, Diliman Quezon City. Among his published books are: *Manobo Dreams in Arakan* (won the 2012 National Book Award for Social Sciences) and *Desperately Seeking God's Saving Action* (won the CMMA Cardinal Sin Award, Best in Ministry and Spirituality). His recent books are: *A Hundred Years of Gratitude*, and *Panagkutay: Anthropology Interfacing Theology in the Mindanao Uplands*.

loggers who were stranded. It was a real communion. The priests, the brothers, sisters and lay missionaries were with us. Even the Bishop came one night to pray with us. They listened to our reflections on the Word of God and on the unfolding event. It was our turn to proclaim and give witness to the Gospel.¹

Thus was born the first grass-based ecological action in the Philippines at a time when only very few Filipinos had heard about global warming or climate change. Reports from various sources in the West in the 1970s began circulating as to the findings of scientists regarding the earth's weather patterns. Some were predicting that there will be a cooling, others a warming. A few years later, the theory that became more acceptable was that of global warming. By the mid-1970s, there were more scientific evidences pointing to a climate change involving the rise in global temperature and international-level conferences were soon convened.²

Due to the oppressive and repressive martial rule under the dictatorial regime of Marcos, the politically-

¹ See Amado Picardal, *Being Sent, Redemptorist Missions in Mindanao (1975-2005)* (Quezon City: Claretian Publications, 2006), 104. See also, Karl M. Gaspar, *A People's Option, To Struggle for Creation* (Quezon City: Claretian Publications, 1989).

² In 1975, Manabe and Wetherald developed a three-dimensional global climate model which provided a rough representation of the rise in global temperature. See, S. Manabe and R.T. Wetherald, "Thermal Equilibrium of the Atmosphere with a Given Distribution of Relative Humidity," *Journal of the Atmospheric Sciences* 24/3 (1967): 241-259. In 1979, the World Climate Conference of the World Meteorological Organization concluded "it appears plausible that an increased amount of carbon dioxide in the atmosphere can contribute to a gradual warming of the lower atmosphere, especially at higher latitudes....It is possible that some effects on a regional and global scale may be detectable before the end of this century and become significant before the middle of the next century." See, "Declaration of the World Climate Conference" (pdf document), World Meteorological Organization (Retrieved 28 June 2009).

mindful and critically-orientated citizens were intensely focused on the issues of militarization, human rights abuses, government corruption, landlessness, the scandalous inequality between the elite and the majority poor, and the worsening poverty situation. The more militant ones were denouncing U.S. imperialism owing to the presence of their military bases and the US government's expression of support for the dictatorship.

In Mindanao, the war between government forces and the Moro rebels dislocated communities and caused tremendous suffering for both Muslims and Christians. Protests were taking place in the streets, not just in Metro Manila but in other urban centers as more groups (especially among the workers, peasants, urban poor communities, students and even church people and the middle class) were denouncing these social ills, conscientizing the citizenry and organizing the different sectors.

The early actions to defend the environment

At the height of martial rule, Marcos and his cronies became even more aggressive in securing contracts that would provide greater possibilities for them to pursue their corrupt deals. In the guise of needing more electricity as well as to solve the problem of the continuing oil crisis, Marcos secured a loan from foreign sources to build a nuclear power plant in Morong, Bataan which was constructed at a cost of over US\$ 2.3 billion. Construction began in 1976 and was supposed to begin operating by 1984.

In 1979, a major accident involving the melting down of a commercial nuclear power plant in the Three Mile Island Unit 2 reactor, near Middletown, Philadelphia, U.S.A. hit the headlines across the world. This made many Filipinos wary as to the safety of the Morong power

plant still under construction. These worries spread across the citizenry and before long there were all kinds of protests demanding the closure of the plant. The authoritarian government resisted the protest for a while, but as it got stronger the resistance succeeded and the plant had to be abandoned.³³ The ensuing Aquino administration that followed the 1986 People Power made sure it would not operate at all.

As martial rule worsened, there arose a growing concern for the plight of indigenous peoples. A few cases became popular causes among various groups to defend the rights of the IPs. In the Cordillera area in the north in the late 1970s, the Kalingas opposed the government's expensive plan to build a gigantic dam to secure the waters of Chico River for hydro purposes.⁴ As the ecological movement would only arise a full decade later, this issue was not seen as "environmental" but one involving justice and peace.

The project would bury their villages under water, including sacred sites, destroy the people's livelihood without any assurance for relocation. With martial rule in place, there was hardly any consultation with the people. Once the plan was hatched, government bureaucrats and technocrats descended on the area to pursue the project which could have pushed through if not for the militant action of the Kalingas and their

³ See Hannah Lehmann, "Filipinos protest against Bataan Nuclear Power Plant and U.S. military bases, 1983-1986," <https://nvdatabase.swarthmore.edu/content/filipinos-protest-against-bataan-nuclear-power-plant-and-us-military-bases-1983-1986> (accessed 09 Dec 2020). See also, Patricio N. Abinales and Donna J. Amoroso, *State and Society in the Philippines* (Oxford: Rowman & Littlefield Publishers, Inc., 2005); Kathleen M. Nadeau, *Liberation Theology in the Philippines: Faith in a Revolution* (Westport, CT: Praeger Publishers, 2002).

⁴ See Ceres Doyo, *Macli-ing Dulag: Kalinga Chief, Defender of the Cordillera* (Quezon City: UP Press, 2015).

widespread support from across the country. But a high price was paid for the struggle: their leader Macliing Dulag was assassinated in the process.⁵

Another case involved also constructing a dam in Lake Sebu, South Cotabato that would also be used for a hydro project. The Tboli people, with the support of the Passionist missionaries assigned in this locality, opposed this project as it would dislocate them from their ancestral territory and destroy the rich biodiversity of this area. Their resistance succeeded so the State gave up on this project.⁶

Across the archipelago, there was a growing concern on how mining and logging as promoted by the dictator Marcos and his cronies became money-making ventures for them. In fact, the government agency that served the IPs known as the Presidential Assistant for National Minorities (PANAMIN) was nicknamed PANA-*MINING* as the head of this agency belonged to a crony family engaged in mining. However, as ecological advocacy was still a movement that would only arise in the future, and there were far too many other justice and peace issues, there were not many actions to protest the expansion of mining and logging.

The Role of the Mindanao Church in the early Ecological Advocacy Movement

One of the church bodies that seriously followed the mandates of Vatican II was the Mindanao-Sulu Pastoral Conference (MSPC) constituted by dioceses of Mindanao-

⁵ See, “Chico hydro project opposed,” <https://web.archive.org/web/20170422143113/http://www.sunstar.com.ph/baguio/local-news/2017/04/22/chico-hydro-project-opposed-537853> (accessed 11 Dec 2020).

⁶ See, Karl M. Gaspar, “*Lumad* Social Movement,” *Aninawon* 1 (January 2019): 37.

Sulu, meeting once in three years. It was founded by the bishops to develop a local church's strong sense of urgency and concern in the context of the unique realities of southern Philippines with its diverse ethnic, religious, and cultural diversity.⁷ It was the Mindanao-Sulu church that pioneered the setting up of Base Christian Communities (BCCs), the grassroots communities through which the exhortations of Vatican II would be provided concrete action. The name would later be changed to Base Ecclesial Communities (BEC) especially after the Second Plenary Council of the Philippines (PCP II).

As with the BEC and other recent pastoral thrusts, it was the Mindanao Church that pioneered the Church's engagement in ecological advocacy. The Church only began to be interested in ecological issues—not just as aspects of its justice and peace program but as a result of her growing consciousness regarding the impact of global warming and climate justice—in the late 1980s. As usual, it did not arise from the center of hierarchical power, but instead at the periphery. In Mindanao, thick forests still dominated its mountain ranges up to the 1950s. The next few decades would see massive deforestation and denudation of the wilderness. Thus, it was the logging

⁷ See Karl M. Gaspar, "Basic Ecclesial Communities in Mindanao: A Call to Continuing Missiological Relevance," *MST Review* 19/1 (2017): 36-65.

The first three Conferences took place just before and after the declaration of martial law in 1971, 1974 and 1976. Agenda discussed involved the problems confronting the people in Mindanao-Sulu. Setting up a Secretariat, its staff members were tasked to implement the recommendations of the conferences. The BCC later was renamed BEC – Basic Ecclesial Communities after the convening of the Plenary Council of the Philippines II in the 1990s; see, *Acts and Decrees of the Second Plenary Council of the Philippines* (Pasay City: St Paul Publications, 1992).

issue that provoked the first stirrings of ecological awareness and action.

Consequently, disasters after disasters have occurred in its various locations whether landslides or floods. And yet, the denudation of Mindanao's forests only took place within a short period of time which started with the American regime's push to convert Mindanao's political-economy into one dependent on cash-crop plantations. The case of Mindanao's forests followed the fate of the earlier massive deforestation that took place in many parts of Luzon and Visayas.

From the time of the American occupation to the contemporary period, there had been no let-up in logging operations and deforestation.

The destruction of forest in the country resulted in the decline of the 17.8 million hectares (43.98 million acres) of forest cover reported in 1934 to only about 5.4 million ha. (13.34 million acres) in 2000. However, the forest assessment study conducted by the Forest Management Bureau (FMB) and the National Mapping and Resources Information Authority (NAMRIA) in 2003 showed that the total forest cover was actually 7.17 million hectares. Since the early 1990s when plantation development reached more than 100,000 ha./year the total area of plantation developed has been steadily decreasing. Before 1990, most of the logs harvested came from the natural forest.⁸

Mindanao has perhaps suffered the most extensive impact of deforestation owing to logging operations especially after the WW II. "Although the remaining forest is found in isolated patches, most forest remaining on the island of Mindanao is contained in this upland

⁸ Asia-Pacific Forestry Sector Outlook Study II: Working Paper Series Working Paper No. APFSOS II/WP/2009/10 Philippines Forestry Outlook Study by Forest Management Bureau <http://www.fao.org/3/am255e/am255e00.pdf>.

ecoregion. This is in contrast to the largely deforested lowlands of Mindanao... By 1988, approximately 29 percent of Mindanao's forest, including both primary and secondary forests, remained.”⁹ There is much less today despite some factors that have discouraged logging including political instability, lack of access, and poor commercial values. However, even as a number of timber license agreements have been suspended, the remaining forests are threatened by encroaching agriculture and occasional forests fires.

Nevertheless, for a long while, massive deforestation and the expansion of agri-business plantations were not a major concern of the Church of Mindanao. Even at the height of its militant stance against plantations (e.g., the days of organizing the Federation of Free Farmers in the late 1960s-70s), churchpeople in solidarity with peasant groups were more interested in campaigns for land reform and/or payment of just wages for agricultural workers. The first stirrings that would lead to a nascent Church movement to be engaged in ecological issues arose in two areas: San Fernando (in Bukidnon) and Midsalip (in Zamboanga del Sur).

What provoked this pastoral engagement included the peasants' concerns about the impact of logging operations in limiting water that can be tapped for their irrigated ricefields and landgrabbing issues. The fact that the peasant communities were organized in vibrant BECs and they had the support of their missionaries (the Scarboros in San Fernando and Columbans in Midsalip) made possible anti-mining mass actions. Their anti-mining stance succeeded in terminating the logging companies operating in the area. The mass actions in Bukidnon expanded to other areas and involved more

⁹ WWF – Tropical and Subtropical Moist Broadleaf Forests, Mindanao Montane Rain Forests. <https://www.worldwildlife.org/ecoregions/im0128>.

churchpeople including Fr. Satur Neri who was martyred in 1991 for his militant ecological advocacy.¹⁰

These grassroots-based ecological action influenced the CBCP to issue a Pastoral Letter: “What is Happening to Our Beautiful Land”.¹¹ In a context when 29 out of the 30 million hectares of primary forests have been destroyed, the bishops claimed that awareness of the relationship of people to the environment had continued to grow and that destroying the forests was sinful. They posited that “(a)s people of the covenant we are called to protect endangered ecosystems like the forests, mangroves and coral reefs and to establish just human communities in our land.”¹² Henceforth, the concern for ecological advocacy within the church network began to slowly expand from diocese to diocese. By the time there were available resource persons and reading materials parish groups began to organize environmental seminars that dealt with global warming and eventually climate change. The Columbans were at the forefront of producing materials (including video productions, comic books, theological articles, and the like) and their network provided resource persons.

As there arose a greater commitment to justice and peace and the integrity of creation (JPIC), the Association of Major Religious Superiors of the Philippines (AMRSP) issued statements expressing their

¹⁰ See, Reynaldo D. Raluto, “Integral Ecology: ‘Remembering the ‘Dangerous Memory’ of Fr. Nery Lito Satur,” <https://www.mindanews.com/mindaviews/2020/10/integral-ecology-remembering-the-dangerous-memory-of-fr-nery-lito-satur/> (accessed 11 Dec 2020).

¹¹ The CBCP approved this statement in a meeting in Tagaytay City on 29 January 1988. This statement mainly exhorted the faithful to protect the forests and the seas. As the mining problem had not become urgent, the statement hardly referred to this issue. However, it exhorted “the government not to pursue short term economic gains at the expense of long-term ecological damager.” Ibid, no. 33c.

¹² Ibid., no. 26.

environmental concern. A JPIC desk was established to coordinate efforts on the part of the religious congregations in this ministry as well as provide resources to those pursuing such a commitment. At the forefront were those within the Franciscan family. A few congregations also established eco farms toward developing a greater awareness for reforestation and organic farming. In seminaries and formation houses, the formands were provided orientations on ecological advocacy as a theology of creation began to be taught.

In many dioceses, parish groups organized tree planting and garbage collecting activities. Catholic schools followed suit and teachers helped produce modules for use of various groups. In many cases, civil society organizations and/or NGOs assisted them. The one that was most active in the southern Mindanao area was the Kinaiyahan Foundation and later the Interfacing Development Initiatives for Sustainability (IDIS). Various church groups supported IDIS' campaign to end the aerial spraying in banana plantations;[♦] unfortunately, this campaign did not succeed.

♦ A very destructive practice that benefits Banana Corporations but results in the over-killing of other forms of life: eliminating not only the pests that infect bananas but also people (who develop various kinds of respiratory and dermatological problems; not to mention social displacements and alienations) and diverse life forms. Before the coming of the banana plantations, the local inhabitants were still able to gather and harvest various kinds of fish, crustaceans, snails, etc., from the wetlands and rivers. Today, locals who used to enjoy their meals with grilled or fried mudfish, catfish, tilapia, eels, snails, shrimps, frogs, etc., harvested from the area can only mutter the words: "those were the days". [Ed.]

A similar scenario is reported here: "We always used to have a pharmacy in the jungle. But now we can't find the trees and animals that we need. The animals and fish have disappeared. The birds, too. We have never seen anything like this before. It has to be the result of the spraying. We notice the effects immediately after the area is sprayed. Birds, animals, and fish begin to disappear within a few

A major ecological concern arose that galvanized Church's response to care for the earth, long before Pope Francis issued "*Laudato Si: On Care for our Common Home*" in 2015. First was on the contentious issue of mining, especially open pit mining following the Congress' approval of the Philippine Mining Act in 1995 (R.A. 7942), which "liberalized the legal framework for mining, making it far less restrictive"... as it "allows greater foreign ownership, full repatriation of profits, tax breaks and tax holidays for 5-10 years, and lower duties and tariffs."¹³ The Act provides for a Mineral Production Sharing Agreement (MPSA) to be signed by the government and the mining firm which then grants the mining proponent exclusive rights to conduct mining operation within the prescribed area.

Consequently, there arose a strong interest on the part of mining firms to expand on their present operations and/or explore new territories where huge deposits of mineral resources have been identified. As soon as the Mining Act was passed, there was a huge rush of mining applications. At that time, the nation had only a few existing MPSAs...two Financial and Technical Assistance Agreement (FTAAS) which cover 447,308.26 has....with 54 more FTAA applications targeting 2,350,643.34 has."¹⁴

But the Act has not gone uncontested. A few quarters within the government bureaucracy and civil society organizations (CSOs) questioned the unconstitutionality

weeks. The health effects linger for weeks, and even longer." – Indigenous Shuar leader from Sucumbíos, Ecuador; "Spraying Crops, Eradicating People," <https://www.culturalsurvival.org/publications/cultural-survival-quarterly/spraying-crops-eradicating-people> (accessed 11 Dec 2020); see also, Rachel Carson, *Silent Spring* (Boston: Houghton Mifflin, 1962; New York: Mariner Books, 2002).

¹³ Robert Goodland and Clive Wicks, *Philippines: Mining or Food?* (London: Working Group for Mining in the Philippines, 2008), 23.

¹⁴ Ibid., no. 25.

of the Act since the 1987 Constitution's provision—that “all lands of the public domain, waters, minerals, coal, petroleum and other mineral oils, all sources of potential energy, fisheries, forests, timber, wildlife, flora and fauna and other natural resources are owned by the state”—was violated by this Act. One of CSOs, La Bugal–Blaan Tribal Association of Mindanao filed a case with the Supreme Court which ruled on 27 January 2004 that, indeed, some of the provisions of the Act were unconstitutional and void.

The CBCP came up with their own statement stating their concern regarding this Act.⁴⁴ They claimed that they “have seen the devastating effects of some of the mining operations, e.g. spillages of mine tailings” and that “the adverse social impact on the affected communities, especially on our indigenous brothers and sisters far outweighs the gains promised by large-scale mining corporations” (“A Statement of Concern on the Mining Act of 1995,” signed by Archbishop Oscar V. Cruz on 28 February 1998). They then proposed that the government repeal the Act and to recall all approved FTAAS and other mineral agreements and disapprove the pending ones. Other local bishops where mining firms were already operating or in the process of exploration also wrote to the President expressing their concern.

The State did not give up so easily and used all its power to pressure the Supreme Court to reverse their ruling. Ten months after they had declared the Act unconstitutional, they changed their mind on 10 December 2004 indicating the Act was constitutional after all. Pres. Macapagal-Arroyo immediately issued EO 270-A known as the National Policy Agenda on Revitalizing Mining. This only provoked more protests as this contentious decision impacted various stakeholders,

municipal and provincial authorities, the Church and others CSOs that all continued to urge that the Act be revised. They posited that “both the act itself and the supporting order establishing the FTAAAs usurp legislative power and nullify the Philippine State’s role as owner-in-trust and investor in the country’s minerals.”¹⁵ Two petitions were then sent to the Supreme Court: first by Congress that asked the Court to issue a temporary restraining order to stop the DENR from granting any MPSAs, and second, by the citizens of Davao Oriental that asked the Court in 2008 to nullify seven MPSAs covering 17,215 hectares that the DENR had issued to two mining firms to mine nickel and cobalt.

Once more in 2006, the CBCP expressed their support for the many local petitions against mining operations and re-affirmed their stand for the repeal of the Mining Act of 1995, believing that the Mining Act destroys life. The Bishops stated that by allowing the interests of big mining corporations to prevail over people’s right to these sources was tantamount to violating their right to life as well as threatened their health and environmental safety as wastes and tailings are dumped in the seas and rivers near their homes.

In the next few years, the CBCP continued its advocacy to oppose mining. A letter sent by the CBCP President to Pres. Benigno Aquino III, reiterated their decade-old stance to ask “the government to put a stop to large-scale mining since this not only permanently damages the delicate balance of the natural environment, but it also makes our small farmers, fisher folks and IPs suffer.”¹⁶ They indicated that EO 270A has made the mining issue even more contentious and thus they demanded that this be revoked and called for a review of all anomalous and controversial mining contracts. They

¹⁵ Goodland and Wicks, 27.

¹⁶ Letter signed by Bishop Nerio Odchimar on 12 July 2010.

then proposed “to rectify previous contentious contracts the state has entered into....to make public all existing mining applications and contracts and... to reform the DENR bureaucracy and weed the corrupt officials in its national and local agencies.”¹⁷

What finally brought the resistance to a standstill was when the DENR issued Administrative Order No. 2010-21 on 28 June 2010, providing for a consolidated DENR Administrative Order for the Implementing Rules and Regulations of R.A. No. 7942 and which listed the revised rules and regulations. Today, the State can claim that the principal laws that regulate the mining industry are R.A. 7942, otherwise known as the Philippine Mining Act of 1995. ..(and the) DENR Administrative Order No. 2010-21 (Mining Act IRR), both of which have not been amended in the past year.

In 2012, Executive Order No. (EO) 79 was issued as the policy of the Aquino administration which instituted reforms such as a review of the performance of existing mining operations and cleansing of non-moving mining rights holders, imposed a moratorium against the issuance of mineral agreements (MAs) until the enactment of legislation rationalising existing revenue sharing schemes and mechanisms, and constituted the Mining Industry Coordinating Council (MICC), among others.

The Church's advocacy against mining persisted. In 2013 the AMRSP issued a joint statement indicating that dealt with the issues of mining and how the religious can be in greater solidarity with the poor. Claiming that as stewards of the environment and as shepherds to the indigenous peoples, they continued to lobby for policies for the protection of our common home and supported advocacies against activities that are destructive to the

¹⁷ Ibid.

environment.¹⁸ The visit of Pope Francis in Manila on 15-19 January 2015 provided an opportunity for the CBCP's NASSA office to issue a joint letter co-signed by *Alyansa Tigil Mina* (Alliance of Mining).¹⁹ The letter referred to a message of Pope Francis during a Day of Reflection between the Vatican and the mining industry which was read by Tarcisio Cardinal Bertone that reminded everyone that “the great challenge of business leaders is to create a harmony of interests, involving investors, managers, workers, their families, the future of their children, the preservation of the environment on both a regional and international scale, and a contribution to world peace.”

The letter was then addressed to Pope Francis urging him to: 1) support the call of Philippine Bishops and the mining-affected communities to repeal the Philippine Mining Act (RA 7942) and the clamor for a new mining law that recognizes the environment and ecology, respects human rights and ensures that negative impacts of mining are completely addressed and avoided; 2) ensure that the voices of the marginalized and the poor are heard and given space in any dialogue or interaction between the Church and the mining industry, from the local up to the global levels; 3) encourage the Catholic leadership as well as other religious leaders, to practice their stewardship role in facilitating harmony, peace and social justice to address the issues brought by mining and other extractive industries.

As of 2019, the current administration of Pres. Duterte has not issued any order repealing, amending or

¹⁸ AMRSP Joint Biennial Convention 2013, held on 1-5 July 2013 at the Rivier Retreat House Seminary Road, Catalunan Grande, Davao City.

¹⁹ CBCP-NASSA and ATM Joint Statement on the Mining Issue During the Visit of Pope Francis in Manila on 15-19 January 2015, Issued on 16 January 2015.

replacing EO 79. Based on government statistics, the updated report indicates the following: a) Mineral Exports of metallic, non-metallic minerals and mineral products (especially gold and nickel) in 2018 amounted to US\$44.26 Billion with the bulk of exports going to Japan, Australia, Canada and China; 2) the industry employed 212,000 workers; 3) land area and mineral potential covers 30 million hectares with 9 million identified as having high mineral potential; 4) As of January 2019, only 2.34% or 702,715.39 has. are now covered by mining tenements.²⁰

Today, if one were to check out the listing of the mining firms operating, developing and exploring in the country, one would come up with the following tables:²¹

Table 1: Status of MPSA: More than half (58%) are still on exploratory stage while almost one-third of total are already in commercial operation.

CLASSIFICATION	Nos.	Percent
1.Commercial Operation	94	28.4
2.Under Care & Maintenance	10	3.0
3. Exploration	192	58.0
4. Development	12	3.7
5.Suspended	6	1.8
6.Expired	7	2.1
7.Cancelled	10	3.0
TOTAL	331	100.0

²⁰ MININGfacts/figures 2019. See <http://mgb.gov.ph/attachments/article/162/mining%20facts%20and%20figures%20updated%20March%202019.pdf>.

²¹ Source of Data: MRMS Report No. 002A: "List of Mineral Production Sharing Agreement (MPSA), Department of Environment and Natural Resources, Mines and Geosciences Bureau, Mining Tenements Management Division. Published on 31 July 2017. See http://www.mgb.gov.ph/attachments/article/50/JUL_2017_MPSA_2.pdf.

Table 2: Location of MPSA (only those who are in 1-4 category seen in Table 1): One could see below that mining is taking place in practically all regions across the country with the most number in South Luzon and in Agusan–Surigao.

REGIONS IN THE COUNTRY	Nos.	Percent
1. North Luzon	24	7.8
2. Central Luzon	45	14.6
3. South Luzon (including Rizal, Palawan, Mindoro)	74	24.0
4. East Visayas	19	6.2
5. Central Visayas	36	11.7
6. West Visayas	17	4.5
7. Zamboanga/Misamis	20	6.5
8. BARMM (Cotabato, Lanao)	8	2.6
9. Central Mindanao (Bukidnon)	0	0
10. Davao	15	4.9
11. Agusan-Surigao	50	16.3
TOTAL	308	100.00

Table 3: Total No. of Hectares Covered: Close to ten percent among the mining firms are able to cover 5,000 hectares and more, with five firms covering more than 10,000 hectares. Close to one-half have been able to secure more than a thousand hectares.

RANGE OF HECTARES	Nos.	Percent
1. Above 10,000	5	1.6
2. 7,500 - 9,999	12	4.0
3. 5,000 - 7,499	13	4.2
4. 2,500 – 4,999	51	16.5
5. 1,000 – 1,499	56	18.2
6. 750 - 999	21	6.9
7. 500 - 749	32	10.4
8. 250 - 499	47	15.3
9. 100 - 249	36	11.6
10. Below 100	35	11.3
TOTAL	308	100.0

Table 4 – Year when MPSA was granted: One could tell from the table below that a big majority of the firms (93.4%) that are now actively involved (from operations to exploration) set up their firms after the passage of the Mining Act in 1995. Compare to the figure before 1995 when only 17 were in operation (with 5 of these having to be amended after 1995).

YEAR RANGES	No.	Percent
1.. Before 1995	12	3.3
2. Before 1995 & amended after 1995	5	1.6
3. 1995 - 1999	94	30.5
4. 2000 - 2004	47	15.3
5. 2005 - 2009	88	29.0
6. 2010	39	12.8
7. Approved after 1995 & amended later	18	5.8
8. No information	5	1.6
TOTAL	308	100.0

Table 5 – Minerals Involved: There is a variety of mineral products that have been identified in the actual and potential mining sites. The most common are gold, copper, nickel, chromite and limestone.

MINERALS	Nos.	Percent
1. Mixed (gold, copper, nickel, chromite and other minerals)	53	17.2
2. Limestone	49	16.0
3. Copper & Gold	45	14.6
4. Chromite & other minerals	24	8.0
5. Sand & Gravel	25	8.2
6. Limestone & Shake	14	4.7
7. Nickel	13	4.2
8. Gold	12	3.9
9. Basalt with Andesite, Diorite, Tuff	8	2.6
10. Basalt & rock aggregates	7	2.3
11. Chromite	6	2.0

12. Silica	5	1.6
13. Limestone & Silica	5	1.6
14. Gold, silver & copper	3	1.0
15. Others (marble, silver, bauxite, bentonite clay, dimension stone, etc.)	39	12.7
TOTAL	308	100.0

Human Rights and Mining

One of the unintended consequences—but have proven to be one of the most important reasons to oppose mining—has been the extent that human rights violations (HRVs) are committed against those who resist the entrance of mining into their localities. This has been especially true for the IPs.²² Especially since the passage of the Mining Act, HRVs have been reported by Indigenous Peoples Organizations (IPOs), CSOs (especially church and NGOs advocating for HRs and media outlets) especially when there is an aggressive resistance to the mining operations & explorations. These have included reports on “beatings, maiming, intimidation, torture, extra-judicial killings or summary executions, abductions, and enforced disappearances in what is widely viewed as state-sponsored or state-protected terrorism.”²³ Within the country’s impunity context, State agencies assigned to look into these matters hardly move to investigate that would led to the arrest of the perpetrators.

²² See the following as reference material on HRVs: Proceedings of the International Conference on Mining in Mindanao held at the Ateneo de Davao University on 26-27 January 2012; Goodland and Wicks, *Philippines: Mining or Food?*; Human Rights watch Report at hrw.org/reports/2007/philippines0607.htm’www.miningewatch.ca/index.php?/.

²³ Goodman and Wicke, *Philippines: Mining or Food?*, 44.

Human Rights Watch identified anti-mining activists as having been victimized along with other groups active in the resistance movement including political and student activists, journalists and churchworkers. Among the cases, HRW investigated in 2006, two were killed in the Bicol region, namely, Pastor Isias de Leon Sta. Rosa and Manuel Balani. In in the past decade, Indigenous Peoples (IPs) villages in the Andap Valley of Surigao del Sur were continuously subjected to dislocations first owing to the operations of the Lianga Bay Logging Company and later with the entry of Chinese mining firms (e.g. Great Wall Mining and Abacus Exploration and Development Corp.). Entire villages were harassed by both paid guards and the military forcing them to evacuate their homes. A massacre took place in 2015 where three of the IP leaders were killed by para-military agents.²⁴

For years, many of the advocates against mining had warned that the influx of mining firms in the isolated upland villages where mostly IPs reside or in the rural areas inhabited by rural peasants are most vulnerable to human rights violations. It is a known fact that in a setting such as the Philippines, the military and the police are oftentimes encouraged to take the side of mining firms through various pressures or incentives. Many mining firms also employ their own armed guards who can tend to be undisciplined if strict codes of behavior are not imposed. Thus, since mining expanded, there have also been greater reports of human rights violations especially in highly militarized zones (made

²⁴ Raymond Ambray, "The Practice of Critical Pedagogy as Collective Frame in the Alternative Center for Agriculture and Livelihood Development," M.A. Anthropology thesis, Ateneo de Davao University, 2018. See also, the case of the Panay Tumandok community, <https://www.rappler.com/nation/tumandok-killed-nabbed-police-panay-island> (accessed 9 January 2021).

more complicated because of the presence of New People's Army [NPA] guerillas).

During the time of Pres. Aquino, when a more-involved and committed Chairperson was head of the State's Commission on Human Rights (CHR), CSOs and church personnel could seek her assistance in following-up reports of HRVs.²⁵ One such case took place in the village of Didipio, Kasibu, Nueva Viscaya on 5-6 November 2009.²⁶ Chairperson De Lima, staff of the local CHR, the Mayor and his councilors, media personnel and CSO HR advocates joined the fact-finding mission for an ocular inspection following the alleged incidents. This location was where the mining operations of Oceana God Philippines, Inc. (OGPI) took place.

The victims were the IP residents and their spokespersons were their leaders. A hundred of them had earlier picketed the Provincial Capitol building. They alleged that their houses were burned and/or demolished (with the PNP assisting the firm) and questioned the existence of a checkpoint. They also called for the cancellation of the mining permit. At a subsequent investigation held at the Provincial Capitol of Nueva Viscaya attended by the representatives from OGPI, the Mines and Geosciences Bureau (MGB), the DENR and PNP the cases that were reported to the cases that were reported to the commission were verified. However, the CHR can only stop the HRVs but not the mining operations.

²⁵ We refer to Atty. Leila de Lima who was later assigned by Pres. Aquino to be Secretary of Justice. But when Pres. Duterte took over, he and his allies in Congress linked her to the drug menace and consequently was jailed. As of this writing, she remains in prison.

²⁶ Jonal Javier CHR Investigates Alleged Human Rights Violations in Mining Area, 12 January 2012. See <https://tfdp.net/publications/phru/36-volume-23-number-1/302-chr-investigates-alleged-human-rights-violations-in-a-mining-area>

Further south in the territory of the Subanens (the IPs in the Zamboanga area) of Mindanao, came the report on how the IPs' rights were being violated owing to the mining operations.²⁷ A 2005 report was issued by a collation of researchers who conducted a human rights impact assessment of the TVI Resources' Canatuan mine especially as these impacted on the lives of the Subanens by looking into six core human rights principles: the right to self-determination, to security, to an adequate standard of living, to adequate housing, to work and to education. The assessment involved the Subanens in the locality, staff of government agencies such as the NCIP and MGB of the DENR, as well officials from the Canadian embassy.

The report indicated that "the mine had a negative impact on their right to self-determination and on their system of governance...(a)dditionally, forced evictions and militarization of the area surrounding the Canatuan mine has had a negative impact on the ability of the Subanon peoples to enjoy the right to security and housing, while mining activity appears to have increased the levels of sediment and metals in some local waterways, threatening human right to an adequate standard of living."²⁸ The assessment's concluding recommendations were to: 1) encourage the Government of the Philippines to assume responsibility for investigating the current conflict in Canatuan and for adopting procedures that would ensure such examples do not reoccur in future; and 2) give local communities capacity training on human rights so that they can

²⁷ Business and Human Rights Resource Center, Philippine Fact-Finding Mission Report, "Philippines: Mining impacts on Subanon indigenous peoples' rights." See, <https://www.business-humanrights.org/en/philippines-mining-impacts-on-subanon-indigenous-peoples%E2%80%99-rights>

²⁸ Ibid.

identify abuses and assert their rights; and 3) require companies to make all efforts to resolve the many issues and conflicts in Canatuan before proceeding with expansion of its operations in adjacent areas.²⁹

In the wake of the massive HRVs committed by the Marcos regime throughout the martial law period (1972-1986), the government of Mrs. Aquino amended the Constitution to clearly provide provisions where the State bureaucracy protects and respects the citizens' HRs and established the Commission on Human Rights to implement laws for this purpose. Thus the state embraces a mandate that would cover three essential types of rights obligations including: "the state abstaining from doing anything violative of the integrity of the individual and his/her freedom of action and to refrain from interfering with the enjoyment of the right (e.g. provision of budget for social services); to protect its people from activities or actions that may be taken by third parties (e.g. non-state actors or entities) have negative impact on the citizens; and to take appropriate legislative, administrative, budgetary, judicial and other measures toward the realization of human rights."²⁹

Unfortunately, despite what is provided for by the laws of the Republic, weak States do not have the political will to implement these laws when faced with the market's vagaries. With the "developments in the global sphere... (related to) globalization of capital or cross-border operations of TNCs, global open markets, implementation of trade liberalization where the country is experiencing this resulting to the undermining of our agricultural production, privatization and deregulation,"

²⁹ Ibid.

²⁹ Dr. Nymia Pimentel-Simbulan, "Mining and Human Rights: Issues and Challenges," *Proceedings of International Conference on Mining in Mindanao*, Ateneo de Davao University, 26-27 January 2012, pp. 66-67.

there is the concomitant weakening of state-based system of governance.³⁰ Oftentimes, the people's interests are secondary to those of the mining companies as the State aims to attract more foreign investments. Where IP communities have a right to be consulted especially where they have titles to their ancestral domain and the law provides for a free, prior and informed consent (FPIC), there have been cases when their voices are not given any importance and the State's agency that is supposed to take their side either turns silent or outright supportive of the mining firms. In the process, the people are not provided all the information they need to make a wise decision. In some cases they strongly influence, manipulate or harass the IP chieftains into submitting to the wishes of the company (thus the monicker that they have become dealers rather than leaders). In the end, their right to self-determination is violated when their opposition to the entry of the mining firm is totally disregarded to the point where they are then subjected to all kinds of abuses. In many instances, the tactic of divide-and-rule is adopted, by pitting IP leaders against the others through the provision of material benefits and even weapons. There are cases e.g. like among the Blaans of Tampakan, South Cotabato where the IPs themselves are now at war with each other.

Case Study: Diocese of Marbel

Tampakan is the IP area where a people's resistance against a mining firm has taken place in the past two decades, perhaps one the longest that have taken place in the country. The initiative of exploring a mining operation here was first considered by the Western

³⁰ Ibid., 69.

Mining Corporation but which was later taken over by the Sagitarrius, an XStrata company based in Switzerland and partly in London with Indophil of Australia and the Tampakan Associates of the Philippines. Recently, however, it has been reported that a consortium of Filipino and Chinese businessmen have acquired ownership of the firm. It was one of the six FTAA's issued and the first in Mindanao after the Mining Act was passed in 1995. "It was going to cost six billion" and is believed to be "the biggest in the world at par with the Mongolian mines ... with 17 to 20 years of mine life, covering 10,000 hectares and which would destroy 4,000 hectares of catchment forests on which the irrigation downstream totally depends."³¹

How huge this mining firm was projected could be gleaned from more information: it is the largest undeveloped copper-gold resource in Southeast Asia Western-Pacific Region, Its projected capital investment was to involve US\$ 5.9 Billion, the largest foreign direct investment then as it was projected to produce up to 160 million tons of gold and copper per annum over a period of 20 years from the one reserve alone of 1.1 B tons.³² Seventy percent of the project areas had been classified as ancestral domain of the Blaans, the local IPs who were able to acquire Certificates for Ancestral Domain Titles (CADTs). An estimated thousand households (roughly involving more than 5,000 individuals) would be displaced once the project takes off while the remaining forests ("fifty percent of the final mining area consist of closed and open canopy forests, and the thirty-six percent are woodlands which are used for swidden farming)

³¹ Robert Goodland, "Cotabato's Tampakan Mine Project," *Proceedings of the International Conference on Mining*, Ateneo de Davao University, 26-27 January 2012, p. 59-65.

³² Research Brief, "Mining and Water Governance," Ateneo Institute of Anthropology and Ateneo Tropics, August 2013, p. 3.

would be wiped out).³³ Watersheds and rivers would also be affected and tailings would drain downstream toward the Davao Gulf, which is barely 50 kms. from the project site.

As soon as they began to realize the consequences of this massive mining project, the stakeholders (the IPs, the local government units, farmers/irrigators, church, NGOs and schools) began to study and discuss these implications, they eventually raised these issues: ancestral domain rights, food security, biodiversity loss, health hazards, water contamination and scarcity, flooding and landslides, royalty share, compensation, livelihoods and employment, social services, relocation and resettlement, overlapping land claims, human rights violations, peace and order as well as the capacity of the LGUs to do risk management and to monitor compliance of Environment Impact Assessment.³⁴

Tampakan is a town in South Cotabato which is under the Diocese of Marbel. But the proposed mining site and its impact would extend to the adjacent Diocese of Digos and the Archdiocese of Cotabato. The late Bishop Romualdo Gutierrez and a number of clergy and religious working in the various ministries of the Diocese began to deal with the issue at hand by coming together to reflect on the challenges they faced. Reviewing the provisions of various Magisterium documents (e.g. *Rerum novarum*, *Mater et magistra*, *Pacem in terris*, *Gaudium et spes*, *Sollicitudo rei socialis*), they agreed on upholding the following general principles that would guide their response: responsible stewardship, the universal destination of goods, integrity of creation, human dignity,

³³ Ibid., 4.

³⁴ Ibid., 6.

preferential option for the poor and subsidiarity and people's participation.³⁵

They also studied the pros and cons of this project and concluded that its negative impact more than outweigh the possible benefits. Among these: this project would deprive the people of access to land and other natural resources, it has led to the fragmentation among the IPs, most of them would be dislocated which would affect their sustainable livelihoods, leaders could turn corrupt with bribes to pay for their cooperation, it would lead to soil erosion, siltation and pollution with the use of chemicals thus affecting the irrigation fields, watersheds would be affected, biodiversity would be threatened, could led to disasters like flooding and only the elite would benefit. Ultimately, they proposed the repeal of the Mining Act and proposed for the formulation of an alternative mining policy that protects the poor and the environment.³⁶

On the basis of these principles, they agreed that their task is to promote the total well-being of the present and future generations and the environment. Therefore, they opposed aggressive and liberalized mining whether small or large-scale. What followed were various forms of protests: mass mobilizations such as rallies and caravans around the city, fact-finding missions in the project site, sectoral advocacy campaigns to reach out to the youth, press and media releases to expose the issues, education and awareness building sessions as well as local and international lobbying and solidarity work.

With all these ground-level movement that was gaining strength, the Provincial Local Government officials were encouraged to share their ecological

³⁵ Rosalinda C. Tomas and Donnabelle G. Celebrado, "A Case Study (Working Paper): Contestations in the Mountain of Gold—Digging the Cracks in the Tampakan Copper-Gold Project, The South Cotabato Experience," January 2008.

³⁶ *Ibid.*, 53-55.

advocacy and they saw a way to oppose the start of the operations despite their approved MPSA. While the Mining Act was passed in 1995, the Local Government Code was passed by Congress in 1988 which empowered the LGU to pass a local ordinance that asserts its right over its territory. Appropriating this law, the LGU passed a law banning specifically open pit mining which was to be what the firm was going to undertake. It did stop the firm's operations as there was need for the Supreme Court to review this impasse.

The impasse provided the stakeholders with more time to do more education and organization to strengthen their ranks. The Diocese mobilized its BEC network to bring the issue down to the level of the grassroots. Occasionally, the three Bishops came out with pastoral statements encouraging the faithful to sustain their anti-mining stance, as well as attended mass actions where citizens from various sectors marched and held rallies. The most consistent of them was Bishop Gutierrez who issued a good number of pastoral statements. One of these came out in 2008 where he posited that:

(T)he clergy of Marbel would like to pose some questions regarding the present government's trend of natural resources' utilization. Is large scale mining, especially the employment of open pit mining method, a moral, fair and just utilization in the inhabited and agricultural area? Is to oppose large scale mining presence in our area for environmental, social and even long term economic reasons anti-development?...

As experienced in areas where mining has been done, it has depleted water supply, whether for residential or agricultural use. Toxic waste and dusts produced during processing of mineral ores cause havoc to marine and human lives...Mining would not have been a hard pill to swallow for the poor communities in mining areas if

history has shown these communities to have attained real development: peace and order maintained, communities economically secure and empowered and not mere subordinates of mining companies, human health robust and environment clean... Unfortunately, these never happened in Surigao, Benguet, Marinduque and Samar after years of mining history. Only the mining companies run off with their profits benefited. At present, government records show that more than thirty mining sites have been abandoned by companies and need rehabilitation.

The clergy will continue to be determined and united in its stand against any undertaking that promotes only corporate greed like large scale open pit mining, undermining environmental, social and economic justice, ecological balance, and cultural legacy for the present and future generations.³⁷

At present, however, there is a shadow hanging over this issue which could overturn the gains of the protest movement. In the past year, the signs are pointing to the mining firm being able to flex its muscles to gain an upper hand. From reliable government sources, there is fear that the administration of Pres. Duterte would be swayed to favor the interests of the mining company. First, the company is re-designing the entire project plan to make it less intimidating by scaling down its operations and downplaying the open-pit method. This could make the DENR more supportive of allowing the firm to start operations as Pres. Duterte himself is expected not to take an opposite view. In the recent local elections, those who had opposed open-pit mining lost to those in favor of revising the LGU's legal stance. This

³⁷ Bishop Dinauldo D. Gutierrez, "Large Scale Mining is Not Moral, Fair and Just," Statement by Catholic Clergy of the Diocese of Marbel, 4 June 2008.

only means that the anti-mining network will need to further consolidate to sustain their resistance.

This kind of mass action also took place in other dioceses where other mining firms were expanding operations or exploring new mining sites which almost always are in upland areas where most of the inhabitants are indigenous. These took place in the Dioceses of Dipolog, Ozamis, Butuan and Tandag. The outcome have been mixed, but mostly the mining corporate interests have been more successful in their business ventures despite the people's resistance. Various reasons accounted for this, including the weak resistance of communities who are not so united and militant with their struggles, the vulnerability of their leaders to be bought or manipulated by the firms and lastly the extent of the military's intervention to protect the miners rather than defend the interests of the ordinary citizens.

The Bishops continue to provide moral support to all those who continue opposing mining. In their most recent statement, they once more called the faithful's attention to the threat of extractive mining operations and the building of dams" and reiterated that "social justice is not served when only the few mining companies, many of which are also owned by political leaders, reap the benefits from mineral extraction... (while) the rural poor remain poor as mining only contributes less than one percent to our GDP, employs less than 0.4% of our labor force and directly threatens agriculture, forestry, watersheds and fisheries resources that are essential for the survival of the rural poor."³⁸

One specific area of mining that the State has taken a strong drive to promote is that of extracting coal because it is relying more and more from energy

³⁸ CBCP, *An Urgent Call for Ecological Conversion, Hope in the Face of Climate Emergency*," signed by Archbishop Romulo G. Valles, 16 July 2019.

generated by coal-fired power plants. Across the country, these plants have sprouted in various parts. There are now at least 23 existing plants with 28 more to be operational by 2020. This has led to an increase in coal mining projects now totaling 186 which unfortunately are located in areas mostly inhabited by IPs and which are supported by rich ecosystems. Already in Mindanao there are existing fire-powered plants in Davao City; in Malita, Davao del Sur and Maasin, Sarangani Province. The one in Maasin is linked to coal mining in Barangay Ned and the Tampakan Mining firm. Coal extracted in Barangay Ned will help fuel the fire-powered plant which will then provide electrification to the mining in Tampakan. No wonder local government officials and Lumad leaders in all these areas are being wooed in order to fully support the mining's firm aggressive desire to begin operations soon. Where they have resisted like what have taken place in Barangay Ned, the people have been subjected to harassment and HRVs.

The recent CBCP's statement also dealt with this issue as it stated that: "Centuries of emissions from coal have been scientifically proven to be among the lead causes of the current climate degradation... (as these) further exacerbate the vulnerability of impoverished host communities...already struggling to cope with the effects of worsening climate."³⁹

Conclusion

In 1988, the Church's ecological advocacy began with a farmers' protest action in the hinterland villages of San Fernando, Bukidnon and Midsalip, Zamboanga del Sur. These grassroots-based environmental mobilizations provoked the CBCP to issue their first pastoral statement

³⁹ Ibid.

addressing ecological issues. It would take almost 30 years before the Vatican would come out with a papal exhortation on the care of the earth.

In the past three decades, the CBCP have sustained their ecological, mainly through the issuance of statements. From 1988 to 2019, it issued nine other statements including the following: in 1998 (Concern on the Mining Act of 1995), 2000 (Water is Life), 2003 (Celebrating Creation Day and Creation Time), 2006 (Mining Issues and Concerns), 2008 (Upholding the Sanctity of Life), 2013 (Pastoral Statement on the Recent Earthquake and Typhoon that Devastated the Central Region of the Philippines), 2015 (Stewards, Not Owners) and the 2019 (An Urgent Call for Ecological Conversion, Hope in the Face of Climate Emergency).

And most recently, 58 among the CBCP members including their President signed the statement—No to Kaliwa Dam, Yes to Alternative Sources of Water. The statement states that:

(a)fter listening to the strong opposition to the construction of the New Centennial Water Source Kaliwa Dam Project, we too express our opposition to the said project and strongly recommend to look for alternative sources to the Kaliwa Dam for the following reasons: It will inundate the ancestral domain of the Dumagat-Remontados, uprooting them from the Sierra Madre where their ancestors lived for centuries enjoying a symbiotic relationship with the earth like the children to their mother. Undeniably, until now the indigenous people have not given an FPIC... Kaliwa dam to be constructed over the Infanta Fault will be a “sword hanging over the head” of 100,000 people living downstream the Kaliwa River. Etched in their memory is the 2004 flash flood that left 1,000 killed and over million worth of properties destroyed.

Meanwhile across the different dioceses and mission areas where religious missionaries are located, various programs have been initiated from making more people be aware of the impact of climate change, organizing them to reforest, oppose the widespread use of toxic chemicals, promote organic farming, tapping into the rich indigenous knowledge systems in the field of agriculture and healing diseases as well as be engaged in zero waste management. Civil society organizations committed to care for the earth have sprouted as NGOs, media and the academe came on board to promote integral ecology and climate justice. Cultural groups and artists have also produced artistic productions aimed at popularizing further the ecological agenda. Government agencies, especially the DENR, do their best to provide assistance although in many instances their services are inadequate considering how serious the problem has become.

Pope Francis had issued the clarion call which has galvanized further awareness and action. With the issuance of *Laudato Si'* (Care for Our Common Home) on 18 June 2015, as the global leaders were preparing for the climate summit in Paris, he highlighted the adverse impacts of the climate change on the poor and most vulnerable. Here is how he articulated the scale of the climate crisis: "Climate change is a global problem with grave implications: environmental, social, economic, political and for the distribution of goods. It represents one of the principal challenges facing humanity in our day. Its worst impact will probably be felt by developing countries in coming decades."⁴⁰

And on behalf of the Filipino Catholics, the bishops in their 2019 pastoral statement stated that they are

⁴⁰ *Laudato Si*, 25.

committing themselves to abide by the following ecological convictions:

- The Earth is our home. We are to care for our common home. We are to act in order to protect all life forms on Earth, from ridge to reef.
- Even while we dream of fullness of life in the hereafter, our Lord teaches us to let His kingdom come and His will be done, "on earth as it is in heaven" - meaning, already in the here and now. We are therefore duty bound to act and resist all forms of destruction damaging our people and our planet.
- We are connected to the Earth, just as our lives and the life of all other beings are interconnected with each other.
- We hear both the cry of the Earth and the cry of the Poor. We are to respond and act together in order to mitigate the ill effects of climate change on our planet and our communities; and in the spirit of accountability, we demand climate justice.

One can only hope and pray that this kind of talk will find its expression in a prophetic walk that will make a huge difference for future generations.

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