

PROJECT PARTNERSHIP AGREEMENT

Strengthening Multi-Stakeholder Participation in Small Scale Mining Governance in Benguet

A PARTNERSHIP UNDERTAKING FOR THE IMPROVEMENT OF MULTI-STAKEHOLDERS PARTICIPATION IN THE GOVERNANCE OF SMALL SCALE MINING IN BENGUET PROVINCE.

This agreement entered into by and among:

The **JAIME V. ONGPIN FOUNDATION, INC**, a foundation duly registered with the Securities and Exchange Commission and with the Philippine Council for NGO Certification, with principal address at No. 28 Lower East, Kennon Road, Camp 7, Baguio City, represented herein by its **President, REINALDO BAUTISTA JR.**, herein referred to as **JVOFI**.

- and -

The **PROVINCIAL LOCAL GOVERNMENT UNIT OF BENGUET**, a local government unit primarily mandated by Law for the coordination and delivery of basic, regular and direct services and effective governance of the inhabitants within its territorial jurisdiction, with principal address at Provincial Capitol, La Trinidad, Benguet, represented by the **Provincial Governor, HON. CRESCENCIO C. PACALSO**, herein referred to as **PLGU OF BENGUET**.

-and-

The **MUNICIPAL LOCAL GOVERNMENT UNIT OF BAKUN**, a local government unit primarily mandated by Law for the coordination and delivery of basic, regular and direct services and effective governance of the inhabitants within its territorial jurisdiction, with principal address at Ampusongan, Bakun, Benguet, represented by the **Municipal Mayor, HON. FAUSTO T. LABINIO**, herein referred to as **MLGU OF BAKUN**.

- and

The **MUNICIPAL LOCAL GOVERNMENT UNIT OF BOKOD**, a local government unit primarily mandated by Law for the coordination and delivery of basic, regular and direct services and effective governance of the inhabitants within its territorial jurisdiction, with principal address at Municipal Hall, Bokod, Benguet, represented by the **Municipal Mayor, HON. THOMAS K. WALES JR.**, herein referred to as **MLGU OF BOKOD**.

- and -

The **MUNICIPAL LOCAL GOVERNMENT UNIT OF ITOGON**, a local government unit primarily mandated by Law for the coordination and delivery of basic, regular and direct services and effective governance of the inhabitants within its territorial jurisdiction, with principal address at Poblacion, Itogon, Benguet, represented by the **Municipal Mayor, HON. VICTORIO T. PALANGDAN**, herein referred to as **MLGU OF ITOGON**.

- and

The **MUNICIPAL LOCAL GOVERNMENT UNIT OF KAPANGAN**, a local government unit primarily mandated by Law for the coordination and delivery of basic, regular and direct services and effective governance of the inhabitants within its territorial jurisdiction, with principal address at Lomon, Paykek, Kapangan, Benguet, represented by the **Municipal Mayor, HON. MANNY FERMIN**, herein referred to as **MLGU OF KAPANGAN**.

- and

The **MUNICIPAL LOCAL GOVERNMENT UNIT OF KABAYAN** a local government unit primarily mandated by Law for the coordination and delivery of basic, regular and direct services and effective governance of the inhabitants within its territorial jurisdiction, with principal address at Poblacion, Kabayan, Benguet, represented by the **Municipal Mayor, HON. GIDEON TODIANO**, herein referred to as **MLGU OF KABAYAN**.

- and

The **MUNICIPAL LOCAL GOVERNMENT UNIT OF TUBLAY**, a local government unit primarily mandated by Law for the coordination and delivery of basic, regular and direct services and effective governance of the inhabitants within its territorial jurisdiction, with principal address at Acop, Tublay, Benguet, represented by the **Municipal Mayor, HON. ARMANDO LAURO**, herein referred to as **MLGU OF TUBLAY**.

- and

The **MUNICIPAL LOCAL GOVERNMENT UNIT OF MANKAYAN** a local government unit primarily mandated by Law for the coordination and delivery of basic, regular and direct services and effective governance of the inhabitants within its territorial jurisdiction, with principal address Poblacion, Mankayan, Benguet represented by the **Municipal Mayor, HON. MATERNO LUSPIAN**, herein referred to as **MLGU OF MANKAYAN**.

- and

The **MUNICIPAL LOCAL GOVERNMENT UNIT OF TUBA**, a local government unit primarily mandated by Law for the coordination and delivery of basic, regular and direct services and effective governance of the inhabitants within its territorial jurisdiction, with principal address at Poblacion Tuba, Benguet represented by the **Municipal Mayor, HON. IGNACIO R. RIVERA.**, herein referred to as **MLGU OF TUBA**.

- and -

The **DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES – CORDILLERA ADMINISTRATIVE REGION**, a government agency mandated as the primary agency responsible for the conservation, management, protection, development and proper use of the country's natural resources and the promotion of sustainable development, with principal address at Diego Silang St., Baguio City represented herein by its **Regional Executive Director, ENGR. RALPH PABLO**, herein referred to as **DENR**.

-and-

The **MINES AND GEOSCIENCE BUREAUS – CORDILLERA ADMINISTRATIVE REGION**, a government agency mandated of taking direct charge in the administration and disposition of mineral lands and mineral resources; promulgate rules and regulations, policies and programs relating to mineral resources management and geosciences developments; and perform such other duties and functions as may be assigned by the DENR Secretary and/or provided by law, with principal address at Diego Silang St., Baguio City represented herein by its **Regional Director, FAY W. APIL**, herein referred to as **MGB**.

-and-

The **ENVIRONMENTAL MANAGEMENT BUREAU – DENR CORDILLERA ADMINISTRATIVE REGION**, a government agency with the vision to protect, restore and enhance environmental quality towards good public health, environmental integrity and economic viability, with principal address at Pacdal Circle, DENR Compound, Baguio City, represented herein by its **Regional Director, REYNALDO S. DIGAMO**, herein referred to as **EMB - DENR**.

-and-

The **NATIONAL COMMISSION ON INDIGENOUS PEOPLES - CORDILLERA ADMINISTRATIVE REGION**, a government agency mandated as the primary agency responsible for the protection and promotion of the interest and well-being of the indigenous cultural communities/ indigenous peoples with due regard to their beliefs, customs, traditions and institutions, with principal address at Ogilby Lyman Bldg., Magsaysay Ave., Baguio City represented herein by its **Regional Director, ATTY. ROLAND P. CALDE**, herein referred to as **NCIP**.

-and-

The **NATIONAL ECONOMIC DEVELOPMENT AUTHORITY – CORDILLERA ADMINISTRATIVE REGION and REGION 1**, a government agency primarily responsible for formulating continuing, coordinated and fully integrated social and economic policies, plans and programs, with principal address at Guisad Road, Baguio City and Capitol Compound, San Fernando City, La Union, respectively, represented herein by its **Regional Directors, MILAGROS A. RIMANDO and NESTOR G. RILLON**, herein referred to as **NEDA**.

-and-

The **DEPARTMENT OF INTERIOR AND LOCAL GOVERNMENT – CORDILLERA ADMINISTRATIVE REGION**, a government agency mandated as the primary agency responsible for the promotion of peace and order, ensures public safety, and strengthens the capability of local government units to effectively deliver basic services to the citizenry, with principal address at Barangay Center, Baguio City represented herein by its **Regional Director, ENGR. MARLO L. IRINGAN, CESO V** herein referred to as **DILG**.

-and-

The **BENGUET FEDERATION OF SMALL SCALE MINERS**, a private organization formed to _____, with principal address at _____, Benguet, represented herein by its **President, ENGR. LOMINO KANITENG**, herein referred to as **BFSSM**.

-and-

The **BENGUET STATE UNIVERSITY**, an educational institution established to provide better educational services, trainings, and scientific researches and environment related technology aspects, with principal address at Km.5, BSU Compound, La Trinidad, Benguet, represented herein by its **University President, DR. FELICIANO G. CALORA JR.**, herein referred to as **BSU**.

-and-

The **UNIVERSITY OF THE PHILIPPINES - BAGUIO**, an educational institution established to provide better educational services, trainings, and scientific researches and environment related technology aspects, with principal address at Governor Pack Road, Baguio City, herein represented by its **Chancellor, DR. RAYMUNDO D. ROVILLOS**, referred to herein as **UPB**.

-and-

The **SAINT LOUIS UNIVERSITY**, an educational institution established to provide better educational services, trainings, and scientific researches and environment related technology aspects, with principal address at A. Bonifacio Street, Baguio City, represented herein by its **University President, Rev. Fr. GILBERT B. SALES, CICM** herein referred to as **SLU**.

WITNESSETH THAT:

WHEREAS, Republic Act 7076, otherwise known as the People's Small Scale Mining Act of 1991 prescribes requirements involving other government agencies to achieve an orderly, systematic and rational scheme for the small-scale development and utilization of mineral resources in certain mineral areas in order to address the social, economic, technical, and environmental problems connected with small-scale mining activities,

WHEREAS, Republic Act 8371, otherwise known as the Indigenous Peoples Rights Act of 1997 provides that the State shall recognize and promote all the rights of Indigenous Cultural Communities/Indigenous Peoples;

WHEREAS, Section 16 of Republic Act 7160, otherwise known as the Local Government Code of 1991 provides that within their respective territorial jurisdictions, local government units shall ensure and support the preservation and enrichment of culture, promote health and safety, enhance the right of the people to a balanced ecology;

WHEREAS, Section 17 (a) (b) of the same Code mandates that local government units shall discharge the functions and responsibilities of national agencies and offices devolved to them xxx likewise exercise such other powers and discharge such other functions and responsibilities as are necessary, appropriate, or incidental to efficient and effective provision of basic services and facilities;

WHEREAS, Section 468 (4) (i) of the same Code mandates the Provincial LGU to enact ordinances, approve resolutions, appropriate funds and xxx adopt measures and safeguards against pollution and for the preservation of the natural ecosystem in the province, in consonance with approved standards on human settlements and environmental sanitation;

WHEREAS, the **Extractive Industry Transparency Initiative (EITI) Grant Fund under the USAID/Facilitating Public Investments (FPI) implemented by the Development Alternatives, Incorporated**, provided funding support for the project entitled **“Strengthening Multi-Stakeholder Participation in Small Scale Gold Mining Governance in Benguet.”**

WHEREAS, **JVOFI** is tasked to implement the 5 months project from December 5, 2017 to May 15, 2018 to achieve the following outcomes:

1. Increased public understanding of the management of Small Scale Mining in Benguet province;
2. Multi-stakeholders participate in the Provincial Mining Regulatory Board (PMRB), Municipal and Barangay Monitoring Councils.
3. Roles & functions of the PMRB and criteria for nomination and selection of members disseminated
4. Small Scale Mining Sector understands their responsibilities, roles and rights.
5. Multi-stakeholder group agrees on a sustainability plan for moving forward on the small scale mining sector.

WHEREAS, the PLGU of Benguet and the MLGUs of Bakun, Bokod, Itogon, Kabayan, Kapangan, Mankayan, Tuba and Tublay as hosts of small scale gold mining recognize the need for intensive information campaign for responsible use of the mineral resources at the same time conserve and protect the watershed and communal forest which support the health and agricultural livelihood of the communities.

WHEREAS, the DENR and the different line agencies recognize the need to arrest degradation, pollution and contamination of the river and water systems and to stem the unwanted destruction of forest resources. They also recognize their lead role in fulfilling the obligation of the State to protect the forest cover areas not only to prevent ground subsidence, landslides and water contamination but also to preserve the biodiversity, protect threatened habitats and sanctuaries of endangered and rare species;

NOW, THEREFORE, for and in consideration of the following premises, the parties hereby agree as follows:

The JVOFI shall:

1. Coordinate with DENR, EMB, MGB, DILG, NCIP, NEDA, DOST and other national government agencies; the Provincial Local Government Unit of Benguet and Municipal Local Government Units (MLGUs) of Bakun, Bokod, Itogon, Kabayan, Kapangan, Mankayan, Tuba and Tublay and other agencies concerned for the implementation of the project with the following objectives:
 - a. Conduct a scoping study to determine the extent of all small scale gold mining in Benguet Province;
 - b. To engage government, i.e DENR, MGB, NCIP and local governments in promoting transparency and accountability in the small scale mining sector in 13 municipalities of Benguet;

- c. To increase public understanding and awareness of the impact of small scale gold mining on natural resources governance, small scale mining laws and EITI standards in 8 small scale gold mining communities;
 - d. To organize an interim Benguet Provincial multi-stakeholder group (MSG) that will sustain efforts in promoting transparency and accountability in the local small scale mining sector.
2. Provide financial support to the project which shall be used solely for the purposes and activities described in the attached logical framework of the grant agreement between EITI/FPI USAID and JVOFI;
 3. Coordinate and conduct the capability building/ training for the Peoples Organizations, Local Officials, Partner Agencies and members of the community;
 4. Provide quarterly activity/ accomplishment reports and final project report to EITI/FPI USAID as well as project partners;
 5. Implement and oversee all activities in coordination with partner-agencies;
 6. Coordinate and ensure the formulation of sustainability plan for moving forward on the small scale mining sector.

The MGB shall:

1. Advocate sharing of information and experiences in relation to administration and disposition of mineral lands and mineral resources; promulgate rules and regulations, policies and programs relating to mineral resources management and geosciences developments ;
2. Provide technical support and advisory in the attainment of project objectives in coordination with the EMB, DILG, NCIP, NEDA, JVOFI; Provincial Local Government Unit of Benguet and Municipal Local Government units of Bakun, Bokod, Itogon, Kabayan, Kapangan, Mankayan, Tuba and Tublay and other agencies concerned.
3. Actively participate in the conduct of public hearings, consultations and dialogues with settlers, indigenous peoples' organizations, and other stakeholders in coordination with other agencies; and,
4. Appoint/ designate permanent and alternative representative/s to the Multi-sectoral Group (MSG).

The DENR shall:

1. Advocate sharing of information and experiences in relation to watershed management and protection;
2. Provide technical support and advisory in the attainment of project objectives in coordination with the MGB, EMB, NCIP, NEDA, JVOFI, Provincial Local Government Units of Benguet and Municipal Local Government units of Bakun, Bokod, Itogon, Kabayan, Kapangan, Mankayan, Tuba and Tublay and other agencies concerned.
3. Actively participate in the conduct of public hearings, consultations and dialogues with settlers, indigenous peoples' organizations, and other stakeholders in coordination with other agencies; and
4. Appoint/ designate permanent and alternative representative/s to the Multi-sectoral Group (MSG)

The EMB shall:

1. Execute provisions of EO 79, series of 2012 or the Institutionalizing and Implementing Reforms in the Philippine Mining Sector Providing Policies and Guidelines to ensure Environmental Protection and Responsible Mining in the Utilization of Mineral Resources.
2. Advocate sharing of information and experiences in relation to watershed management and protection;
3. Provide technical support and advisory in the attainment of project objectives in coordination with the, MGB, DENR, DILG, NCIP, NEDA, JVOFI; Provincial Local Government Units of Benguet

and Municipal Local Government units of Bakun, Bokod, Itogon, Kabayan, Kapangan, Mankayan, Tuba and Tublay and other agencies concerned.

4. Actively participate in the conduct of public hearings, consultations and dialogues with settlers, indigenous peoples' organizations, and other stakeholders in coordination with other agencies; and
5. Appoint/ designate permanent and alternative representative/s to the Multi-sectoral Group (MSG)

The PLGU of BENGUET shall:

1. In coordination with all project partners, jointly supervise and monitor the project to ensure that all activities are in accordance to project work plan and agreements;
2. Enact Provincial Ordinances and pass Resolutions on standardization of small scale mining including but not limited to Resolutions endorsing the amendment of laws by the Congress of the Philippines;
3. Assist the Municipal Local Government Units in passage or enactment of ordinances and resolutions on small scale mining;
4. Provide technical and administrative assistance and designate permanent and alternative representative/s to the Multi-stakeholders Group;
5. Provide funding counterparts if available for the implementation of the project;
6. Protect the interest of the JVOFI and free the institution from any form of liability and damages in connection to the implementation of the project; and
7. Perform other related functions as maybe necessary for most effective and efficient project implementation for best result.

The MLGU of Bakun, Bokod, Itogon, Kabayan, Kapangan, Mankayan, Tuba and Tublay shall:

1. In coordination with all project partners, jointly supervise and monitor the project to ensure that all activities are in accordance to work program agreement and assist in resolving issues or conflicts that may arise among small scale miners;
2. Enact municipal ordinances and resolutions on small scale mining operations;
3. Provide funding counterparts if available for the implementation of the project ;
4. Designate permanent and alternative representative/s to the Multi-stakeholders Group for the duration of the project;
5. Protect the interest of JVOFI and free the institution from any form of liability and damages in connection to the implementation of the project;
6. Request PNP to provide escorts/ or police protection for the other parties' representative/s in the performance of the latter's respective responsibilities whenever their physical presence is required in the area.

The DILG shall:

1. Enjoin LGUs to enforce the provisions of RA 7160 (Local Government Code) in so far as protection and management of the environment and natural resources within their respective municipal waters are concerned;
2. Provide guidance on how partnerships shall take place and in setting-up mechanisms in the implementation of management roles and functions from the National Government Agencies to the LGUs and the Council and also in forging closer alliance among the project partners;
3. Appoint/ designate permanent and alternative representative/s to the Multi-sectoral Group (MSG)

The NCIP shall:

1. Pursuant to Republic Act No. 8371 otherwise known as the Indigenous Peoples' Rights Act of 1997, provide technical assistance to the project and encourage participation of Indigenous Peoples organizations in the project areas;
2. Actively participate in project activities from inception to completion; and,
3. Appoint/ designate permanent and alternative representative/s to the Multi-sectoral Group (MSG)

The NEDA Shall:

1. Facilitate the inclusion of the project and the activities included in the Sustainability Plan in the priorities of the Regional Development Plan;
2. Actively participate in the conduct of public hearings, consultations and dialogues related to project implementation;
3. Actively participate and assist in project activities;
4. Provide technical and administrative assistance in the preparation of the sustainability plan for moving forward on the small scale mining sector; and,
5. Appoint/ designate permanent and alternative representative/s to the Multi-sectoral Group (MSG)

BSU, UPB and SLU Shall:

1. Advocate sharing of information and experiences in relation to research studies on small scale mining in Benguet;
2. Provide technical and administrative assistance in the preparation of the Sustainability Plan especially results of research studies on small scale mining in Benguet;
3. Provide assistance in other project related activities as need arises; and
4. Appoint/ designate permanent and alternative representative/s to the Multi-sectoral Group (MSG)

SETTLEMENT OR RESOLUTION OF DISPUTES OR CONFLICTS

The parties herein shall endeavor that any and all conflicts or disputes arising out of or from the implementation or interpretation of any of the provisions hereof shall be firstly settled through peaceful alternative modes of dispute resolution before any action may be filed in court.

However, should a court action ensue after complying with the immediately preceding section, the venue shall be at the appropriate court in the Province of Benguet to the exclusion of all other courts.

EFFECTIVITY CLAUSE:

This Agreement shall take effect upon signing hereof by the parties concerned.

This agreement shall have duration from the signing of this PPA to May 15, 2018. This agreement may be subject to modifications and/ or alterations upon prior written mutual consent of the contracting parties.

SEPARABILITY CLAUSE

Should any provision in this agreement be subsequently declared void and ineffective by a court or body of competent jurisdiction, all provisions not affected by such declaration shall remain valid and enforceable.

IN WITNESS WHEREOF, the parties hereto affixed their signatures on this ____th day of _____ 2018 in the Province of Benguet, Philippines.

JAIME V.ONGPIN FOUNDATION, INC.

By:

MR. REINALDO A. BAUTISTA JR.

President

BAKUN MUNICIPAL LGU

By:

HON. FAUSTO T. LABINIO

Municipal Mayor

ITOGON MUNICIPAL LGU

By:

HON. VICTORIO PALANGDAN

Municipal Mayor

KABAYAN MUNICIPAL LGU

By:

HON. GIDEON TODIANO

Municipal Mayor

TUBA MUNICIPAL LGU

By:

HON. IGNACIO R. RIVERA

Municipal Mayor

MGB CAR

By:

FAY W. APIL

Regional Director

BENGUET PROVINCIAL GOVERNMENT

By:

HON. CRESCENCIO C. PACALSO

Provincial Governor

BOKOD MUNICIPAL LGU

By:

HON. THOMAS K. WALES JR.

Municipal Mayor

KAPANGAN MUNICIPAL LGU

By:

HON. MANNY E. FERMIN

Municipal Mayor

MANKAYAN MUNICIPAL LGU

By:

HON. MATERNO LUSPIAN

Municipal Mayor

TUBLAY MUNICIPAL LGU

By:

HON. ARMANDO LAURO

Municipal Mayor

DENR CAR

By:

ENGR. RALPH C. PABLO

Regional Director

EMB-CAR

By:

FOR. REYNALDO S. DIGAMO
Regional Director

DILG CAR

By:

ENGR. MARLO IRINGAN
Regional Director

NCIP CAR

By:

ATTY. RONALD CALDE
OIC-Regional Director

NEDA CAR

By:

MILAGROS A. RIMANDO
Regional Director

BENGUET FEDERATION OF SMALL SCALE MINERS

By:

ENGR. LOMINO KANITENG
President

**BENGUET STATE UNIVERSITY
BAGUIO**
By:

UNIVERSITY OF THE PHILIPPINES
By:

DR. FELICIANO G. CALORA JR.
University President

DR. RAYMUNDO D. ROVILLOS
Chancellor

SIGNED IN THE PRESENCE OF:

HON. SARIO COPAS
Provincial IPMR

HON. APOLINARIO CAMSOL
SB Committee Chairmas on Mining and
Energy

DRAFT