

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

EIGHTEENTH CONGRESS
First Regular Session



COMMITTEE REPORT NO. 285

Submitted by the Committee on Natural Resources on MAR 11 2020
Re: House Bill No. 6563
Recommending its approval, in substitution of House Bill No. 1124.
Sponsors: Representatives Elpidio F. Barzaga, Jr. and Joel Mayo Z. Almario

Mr. Speaker:

The Committee on Natural Resources, to which was referred House Bill No. 1124, introduced by Representative Joel Mayo Z. Almario, entitled:

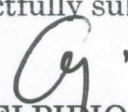
AN ACT
DECLARING DAVAO ORIENTAL A MINING-FREE ZONE

has considered the same and recommends that the attached House Bill No. 6563 entitled:

AN ACT
DECLARING DAVAO ORIENTAL A MINING-FREE ZONE AND PROVIDING
PENALTIES FOR VIOLATIONS THEREOF

be approved in substitution of House Bill No. 1124 with Representatives Almario and Barzaga, as authors thereof.

Respectfully submitted,


REP. ELPIDIO F. BARZAGA JR.
Chairperson
Committee on Natural Resources

THE HONORABLE SPEAKER
House of Representatives
Quezon City

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HOUSE OF REPRESENTATIVES
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EIGHTEENTH CONGRESS
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HOUSE BILL NO. 6563
(In substitution of HB No. 1124)

Introduced by Representatives Joel Mayo Z. Almario and Elpidio F.
Barzaga Jr.

AN ACT
DECLARING DAVAO ORIENTAL A MINING-FREE ZONE AND
PROVIDING PENALTIES FOR VIOLATIONS THEREOF

*Be it enacted by the Senate and House of Representatives of the Philippines
in Congress assembled:*

1 **SECTION. 1. *Short Title.*** – This Act shall be known as the “Davao
2 Oriental Mining-Free Zone Act.”

3 **SEC. 2. *Statement of Policy.*** – It is the policy of the State to protect
4 and advance the right of the people to a balanced and healthful ecology in
5 accord with the rhythm and harmony of nature.

6 It is likewise the responsibility of the State to promote the rational
7 exploration, development, utilization, and conservation of the mineral
8 resources of the country in a way that effectively safeguards the
9 environment and protects the rights of affected communities.

10 Towards this end, the State shall institute measures to protect the
11 people and the environment in the Province of Davao Oriental from the
12 adverse effects of mining.

13 **SEC. 3. *Mining-Free Zone.*** – The Province of Davao Oriental is
14 hereby declared a mining-free zone. All forms of mining operations and
15 activity, whether large-scale or small-scale, within its jurisdiction are
16 hereby prohibited. The provisions of Republic Act No. 7942, otherwise
17 known as the “*Philippine Mining Act of 1995*,” Republic Act No. 7076,
18 otherwise known as the “*People’s Small-Scale Mining Act*” and other laws,

1 rules and regulations on mining inconsistent with this Act shall have no
2 application within the territorial jurisdiction of the locality.

3 **SEC. 4. Coverage.** – This Act covers all mining operations and
4 activities, including quarrying, within the territorial jurisdiction of the
5 Province of Davao Oriental.

6 As used in this Act, “mining” shall refer to the extraction of valuable
7 minerals or other geological materials from the earth and shall include such
8 mining activities as exploration, conduct of geological feasibility studies and
9 surveys, development, utilization and processing, as well as quarry
10 operations involving cement raw materials, marble, granite, sand and
11 gravel construction aggregates, and other similar activities related to the
12 excavating and quarrying of minerals and ores.

13 **SEC. 5. Recognition of Existing Mining Contracts, Agreements and**
14 **Permits.** – All valid and existing mining contracts, exploration permits,
15 licenses, technical and financial agreements and mineral production
16 sharing agreements in accordance with Republic Act No. 7942, otherwise
17 known as the “*Philippine Mining Act of 1995*,” covering any area within the
18 Province of Davao Oriental at the date of effectivity of this Act, shall be
19 recognized by the Government and shall remain valid until the expiration
20 or termination thereof. Thereafter, no further extension or renewal of the
21 contract, permit, license or agreement shall be granted. Moreover, the
22 government shall not issue new exploration permits nor enter into new
23 mineral agreements or similar other agreements covering lands within the
24 jurisdiction of the Province.

25 **SEC. 6. Prohibition Against Exploration Activities in Areas Covered**
26 **by Mineral Agreements.** – At the date of the effectivity of this Act, no
27 exploration permit to conduct further exploration activities or application
28 for extension thereof shall be granted even during the lifetime of existing
29 mining contracts, technical and financial assistance agreements and
30 mineral production sharing agreements.

31 **SEC. 7. Dormant Exploration Permits and Mineral Agreements.** –
32 Exploration activities and mining operations under existing exploration
33 permits, mineral agreements and other similar agreements shall be

1 undertaken immediately by the permittee or contractor. In case of failure
2 to initiate or undertake any exploration activity or mining operation within
3 two (2) years from the effectivity of this Act, the exploration permit or
4 mineral agreement shall be declared dormant by the Department of
5 Environment and Natural Resources (DENR).

6 Dormant permits and agreements shall *ipso facto* be cancelled upon
7 declaration of dormancy.

8 **SEC. 8. *Non-renewal of Small-scale Mining Contracts.*** – All small-
9 scale mining contracts covering any area within the Province of Davao
10 Oriental, shall not be renewed upon the effectivity of this Act.

11 **SEC. 9. *Quarry Permits.*** – Issuance of a quarry permit in the mining-
12 free zone shall be under the direct supervision of the DENR. Existing
13 quarry permits issued by the provincial government at the time of the
14 approval of this Act shall likewise be recognized. Thereafter, quarry permits
15 issued by the provincial governor shall be reviewed and monitored by the
16 DENR.

17 The maximum area which a qualified person may hold for quarrying
18 purposes at any time within the territorial jurisdiction of the province shall
19 be five (5) hectares. The DENR shall impose strict regulations in ensuring
20 that no more than one (1) quarry permit is granted to the same person,
21 corporation or its affiliates or subsidiary, or any entity that has essentially
22 the same legal personality as the applicant or holder of an existing quarry
23 permit in the province.

24 A quarry permit shall immediately be canceled by the provincial
25 governor for areas up to five (5) hectares, or the DENR for areas above five
26 (5) hectares, when, in the guise of quarrying activities, the holder of a
27 quarry permit engages in activities that are properly authorized by
28 exploration permits, mineral agreements or mining contracts, upon
29 investigation conducted by the DENR for the purpose.

1 **SEC. 10. *Penal Provisions.*** – Any person, natural or juridical, or any
2 public officer, who violates the provisions of this Act shall suffer the penalty
3 imprisonment of not less than six (6) years but not more than twelve (12)
4 years, and a fine of not less than One million pesos (P1,000,000.00), but not
5 more than Ten million pesos (P10,000,000.00).

6 In addition, a public officer who violates this Act, shall also be
7 dismissed from service and perpetually disqualified from holding public
8 office.

9 If the offender is a juridical entity, the highest ranking official and
10 the members of its board of directors or board of trustees who authorized
11 the violations therein shall suffer the penalty imposed under this Act.

12 **SEC. 11. *Implementing Rules and Regulations.*** – Within three (3)
13 months from the passage of this Act, the DENR shall promulgate the
14 necessary rules and regulations for its effective implementation.

15 **SEC. 12. *Separability Clause.*** – If any portion or provision of this Act
16 is declared unconstitutional, the remainder of this Act or any provision not
17 affected thereby shall remain in full force and effect.

18 **SEC. 13. *Repealing Clause.*** – All laws, decrees, executive orders and
19 rules and regulations contrary to or inconsistent with the provisions of this
20 Act are hereby amended or modified accordingly.

21 **SEC. 14. *Effectivity.*** – This Act shall take effect fifteen (15) days after
22 its publication in the *Official Gazette* or in a newspaper of general
23 circulation.

24 *Approved,*