



Island Innovation Policy Brief:

From Tailings to Rights of Nature: A New Environmental Paradigm for Marinduque

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1. Introduction

March 2026 marked thirty years since mine tailings from the Marcopper operation entered the Boac River in Marinduque, Philippines. To commemorate the anniversary, the National Museum of the Philippines, Marinduque and Romblon area, convened an exchange titled "Echoes of the Spill", bringing together researchers, advocates and island residents.

Three presentations framed the discussion. Dr Emerson Sanchez opened with "Mga sakuna sa pagmimina sa Marinduque 1975-1996" (Mining disasters in Marinduque, 1975-1996). Dr Bryan Viray followed with "Dulaan at pagtatanghal: buhay na dokumentasyon at gunita" (Theatre and performance as living documentation and memory). Fr Arvin Madla closed with an account of the continuing situation on the island, thirty years after the Boac River spill.

The exchange had a purpose beyond commemoration. It served as a reference point for the Rights of Nature (RoN) based environmental code now in force on the island, and for a wider question that island communities elsewhere will recognise: what happens after the extractive industry leaves, and who decides what comes next.

This brief sets out four things. First, what the "Echoes of the Spill" exchange established about the sequence of disasters in Marinduque and how they are remembered. Second, how residents are re-imagining the island under a Rights of Nature framework over the next ten to twenty years. Third, how the global and Philippine Rights of Nature movements converged on Marinduque. Fourth, what the Marinduque Environment Code of 2023 contains and what its implementation requires.

2. Echoes of the Spill: Three Disasters, One Island

2.1. Justice, recognition and hope

Dr Sanchez condensed his doctoral research into three terms: katarungan, pagkilala, pag-asa (justice, recognition, hope). He also questioned the vocabulary used to describe what happened, contrasting the neutral insidente (incident) with the more accurate sakuna (disaster). The distinction matters for accountability. An incident implies misfortune; a disaster implies causes, and causes imply responsible parties.

His analysis rested on three demands: legal accountability (legal na pananagutan), public recognition (pampublikong pagkilala) and social justice (katarungang panlipunan). To these, he added community healing (pagpapagaling ng komunidad), which he treated as a condition of the other three rather than a consequence of them.

Dr Sanchez presented the harm as a sequence of three distinct events rather than a single accident:

Period	Location	Character of the disaster
1975-1991	Calancan Bay, Sta. Cruz	Slow onset, sustained discharge over sixteen years (<i>mabagal at matagal na daloy</i>)
1993	Mogpog River	Sudden collapse (<i>dramatikong buho</i>)
1996	Boac River	Spectacular discharge (<i>spektakular na daloy</i>)

Table 1: The three Marcopper disasters as characterised by Sanchez

His call to action followed from this framing: use the public attention that the spectacular events attract, recognise the role of the environmental justice movement, and align that movement with the bodies that hold formal accountability.

2.2. Theatre as living documentation

Dr Viray approached the same history through performance. He drew on his published work on ecoperformance of dissent in the Philippines, which examines plastic pollution and mining disaster together, and on Sanchez's research into discourses of development and disaster in Philippine mining.

He also drew on personal memory, beginning with the dried riverbed at Boac in 1996. His retelling followed the same three-part sequence: the slow-onset disaster at Calancan Bay from 1975, the collapse of the Maguila-guila dam at Mogpog in 1993, and the Boac River spill of 1996.

Two productions anchored his account. The first, *Ginto sa iilan, putik sa karamihan* (Gold for a few, mud for many), was staged in 1997 by Teatro Balangaw and later discussed in *Community Theatre: Global Perspectives*. The second, *Daing ng Marinduqueño* (Lament of the Marinduque folk), was performed at Marinduque National High School in 2004 and 2005. From these, he identified the form he calls *dulayawit*, a compound of *dula* (theatre), *sayaw* (dance) and *awit* (song). Reconstructing the eight scenes of that work, he arrived at his central proposition: *dulayawit* functions as living memory, living archive and living documentation at the same time.

2.3. A glimpse of the past

Fr Madla supplied the historical spine of the exchange, which he titled *sulyap sa nakaraan* (a glimpse of the past). Marinduque is mineral-rich, and this is why Marcopper Mining Corporation began operating there in 1969.

Fr Madla distinguished between the first open-pit mine at Tapan and the second at San Antonio, which he described as almost incidental to the original operation and which produced the environmental disasters that followed. Toxic waste was dumped in Calancan Bay from 1975 until 1991. The Maguila-guila siltation dam, operated by Marcopper and Placer Dome, collapsed on 6 December 1993. The Boac River was killed by the tailings spill on 24 March 1996.

2.4. Multo ng Isla: the disaster as a spectral presence

The MarSU Theatre Guild created *Multo ng Isla* (Ghost of the Island) in 2022, under the Philippine Educational Theatre Association's *Lingap Sining* programme. The work was staged live in 2025 during *Pagdapo ng Sining*, and a new recording was presented that year at the Dalumat Research Colloquium. In 2026, it premiered on YouTube on 24 March, was performed at the MSC Quadrangle on 25 March, and formed part of the Marinduque Expo during Holy Week on 28 March.

The title carries the argument. A ghost is present without being visible, and it returns. Treating the disaster as a spectral presence rather than a closed historical episode gives residents a way to internalise the policy that followed from it, and to project what the island should look like ten to twenty years from now.

2.5. The academic response

Marinduque State University, through its Island Innovation Academic Council membership, summarised the reaction and set out a commitment to social and environmental justice through a long-term rehabilitation process. The MarSU College of Environmental Studies, working with the College of Governance and the College of Arts and Social Sciences, assessed the current status of the island and identified possible advocacy points.

The Philippines already has an established practice of human rights education for young people. Rights of Nature, by contrast, remains a recent arrival as an organised global movement in the country, which shapes both the opportunity and the difficulty of the work ahead.

3. Re-imagining Marinduque, 2036 to 2046

3.1. The process

The Philippine Misereor Partnership Inc. (PMPI) and the Marinduque Council for Environmental Concerns (MACEC) convened a participatory community process at the Diocese of Boac pastoral centre to envision the island ten to twenty years from now. Participants came from the academe, youth organisations, church women's groups, and the ranks of former and serving elected officials.

The first day was spent establishing trust and agreeing expectations, the flow of the process and its content. Proceedings opened with a prayer and a ritual for Mother Earth. Participants introduced themselves by naming their expectations and their favourite landform or body of water on the island, a device that tied the abstract discussion to specific places.

3.2. Why Marinduque

PMPI facilitators set out the case for treating Marinduque as a model community for Rights of Nature. The island holds a mountain range, rivers, reefs, mangroves and a bay. It also holds a history of extractive industry that damaged all of them.

Four conditions support the proposal:

- An active civic movement. Residents, community organisations and non-governmental groups have sustained environmental protection work on the island for decades.
- Institutional church support. The local church backs integral ecology and social action consistent with *Laudato Si'*, alongside disaster risk reduction work.
- Local champions and academic capacity. Advocates on the island are supported by Marinduque State University.
- An existing legal instrument. The Rights of Nature-based environmental code is already in force, and understanding of Rights of Nature reaches down to the barangay level.

3.3. Objectives and method

The process had three objectives: to describe the current economic, political and socio-cultural context of Marinduque and assess how far it aligns with Rights of Nature; to allow participants to articulate a vision of the island under that framework; and to identify the steps and strategies needed to reach the resulting targets.

On the second day, participants watched the documentary *The Power of Local*, which presents community models from around the world, and divided into groups organised around its themes: local food, local economies and governance, local fishery, local energy, and education reimaged. Each group expressed its vision through drawing, diorama, storytelling, role-play or short performance rather than through written submissions.

The closing session processed the strengths, weaknesses, opportunities and threats identified across the groups, sorting each into what should stop, what should continue and what should start immediately. Bishop Edwin Panergo of the Diocese of Boac, former Vice-Governor Lyn Angeles and Executive Director Fr Arvin Madla then set out the next steps for the Rights of Nature-based environmental code.

4. Two Trajectories: The Global and Philippine Rights of Nature Movements

4.1. Global milestones, 2006 to 2018

Rights of Nature moved from argument to enforceable law over roughly twelve years, across jurisdictions that share little else.

Year	Jurisdiction	Development
2006	Tamaqua Borough, Pennsylvania, USA	Banned the dumping of toxic sewage sludge, the first local ordinance of its kind
2008	Ecuador	Recognised Rights of Nature in the national constitution
2010	Bolivia	Legislative assembly passed the Law of the Rights of Mother Earth
2014	New Zealand	Parliament passed the Te Urewera Act, granting the territory legal recognition of its own rights
2016	Ho-Chunk Nation, USA	First vote on a Rights of Nature tribal constitutional amendment
2016	Colombia	Constitutional Court recognised the rights of the Atrato River and established joint guardianship between indigenous peoples and the national government
2017	Lafayette, Colorado, USA	Enacted a Climate Bill of Rights recognising the right of humans and nature to a healthy climate, and banning fossil fuel extraction as a violation of that right
2018	Ponca Nation of Oklahoma, USA	Adopted a customary law recognising the rights of nature
2018	Uttarakhand, India	High Court recognised the rights of the entire animal kingdom

Table 2: Selected global Rights of Nature milestones

4.2. Rights of Nature in the Philippines

The Philippine movement dates its own founding to July 2019. Rights of Nature bills were filed in the Senate and the House of Representatives between October and November of that year, and the first local ordinance was passed in Infanta, Quezon. The Marinduque Environment Code, drafted on a Rights of Nature basis, followed.

The Catholic Bishops' Conference of the Philippines issued pastoral letters supporting Rights of Nature in 2019 and again in 2022. Between 2022 and 2023, Rights of Nature PH held meetings with the National Anti-Poverty Commission, the Commission on Human Rights, the Department of Education, the National Economic and Development Authority, the League of Barangays and the Metro Manila Development Council, among others.

Alongside this institutional work, the movement has organised and educated young people and established Rights of Nature hubs across the country. Misereor has begun its own internal process of adopting the framework, and international partnerships continue to expand.

4.3. Campaign directions

Rights of Nature PH has identified five areas of focus for the next phase of its work:

1. Policy advocacy, aimed at national legislation and local ordinances.
2. Engagement and cooperation with local government units, which hold the powers that matter most in practice.
3. Indigenous peoples' empowerment, recognising existing systems of stewardship.
4. Campaigning against large industry and corporations whose operations conflict with the framework.
5. Changing perspective and lifestyle at household and community level.

5. The Rights of Nature–Based Environment Code in Marinduque

5.1. What the Code recognises

The Marinduque Environment Code was drafted with Rights of Nature in mind and passed in 2023. The ordinance defines the term as follows:

Rights of nature refers to the rights of the natural ecosystems and processes, including all of their living and non-living elements which includes among others the right to exist, to the maintenance of the vital cycles, functions and processes that ensure their continued sustainability and well-being, to the conditions necessary for their ecological renewal and full restoration including the right to be restored by any person found to have caused the environmental damage or harm and to adequate and effective representation vis-à-vis the protection and enforcement of these rights. These rights shall be in addition to, and shall not impair or limit, any other right or remedy available under existing law, administrative regulations or jurisprudence. No correlative obligation, liabilities, duties or responsibilities shall be conferred on the ecosystem and its species, as a consequence of the recognition of their rights as provided in this Code.

Three features of this definition carry practical weight. The right of restoration is exercised against the party found to have caused the damage, which places the cost of remediation with the polluter. The rights are additive, so they extend rather than replace existing remedies under national law. And no duties attach to ecosystems in return, which forecloses an argument that recognition creates reciprocal obligations on nature itself.

The Code identifies three areas of concern: environment, health and governance.

5.2. The sequence of events

Period	Event
Before 1969	Local opposition to mining operations already present
1969	Marcopper Mining Corporation begins operating
1975	Open surface dumping of tailings begins at Calancan Bay
1991-1993	Construction and subsequent collapse of the Maguila-guila dam
1996	Marcopper mining disaster at the Boac River
After 1996	Fact-finding missions initiated
2005	Enactment of a fifty-year moratorium on mining
2022	Court ruling in favour of the Maguila-guila plaintiffs
2023	Marinduque Environment Code passed

Table 3: Key events leading to and following the Marcopper disaster

5.3. The policy environment

Running parallel to these events is a national legislative record that alternates between promoting extraction and restraining it.

Year	Instrument	Effect
1936	Commonwealth Act No. 137	The Mining Act
1974	Presidential Decree No. 463	Mineral Resources Development Decree
1978	Presidential Decree No. 1586	Established the Environmental Impact Statement system
1986	Presidential Decree No. 2027	Granted tax relief to distressed copper mining companies
1991	Republic Act No. 7160	Local Government Code
1995	Republic Act No. 7942	Philippine Mining Act
2004	Executive Order No. 270	National Policy Agenda on revitalising mining in the Philippines

2005	Sangguniang Panlalawigan Resolution No. 379	Declared a fifty-year moratorium on mining in Marinduque
2012	Executive Order No. 79	Institutionalised reforms in the mining sector, with guidelines on environmental protection
2021	Executive Order No. 130	Amended Section 4 of Executive Order No. 79
2021	Municipal Resolution No. 2021-074	Declared the opposition of the Municipality of Boac to Executive Order No. 130

Table 4: Mining and environment policy instruments relevant to Marinduque

The pattern is worth naming. National policy has repeatedly reopened questions that island communities considered settled, most recently through Executive Order No. 130 of 2021 and the municipal response it provoked in Boac. This is the structural argument for a local instrument with independent legal footing.

6. Conclusion and Recommendations

6.1. Conclusion

Marinduque has spent fifty years as a case study in what extraction costs an island: sixteen years of discharge into Calancan Bay, a dam collapse at Mogpog, and the death of the Boac River. It has spent the last twenty years building the legal and civic instruments to make sure the sequence does not repeat.

The Environment Code of 2023 is the current expression of that work. Its value now depends on implementation, and implementation depends on the same conditions that produced the Code: an active civic movement, institutional church support, academic capacity at MarSU, and understanding of Rights of Nature at barangay level.

For island communities elsewhere, the Marinduque experience carries a transferable point. Recognition of the rights of nature did not arrive from national legislation. It was built locally, on the memory of a specific harm, and then defended against national policy that moved in the opposite direction.

6.2. Recommendations

The following actions follow from the campaign directions identified by Rights of Nature PH and from the priorities set out during the PMPI and MACEC visioning process.

Legal and policy

- Support the passage of national Rights of Nature legislation, using the Marinduque Environment Code and the Infanta, Quezon ordinance as working models for legislators.
- Maintain and defend the fifty-year mining moratorium against amendment at national level.
- Build the local capacity needed to exercise the Code's restoration provisions, including the technical and legal skills required to establish causation and quantify damage.

Governance and institutions

- Formalise cooperation between the provincial government, municipal councils and barangay officials on Rights of Nature implementation, so that the framework operates at the administrative level where enforcement decisions are actually made.
- Embed the outcomes of the PMPI and MACEC visioning process into provincial development planning, so that the stop, continue and start categories become budgeted commitments.

Knowledge and memory

- Sustain the documentation work represented by Multo ng Isla and dulayawit as a method of public education, and resource it accordingly.
- Extend Rights of Nature education through Marinduque State University and the school system, building on the country's existing practice in human rights education.
- Continue the Rights of Nature hub model and the international partnerships that connect Marinduque to comparable jurisdictions.

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