



**IN DEFENSE OF OUR  
RIGHT TO OUR MINERAL  
RESOURCES IN OUR  
ANCESTRAL TERRITORIES**



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**References:**

- *Ravaged*, a primer on large-scale mining published by SOCSKSARGENDS AGENDA and KALUHHAMIN ALARM campaign by KATRIBU-Kalipunan ng Katutubong Mamayanng Pilipinas
- Website of Sagittarius Mining Inc.
- Human Rights Based Approach to Development, a project of DINTEG with KALUHHAMIN

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*To Janjan and Jordan Capion who were massacred together with their anti-mining activist mother, Juvy Capion, on 18 October 2012 in the tri-boundary of Davao del Sur, South Cotabato and Sultan Kudarat where Xstrata-Sagittarius Mining Incorporated is operating.*



## WE ARE BLAANS

The Blaan is among the 18 major indigenous peoples in Mindanao, collectively referred to as Lumads. They number about 450,000<sup>1</sup> concentrated in the mountain ranges of South Cotabato (100,000) and Davao del Sur (95,000) with the third largest but considerably smaller concentration in Sultan Kudarat (14,000). The rest are scattered in fewer numbers in other parts of Mindanao and the country. There is no municipality where Blaans compose a numerical majority, being dominant in only a few barangays in these three provinces. For instance, in Koronadal City the Blaan population is placed at 14,244 or 9% of the total population of 158,273<sup>2</sup>, predominating in 4 barangays (Assumption, Cacub, Saravia and San Jose) of the 27 barangays of the City. In the municipality of Magsaysay, Davao del Sur, the Blaan number around 18,260 or 43% of the municipal population of 43,172<sup>3</sup>, having a majority in 9 of the total 22 barangays. In the municipality of Tampakan, they comprise 15% or around 3,800 individuals.

Blaans subsist on swidden farming with corn now supplanting rice as major crop and subsequently as staple food. They live in small numbers in scattered settlements.

A recent KALUMARAN<sup>4</sup> research affirmed the account of the National Commission on Culture and Arts that among the Blaan, “culture change is in advance stage.” However there are still Blaan communities in

interior areas whose indigenous socio-cultural and political systems persist, and are in fact being revitalized, in varying degrees. The same research showed ownership of ancestral territory among the Blaan as clan or family-based, spanning mountain ranges, river systems, valleys and settlements.

In some of the areas they still control, the Blaan have headmen whom they call Bong To (big man). He is supposed to own enough disposable resources (gongs, jars, beads, metallic weaponry, horses, cash) for use in mediating and settling conflict within his community, with other communities, with Bisaya migrant settlers, or with the government. He is thus supposed to be datu (wealthy). He is also supposed to be fulong (knowledgeable and wise) because decision-making on disputes, crimes and other problems rests on his shoulders. He is known as both Bong To and Bong Fulong if he is an especially knowledgeable and wise leader. There are Bong Fulong who are not Bong To. But Bong To consults and often defers to such Bong Fulong on complex matters. If a Bong To believes that he could or should not decide upon an issue on his own, even with the benefit of advise from a Bong Fulong, he simply convenes the people of his community in a meeting. There is no intermediate structure between the Bong To and the community – no council.<sup>5</sup>

In areas they do not control, or wherever there is no longer anyone wealthy enough to act as Bong To, the communities simply meet in assembly to deliberate and decide upon issues. If one or a few of their members are wise enough to be regarded Fulong or Bong Fulong, this person or people's opinion would weigh heaviest, but it would not necessarily be carried by the assembly.

In current local governance however there is misrepresentation of the Blaan people in the misplaced recognition given officially to some tribal leaders by local governments. In many municipalities, those acknowledged as Blaan tribal leaders by local government units (LGU) are not the traditional fulong, datu or leaders of the community. Most of them are tribal leaders who have been co-opted by big business companies and politicians. Their tribesmates have branded them “tribal dealers” because instead of representing the interests and demands of the Blaan, they have become cohorts in disenfranchising them of their ancestral territories.



## **FOREST AND WILD FOOD, CLEAR WATER AND FERTILE LAND NOT COPPER AND GOLD**

Similar to other indigenous peoples in Mindanao, vast tracts of B'laan ancestral territories were awarded by the government to mining, logging and other business corporations apart from the historical government-sponsored resettlements for migrants.

Among the biggest private projects that have been actively facilitated by the national government is the mining of the Tampakan copper-gold deposit with an around three billion tonne ore body containing 15 million tonnes of copper and 17.6 million ounces of gold, according to the website of Sagittarius Mines Inc. (SMI).

The Tampakan project is partially covered by a Financial or Technical Assistance Agreement (FTAA) which the government originally awarded to Western Mining Corporation. (WMC) of Australia on March 30, 1995, a month before the Mining Act of 1995 went into effect on April 30 and before the Indigenous Peoples Rights Act was passed into law in 1997. The original FTAA covers 99,387<sup>6</sup> hectares in the quad-boundary of South Cotabato, Sultan Kudarat, Davao del Sur and North Cotabato.

In 1997, the church-based La Bugal B'laan Tribal Association sued the Department of Environment and Natural Resources (DENR) for violating the 1987 Philippine Constitution by awarding the Tampakan ore body

to a foreign firm, Western Mining Corporation, with 100% equity.<sup>7</sup> In February 2004, the Supreme Court ruled in favor of the La Bugal Blaans, but it overturned its own decision in December of the same year.<sup>8</sup>

In 2001, while the case was being heard in the Supreme Court, WMC sold its rights and interest to Sagittarius Mines Inc., later renamed as Tampakan Mineral Resources Corporation, which since then has been serving as the contractor of the Philippine government on the FTAA. At that time, SMI claimed 60% equity owned by Filipinos while 40% was owned by Indophil Resources NI, an Australian company. Since it acquired its FTAA from WMC, SMI has amended the Tampakan project area, withdrawing from some of the land that Western Mining had already explored and expanding to unexplored land.

Currently, the project area covers 54,771 hectares of mountain that straddle the municipalities of Kiblawan in the province of Davao del Sur, Tampakan in the province of South Cotabato, and Columbio in the province of Sultan Kudarat. The SMI website claims a “final mine area” of 10,000 hectares. This area is situated within the ancestral domains of Blaans. To them, its wealth consists not of copper and gold but of forest and wild food, clear water and fertile land. In the 1980’s this current-day mining area was called “game of the generals” because of massive plantations of marijuana cultivated under the behest of generals of the AFP. In the same period, Blaans started producing temperate vegetables for commercial purposes. At the heart of the planned mine site sits the Bulol Lumot (Mossy Mountains), the remaining watershed area in the SOCSKSARGEND Region (South Cotabato, Sultan Kudarat, Sarangani, Davao del Sur) and is considered a sacred mountain by the Blaans.

During the seven years that elapsed before the Supreme Court issued its final decision, the situation in the Kiblawan-Tampakan-Columbio area – which the government now calls the KITACO growth area – became chaotic.

Western Mining exerted effort to woo the Blaans. It supported an NGO to convince the Blaans to apply for Certificates of Ancestral Domain Claim (CADC) and establish formal tribal councils so that the company could have legal entities to negotiate agreements with, in relation to legally delineated land areas over which these entities had legally recognized

claims. Many Blaan communities went for this. Western Mining also brought in the National Commission on Indigenous Peoples and NCIP-appointed tribal chieftains.

But the Blaan of the area did not really have a “tribal council” tradition. They had a simple social structure.

Between 1997 and 2004, a number of Blaan of Kiblawan agreed to be selected for membership in “tribal councils,” and a smaller number for appointment as “tribal chieftains,” although only one of them could make a genuine claim to the title of Bong To. The councils executed memoranda of agreement with Western Mining, which provided for million-peso bank accounts from which the tribal councils could withdraw cash for expenses related to the mining project – such as travel to meetings with Western Mining management.

Other Blaan felt that their communities had been duped and that those who agreed to become part of the tribal councils were traitors to their people. Some Blaan lebu (warriors) thus went on pangayaw (armed resistance or vendetta by community in defense of their ancestral territory) expeditions to kill the staff and seize the equipment of Western Mining. Apparently, they believed this was within their rights as wronged parties in a crime. Blaan customary law allowed the victims of theft and murder to retaliate with property confiscation and the slaying of the offender or his or her kin. Seemingly, they, the renegade lebu, were simply applying customary law in attacking Western Mining, given that the company was stealing their land and depriving their people of the means to survive. Nonetheless, they took refuge from the police and the military among the most remotely situated of Blaan communities.

Other Blaan lebu had joined the New People’s Army (NPA), which had started launching anti-mining operations in Mindanao. The national government tried to neutralize the NPA in the KITACO area by increasing the presence of the state’s military, sending in five battalions of infantry and scout rangers. But this only made the NPA more defiant. In 2006, it issued a warning to all foreign firms “plundering the patrimony of the Filipino people” that it would launch assaults on their mines. In 2008, the NPA blew up SMI’s diamond drill rigs in Tampakan – twice.



SMI moved its base of operations from Tampakan to Kiblawan, where majority of the Blaans were already assimilated into the market economy introduced by Bisaya migrants. Here, SMI offered a development package to the municipal Mayor, who then quickly became supportive of the company's mining plans. With the Mayor's help, SMI held consultations in which it convinced the majority of barangay officials – a few of whom were Blaans – that it was bringing progress to Kiblawan.

SMI did not hold consultations with the Blaans of Kiblawan as communities. After all, the Blaans of Kiblawan mostly lived in Bisaya-dominated barangays. With the help of local government officials and the military, SMI simply identified those Blaans who were opposed to mining. Then it neutralized their opposition by giving them service contracts (although these were short-term) and jobs (mainly as operatives of a Special Civilian Armed Auxiliary assigned to SMI but commanded by the military later called Task Force KITACO). In the Congressional inquiry<sup>9</sup> on February 21, 2013 in Koronadal City by the National Cultural Communities Committee, the Mayor of Kiblawan confirmed that SMI-Xstrata has been providing P2,500 per month for each of the 60-man Task Force KITACO, over and above the monthly allowance of P2,700 provided by the AFP.

Both in Bong Mal and in the Bisaya-dominated barangays of Kiblawan, the tribal councils did not have to perform controversial functions: they did not have to decide on disputes or crimes, as would a Bong To because these remained in the hands of their communities. The only responsibility that had been entrusted to them and the municipal tribal council was to choose deserving Blaans students for SMI scholarships and plan small, community infrastructure and livelihood development projects that SMI could take on as part of its corporate social responsibility portfolio.

On the basis of the tribal councils' favorable reception of its initiatives, plus the incorporation of its mining plans in the draft Ancestral Domain Sustainable Development and Protection Plan (ADSDPP) for Kiblawan, SMI has been issued an NCIP certificate of compliance with the requirements for free prior and informed consent (FPIC). The company needs this certificate for the exploration of parts of the municipality not originally covered by the FTAA it had purchased from Western Mining, and for a two-year extension of the time it is allowed to take to complete its mine feasibility study.

While a number of Bong To, Bong Fulong and other Blaans are laboring for SMI, other sections of Blaan are engaged in “pangayaw” against the mining company, which they now refer to as “red pangayaw.” Among them is Daguil Capion. It was the family of Daguil Capion - his two-month pregnant wife and his 2 children<sup>10</sup> - who were massacred on October 18, 2012.<sup>11</sup> Mrs. Capion was a respected leader of the Blaan engaged in an open, legal and militant movement against large-scale mining.

Another Capion, Kitari, the younger brother of Daguil, was killed on January 29, 2013 when AFP troops strafed his house. Kitari was engaged in “red pangayaw.”

The latest Blaan leader killed is Datu Anting Freay together with his 16-year-old son. Members of Task Force KITACO and 39th IB of the AFP strafed his house on August 23, 2013.<sup>12</sup>

At present, SMI has been maintained as contractor of the government under the FTAA with the same Filipino shareholders, the Tampakan Mining Corporation and the Southcot Mining Corporation, together known as Tampakan Group of Companies and two foreign corporations. Forty percent (40%) controlling equity<sup>13</sup> is shared by Xstrata-Glencore (62.5%) and Indophil Resources NL (37.5%) while the non-controlling equity<sup>14</sup> of 60% is shared by the Tampakan Group of Companies. Xstrata and Glencore are Swiss mining giants that merged in 2013. Indophil Resources NL is an Australia-based company with equity share owned by the Filipino businessman and politician Danding Cojuangco.

Although SMI had completed its exploration phase and feasibility studies in 2012, the Department of Environment and Natural Resources denied its application for an Environmental Clearance Certificate (ECC), citing the South Cotabato Environment Code prohibiting open pit mining. SMI has been the main lobbyist for amending the provincial ordinance on the Environment Code but has not succeeded thus far. What subsequently favored SMI is Executive Order 79 issued by President Benigno Aquino in 2012 compelling local government units to align their local ordinances with national policies.

In 2013, an Environmental Clearance Certificate was granted by the

Mining Industry Coordinating Council ignoring the prohibition of open pit mining by South Cotabato and the earlier ECC disapproval by DENR.

With the delay, SMI pushed forward its target for commercial operation from year 2016 to 2018.

The underlying factor in the delay of commercial production is the tenacious organized resistance of the Blaang through both armed resistance and open, legal and militant mass movement.

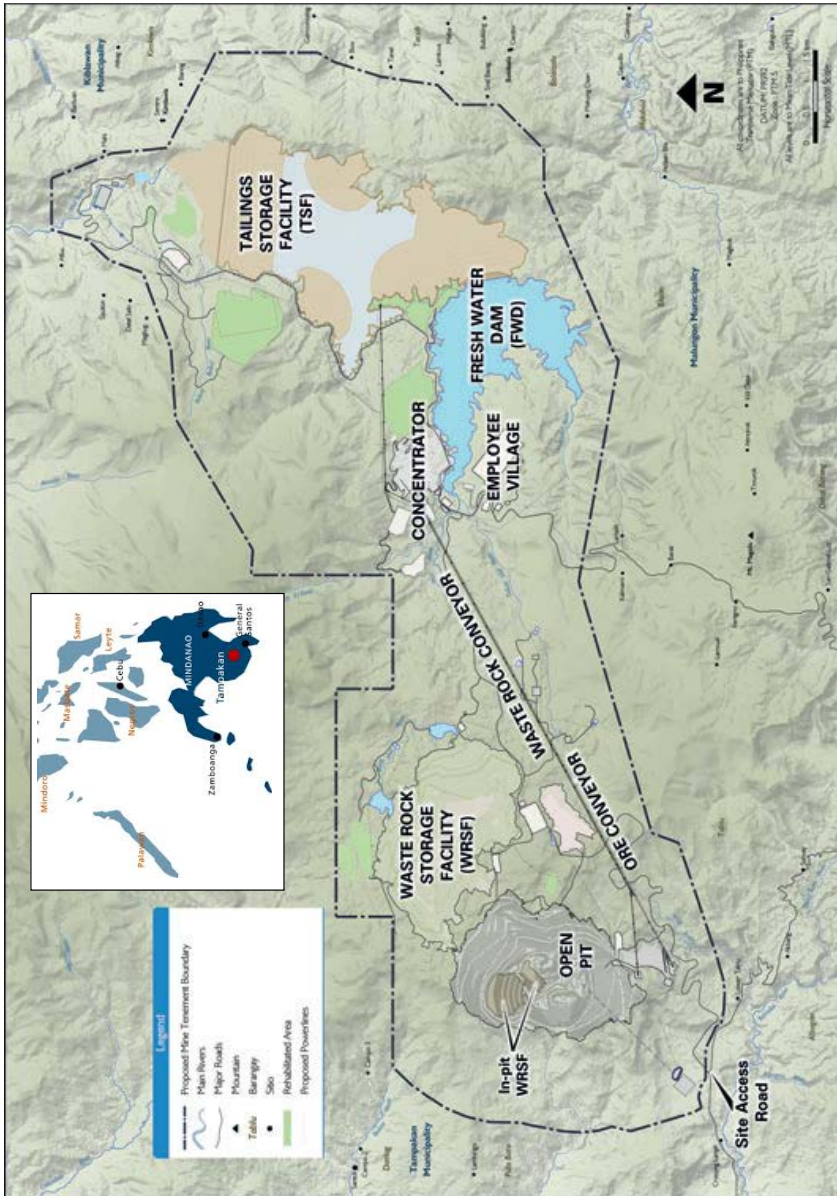
<p><b>SECTION 12, EXECUTIVE ORDER 79, SERIES OF 2012</b></p>	<p><b>Section 22-b, Ordinance # 4, Series of 2010, The South Cotabato Environment Code</b></p>
<p><i>Consistency of Local Ordinances with the Constitution and National Laws/LGU Cooperation. The Department of the Interior and Local Government (DILG) and the LGUs are hereby directed to ensure that the exercise of the latter's powers and functions is consistent with and conform to the regulations, decisions, and policies already promulgated and taken by the National Government relating to the conservation, management, development, and proper utilization of the State's mineral resources, particularly RA No. 7942 and its implementing rules and regulations, while recognizing the need for social acceptance of proposed mining projects and activities. LGUs shall confine themselves only to the imposition of reasonable limitations on mining activities conducted within their respective territorial jurisdictions that are consistent with national laws and regulations.</i></p>	<p><i>Open-pit mining method shall not be allowed in the Province of South Cotabato.</i></p>

## **QUICK FACTS ON SAGITTARIUS MINING INC.** **(mostly taken from SMI website)**

- final mine area of 10,000 hectares
- 3 billion tonnes ore of 15 million tonnes of copper and 17.6 million ounces of gold (other sources says 80 to 90 million tonnes)
- 375,000 tonnes of copper and 360,000 ounces of gold per annum over 17 years
- \$12 billion investment in 5 years
- Government data estimates investment of \$5 million dollars and potential gross at \$250 million per year; potential excise tax at \$5 million per year and potential income tax at \$35 million per year
- total tax and royalty payments at \$7.2 billion
- additional 1% increase in Philippine Gross Domestic Product and around 10.4% per year to the Gross Regional Product for Regions XI and XII per year over 20 years
- open pit mining method
- waste rock storage facility and tailings storage facility to be constructed
- fresh water dam to collect water during rainy season
- transporting copper-gold concentrate from concentrator to the port facility through 100 kilometer 12-inch underground pipeline running through 6 South Cotabato towns and 6 villages in General Santos
- Forty percent (40%) controlling equity is shared by Xstrata-Glencore (62.5%) and Indophil Resources NL (37.5%)
- Sixty percent (60%) non-controlling equity is shared by Tampakan Mining Corporation and the Southcot Mining Corporation

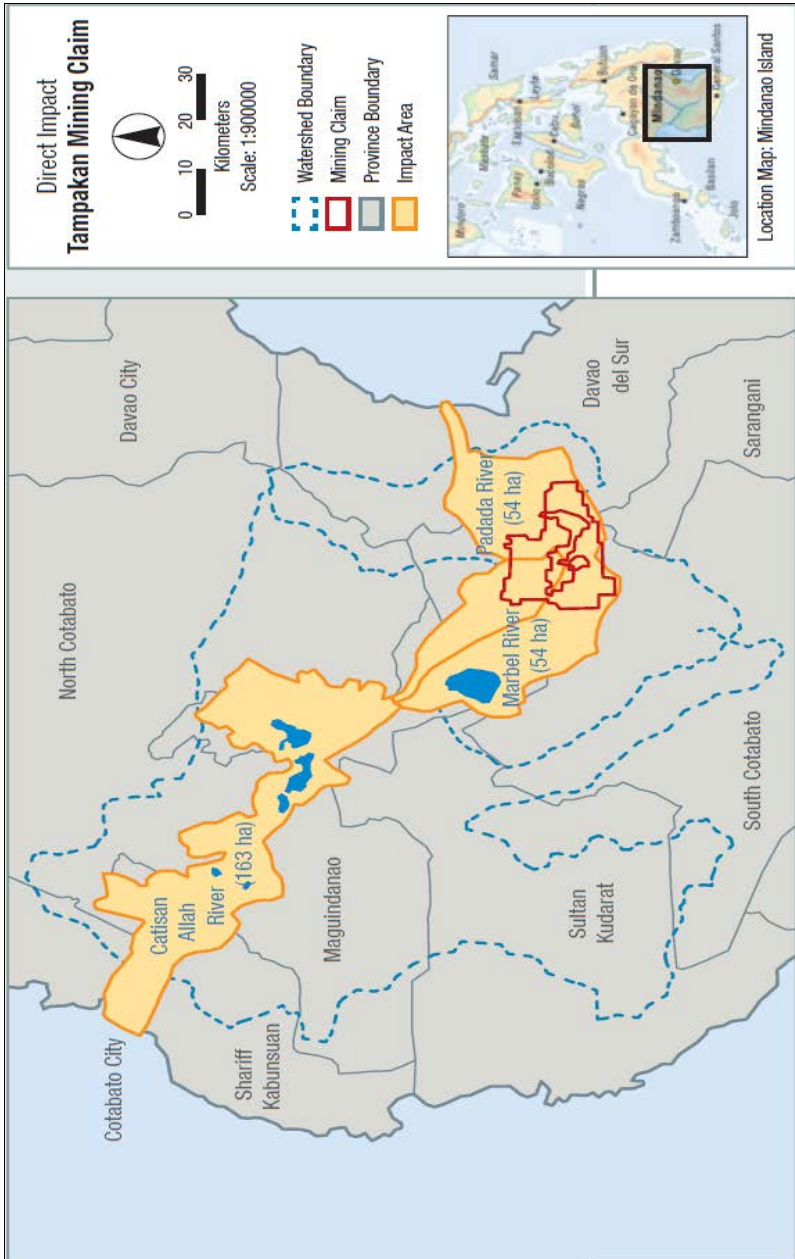
# LAY-OUT OF PROJECT SITE OF TAMPAKAN COPPER-GOLD PROJECT

Source: Hamm, Brigitte, A Schar, C. Scheper, June 2013. Human Rights impact Assessment



# WATERSHEDS TO BE AFFECTED AROUND THE TAMPAKAN COPPER-GOLD PROJECT

Padada River, Marbel River, Catisan Allah River in the Provinces of Davao del Sur, Sarangani, South Cotabato, Sultan Kudarat, Maguindanao and North Cotabato. Source: Hamm, Brigitte, A Schar, C. Scheper, June 2013. HUMAN RIGHTS impact Assessment



## **QUICK FACTS ON POTENTIAL IMPACT OF MINING**

- 1,000 households approximately 5,000 people to be evicted, mostly Blaans as estimated by SMI while KATRIBU estimated 240,000 Blaans to be affected
- Ecological impact on the 7,000 hectare forest of Bolol Lumot serving as watershed and headwaters of 5 big rivers crossing Davao del Sur, South Cotabato, Sultan Kudarat and Sarangani.
- At least 7,421 farmers in lowland areas to be affected by pollution, siltation and probable flooding as estimated by the National Irrigation Administration
- 40,000 hectares rice farms and 45,000 hectares fishponds are in danger of pollution, siltation and flooding as claimed by KATRIBU

### **SMI environmental impact statement published in April 2011, listed the following potential ecological impact:**

- Removal of rain forest communities and destruction or loss of habitats.
- Surface erosion and downstream sedimentation
- Green house gas will be generated from land use and forest conversion, energy consumption, and industrial processes
- Inducement of surface instability and surface collapse, landslides, and slope failures
- Increase in flooding potential especially during peak flood conditions and when water will be released from impoundments
- Construction of the waste rock disposal facility and tailings storage facility will create a change in drainage morphology. Portion of the Mal catchment will be submerged.
- The open pit will generate waste rock and arsenic-bearing wastes which may increase acidity in stream waters; contamination of

the Pula Bato and Lawit catchments with pit contact water during early years of mining or during extreme flood events.

- Heavy metal contamination could potentially increase in sediments downslope especially in streams facility draining the ore body
- Seepage from the waste rock storage facility containing acid and leach metals and the tailing storage facility could contaminate ground water and stream waters in the Mal catchment
- Possible loss of water for domestic and irrigation uses due to loss of headwaters of Pula Bato, Lawit and Mal rivers.

### **SAGITTARIUS MINING INC. AND ITS INVESTORS ARE VIOLATING INDIGENOUS PEOPLES RIGHTS**

- Destruction of land, natural resources and ecological balance.
- Undermining peace and security of indigenous communities.
- Violation of indigenous socio-political systems.
- Violation of right to ancestral land.
- Violation of right to self-determination.



# PEOPLES MINING BILL AS ALTERNATIVE TO PHILIPPINE MINING ACT OF 1995

ASPECT	PHILIPPINE MINING ACT OF 1995	COMMUNITY-CONTROLLED MINING
<b>General principles</b>	<ul style="list-style-type: none"> <li>▪ private ownership and export-oriented</li> </ul>	<ul style="list-style-type: none"> <li>▪ self-reliance, national industrialization serving agricultural modernization</li> <li>▪ national sovereignty and patrimony</li> <li>▪ redistributive, economic, social, gender and environmental justice</li> </ul>
<b>Mode of ownership</b>	<ul style="list-style-type: none"> <li>▪ private corporations allowing 100% foreign equity and 100% repatriation of earnings</li> <li>▪ ownership of indigenous peoples of mineral resources in their ancestral territories denied</li> </ul>	<ul style="list-style-type: none"> <li>▪ full recognition of indigenous peoples ownership over their ancestral territories and natural resources, including mineral resources</li> <li>▪ support of Filipino corporations, Filipino-based industry guaranteed</li> </ul>
<b>Means of extraction</b>	<ul style="list-style-type: none"> <li>▪ Open pit, bulk mining, tunneling through foreign-controlled high technology</li> <li>▪ employing less labor force</li> <li>▪ market-based approaches</li> </ul>	<ul style="list-style-type: none"> <li>▪ sustainable, community-regulated</li> <li>▪ ensuring employment and safe working conditions including full respect of rights of mine workers</li> </ul>
<b>Utilization</b>	<ul style="list-style-type: none"> <li>▪ production for profit and for export</li> </ul>	<ul style="list-style-type: none"> <li>▪ production for national industrialization in support of agricultural modernization</li> </ul>
<b>Indigenous Peoples' participation</b>	<ul style="list-style-type: none"> <li>▪ indigenous peoples' participation is through government-chosen representatives such as "tribal leaders" formed by NCIP</li> </ul>	<ul style="list-style-type: none"> <li>▪ indigenous peoples participation through an appropriate structure of local autonomy</li> </ul>
<b>Planning</b>	<ul style="list-style-type: none"> <li>▪ centralized</li> </ul>	<ul style="list-style-type: none"> <li>▪ centralized strategic planning with effective participation of indigenous peoples</li> </ul>
<b>Management and Monitoring</b>	<ul style="list-style-type: none"> <li>▪ no mechanism of participation of indigenous peoples</li> </ul>	<ul style="list-style-type: none"> <li>▪ multi-sectoral mineral monitoring councils to be set up in mining areas composed of government, stakeholders groups, affected communities, including indigenous peoples</li> </ul>

## WHAT MUST WE DO

- **INFORMATION, EDUCATION CAMPAIGN** on the impact of mining of SMI and its partners, including debunking the company's campaign of an "safe, environment-friendly" mining activity.
- **ORGANIZE** Blaans and all affected sectors and supporters for a concerted action against large-scale mining. We will build the Anti-Xstrata-Glencore-SMI brigades in every village, school, home, church, and workplace and unite them towards an alternative People's Mining Bill.
- **LAUNCH PROTEST ACTIONS** through caravans, march-rallies, petitions, pickets, signature campaigns, texting, lobbying, and barricades.
- **BUILD A STRONG, ACTIVE ALLIANCE** against large-scale mining, specifically against Glencore-Xstrata-Indophil-SMI not only throughout south central Mindanao but also throughout the whole archipelago and even outside the country.
- **SUPPORT THE PEOPLE'S MINING BILL** for a just, sustainable and pro-people mining policy.

## FOR OUR ADVOCATES

- Urge the government to address the root of the Blaans' armed pangayaw.
- Actively support our opposition against policies and programs of the Philippine government that facilitate and expedite the systematic plunder of our ancestral territories and natural resources.
- Pressure the Philippine government to withdraw the permits of mining projects in our ancestral territories.
- Push for the repeal of Mining Act of 1995. Support the People's Mining Bill pending in Congress.
- Push for dismantling of Task Force KITACO and withdrawal of AFP troops in ancestral territories.
- Support the quest for justice to victims of human rights violations.
- Support the campaign organized as ALARM (Ancestral Land at Risk from Mining) spearheaded by KATRIBU (Kalipunan ng Katutubong Mamamayan sa Pilipinas).

## QUICK ACCOUNT OF EVENTS<sup>15</sup>

DATE	EVENT
1985-1990	Southcot Mining and Tampakan Mining Corporation collectively known as Tampakan Group of Companies (TGC) explored mining operations in Tampakan.
1990	Entry of Western Mining Corporation (WMC), subsequent to the entry of WMC, resistance from various sectors including church, farmers, Blaans, students started.
March 30, 1995	WMC was granted an FTAA covering 99,387 hectares of Blaans ancestral territory.
April 30, 1995	Philippine Mining Act of 1995 took effect.
1997	7,000 joined people's caravan against the company. La Bugal Tribal Community filed a petition before the Supreme Court to declare the Mining Act of 1995 unconstitutional by allowing 100% foreign equity as what has happened with the FTAA granted to WMC.
2001	WMC sold its FTAA to SMI, while case was being heard in court. Entry of Xstrata.
2002-2011	Exploration phase of Xstrata-SMI.
January 27, 2004	Supreme Court granted the petition filed by La Bugal Tribal Community declaring Mining Act of 1995 as unconstitutional, thereby quashing the mining interest of WMC sold to SMI-Xstrata.
December 1, 2004	Supreme Court reversed its earlier decision on the La Bugal petition declaring the Mining Act as constitutional, declaring 100% financial and technical service as constitutional.
2005	SOCKSARGENDS-AGENDA, a broad multi-sectoral alliance against SMI was formed.
2006	Local Government Unit of Buluan, Maguindanao passed a resolution opposing SMI's operation.
April 22, 2006	Thousands commemorated Earth day at Tampakan, South Cotabato protesting the large-scale mining with Bishop Gutierrez joining the event.
March 2, 2007,	Renato Pacaide, peasant leader in Davao del Sur, was gunned down by unidentified men and was dead on the spot
January 1, 2008	NPA attacked and burned the SMI's base camp.
2008	Task Force Kitaco (Kiblawan, Tampakan, Columbio) was formed by 10 <sup>th</sup> Infantry Division that has been serving as private security of SMI, auxiliary to several AFP units detached near the mining area. AFP troops and paramilitary forces were mandated to serve as security force of private corporations under the Investment Defense Force (IDF) program of then President Gloria Macapagal-Arroyo. Task Force Kitaco later extended its coverage to Malungon, Sarangani Province, and hence then called as TASK FORCE KITACOM.

2009	NPA raided the Tampakan Police Station.
March 9, 2009	Boy Billanes, staunch critic of Xstrata-SMI and the then chairperson of AGENDA, was gunned-down and dead on the spot in Koronadal City.
June 2010	Local Government Unit of South Cotabato passed an Environment Code banning open-pit mining method in the province.
December 6-10, 2010	Lakbayan I from South Cotabato to Davao del Sur was staged by various groups led by AGENDA, BAYAN, KALUHHAMIN and KARAPATAN.
February 2011	Daguil Capion's group declared armed resistance (pangayaw) against SMI and government troops.
August 2011	LGU of Matanao, Davao del Sur passed a resolution against operation of SMI.
October 2011	Formation of KALGAD, a local Lumad organization at the mine site resisting Xstrata-SMI.
December 2011	Lakbayan II that highlighted the people's resistance against Xstrata.
January 2012	DENR denied ECC application of Xstrata-SMI. The company appealed for reconsideration of the decision.
March 2012	Employees of the SMI posted a memorandum printed in tarpaulins on the houses of Blaans at the mining site informing the "Cut-Off Date" for the supposed compensation of the infrastructures.
March 2012	Lumad in Bong Mal put up barricades against Xstrata upon learning that the cut-off date means that they will be driven out from their ancestral lands.
April 2012	DENR denied the appeal for ECC of Xstrata-SMI.
June – July 2012	Daguil's group launched series of ambush against government troops.
July 2012	President Benigno Aquino signed Executive Order 79 reiterating that <u>national policy</u> is decisive over local ordinance. The EO 79 was intended to nullify local ordinances ruling out mining operations.
October 18, 2012	Tampakan massacre, Mrs. Juvy Capion and her 2 sons killed.
December 7-10, 2012	Lakbayan III highlighted the massacre and other human rights violations at the mine site.
January 2013	PNP Koronadal City filed complaint of "Illegal Assembly" and "Direct Assault" against people's leaders Ryan Lariba, Fr. Ben Bacalso, Vijay Amper, Lory Obal and Ptr. Allen Veloso pertaining to the Lakbayan. However, the charges were later dismissed.
February 21, 2013	Congressional Inquiry on Tampakan Massacre. AFP officials confirmed, corroborated by the statement of Mayor Diamante of Kiblawan that TASK FORCE KITACOM and the AFP are receiving financial support from SMI for their operations.
March 2013	Reported GLENCORE –XSTRATA merger.

March 6, 2013	Criminal case filed against Col. Bravo et. al. for the Capion massacre. In August 5, 2013, the case was dismissed by Davao del Sur Provincial prosecutor. In October 25 of the same year, an appeal was filed. In March 18, 2015, the DOJ released a resolution that 3 counts of murder, 1 count of attempted murder, and violation of the Philippine Act on Crimes Against international Humanitarian Law, Genocide and other Crimes Against Humanity be filed against soldiers involved in the Capion Massacre. March 23, 2015 – Provincial Prosecutor of Davao del Sur filed murder case against 13 soldiers involved in the Capion Massacre.
July 2013	Xstrata-SMI retrenched 920 workers. The company downsized its operations and reportedly reduced its budget from US\$10 million to US\$1 million a month.
August 23, 2013	72 <sup>nd</sup> IB and Task Force Kitacom murdered father and son - Anting Freay and Victor Freay - at Sitio Bolol Kalon, Brgy. Kimlawis, Kiblawan, Davao del Sur. On September 2013, Freay family filed criminal case against 72 <sup>nd</sup> IB and Task Force Kitacom. On October 15, 2014, Felipe Freay and Keet Freay had been deceived and bribed of P250,000 by the military to sign an agreement for the settlement of the case.
December 7-10, 2013	Another Lakbayan conducted by multi-sectoral groups demanding justice for the victims of massacre.
December 12, 2013	MGB handed its position paper to Sangguniang Panlalawigan of South Cotabato calling for the amendment of the Environment Code.
February 2014	Glencore Xstrata announced possible pullout of its share in the Tampakan Copper-Gold Project.
April 22, 2014	Tampakan Panalipdan, an anti-large scale mining alliance was launched in a forum in Tampakan, South Cotabato. Hundreds from different regions in Mindanao joined the activity in commemoration of Earth day.
March 10, 2014	NPA unit attacked the Matanao Police Station. The rebels claimed the Matanao Police as protector of Glencore Xstrata SMI. Few hours after the attack, 9 civilians (collectively known as Matanao 9) were illegally arrested by military troops belonging to 39 <sup>th</sup> IB.
May 2, 2014	Romeo “Ingging” Rivera Jr. 52, an anti-Glencore Xstrata SMI activist, and convener of Tampakan Panalipdan was abducted in his residence by armed men from 39 <sup>th</sup> IB. Few hours after the abduction, the perpetrators surfaced Rivera and turned him over to Digos City Police. He’s now facing trumped-up charges.
May 19, 2014	New People’s Army burned more than 50 container vans of Glencore Xstrata SMI in Davao del Sur.
October 2014	Reported start of Free Prior and Informed Consent (FPIC) process.
December 7-10, 2014-	SOCSKARGENDS AGENDA, BAYAN, KARAPATAN- SOCSKARGEN and KALUHHAMIN and various sector held the 5 <sup>th</sup> Lakbayan. Thousands barricaded the national highway in Digos City demanding for the withdrawal of Glencore- SMI in the region and pull out of military troops in the Blaen communities.

## ENDNOTES

1. <http://www.ncca.gov.ph>, August 2010
2. <http://www.nscb.gov.ph>, 2010 census,
3. <http://www.nscb.gov.ph>, 2010 census,
4. Kusog sa Katawhang Lumad sa Mindanao, alliance of organizations of indigenous peoples in Mindanao
5. Casiño (2000) and Rodil (2002) differ on this. According to Casiño, the Blaan have councils of leaders, but Rodil contends they have none. Also, Casiño says the Bong Fulong are the leaders of the Blaan and makes no mention of the Bong To that Rodil wrote of. In both instances DINTEG interviews conducted in Kiblawan were consistent with Rodil's assertion.
6. This was a major issue that surfaced in the course of the project Human Rights Based Approach to Development (HRBA) that was partly conducted in Mindanao by DINTEG from 2010-2015.
7. Carpio-Morales, En Banc decision of the Supreme Court on the La Bugal Blaan vs. Ramos et. al.; 27 January 2004.
8. The Philippine Constitution limits foreign equity to 40%.
9. Supreme Court interpretation on FTAA as financial and technical support not "equity." For some, WMC sold its FTAA to a Filipino-owned company, SMI.
10. During the inquiry, Representative Teddy Baguilat, head of the National Cultural Communities Committee, clarified that an act defending one's territory is different from a criminal act.
11. The murder case filed against Lt. Col. Noel Alexis Bravo, Lt. Dante Jimenez and 14 others was dismissed by the Provincial Prosecutor of Digos City, Davao del Sur because evidences filed were "circumstantial and insufficient to establish probable cause of murder."
12. Freay family filed a criminal case vs 72nd IB and Task Force Kitacom in September 2013. On October 15, 2014, Felipe Freay and Keet Freay were deceived and bribed with P250,000 by the military to sign an agreement for the settlement of the case filed against the perpetrators of the killings of Anting Freay and Victor Freay.
13. Controlling interest gives the investor significant voting share thus can enact significant changes in running the corporation.
14. Non-controlling interest gives the investor (SMI in this case) no influence on how the corporation is run.
15. Compiled by SOCSKSARGENDS AGENDA and KALUHHAMIN.

## **DINTEG – Cordillera Indigenous Peoples Legal Center**

DINTEG - Cordillera Indigenous Peoples Legal Center is an organization based in Baguio City, Cordillera with office at #55 Ferguson Road, Barangay Andres Bonifacio, Baguio City. Email address: [dinteg.cordillera@gmail.com](mailto:dinteg.cordillera@gmail.com).

DINTEG was established in 1994 by a group of Igorot lawyers, anthropologists, activists supporting the indigenous peoples movement in the defense of right to ancestral territories and self-determination.

DINTEG finds its niche in building a network of lawyers, law students, anthropologists, human rights defenders, paralegal activists for them to direct their knowledge and expertise in promoting and defending the rights of indigenous peoples.

## **KALUHHAMIN (Kahugpongan sa mga Lumad sa Halayong Habagatang Mindanao or Alliance of Indigenous Peoples in Far South Mindanao)**

KALUHHAMIN is a regional alliance of Indigenous Peoples established in 2003 dedicated to assert the right to self determination and in defense of right to ancestral land against aggressive and unbridled entry of local and foreign large-scale mining and agricultural plantations in the region.

KALUHHAMIN aims to organize and mobilize the indigenous peoples in the region through education, training, cultural renewal and unite with other indigenous peoples and other oppressed peoples in the island, the country and the world towards ending all forms of discrimination, oppression and exploitation.

Office Address: UCCP Compound, Brgy. San Isidro, General Santos City, Mindanao, Philippines, 9500

Email Address: [kaluhhamin2003@gmail.com](mailto:kaluhhamin2003@gmail.com)



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