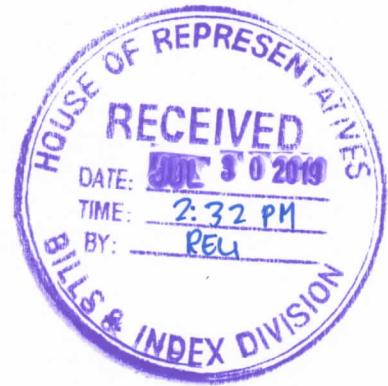


Republic of the Philippines  
**HOUSE OF REPRESENTATIVES**  
Quezon City

**EIGHTEENTH CONGRESS**  
First Regular Session

**3119**  
**HOUSE BILL NO. \_\_\_\_\_**



---

**INTRODUCED BY REPRESENTATIVE JOSE "PINGPING" I. TEJADA**

---

**EXPLANATORY NOTE**

This bill which seeks to declare the Province of Cotabato a mining-free zone was filed by the undersigned representative Jose "Pingping" I. Tejada as House Bill 7901 in the 17<sup>th</sup> Congress. It was approved by the House of Representatives and transmitted to the Senate where it failed to pass due to lack of material time.

The right to a balanced and healthful ecology is solemnly incorporated in the fundamental law. Section 16, Article II of the 1987 Constitution concerns the intergenerational responsibility to preserve and protect an environment that is capable of sustaining life.

The said right implies, among many other things, the correlative duty to refrain from impairing the environment. It is found in the behavior suitable to treat the environment as a valuable asset, rather than a collection of things to be exploited and discarded.

In an effort to contribute for the conservation and protection of the country's natural environment, the involvement and initiatives of local government units account for strategic and proximate environmental management. Local government units are awarded formal roles to undertake measures and to impose conditions to protect the environment —the thrust of public accountability in achieving local environmental visions, and considering the carrying capacity of the environment.

Mining and other extractive industries are among the most destructive activities on the planet, especially for indigenous and farming communities. The minerals, metals, fuel, and timber that extractive industries seek are very profitable, that resisting them from the injurious utilization and degradation of the environment is a huge undertaking.

The Province of Cotabato is endowed with rich natural resources, highly diverse cultures, and strategic trading site in central Mindanao.

The Province of Cotabato is considered as Minadanao's food basket. It is a major producer of cereals, tropical fruits, vegetables, sugarcane coconut, coffee, freshwater fish and livestock. It is also one of the country's leading producers of raw and semi-processed rubber and industrial trees, with markets in Asia and Europe.

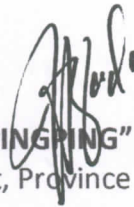
Among its major natural assets are Mt. Apo, the country's highest peak at 9,692 feet (2,954 m) above sea level, the Pulangi River which is a major contributor to Mindanao's irrigation system and hydro-electric energy, and the vast Liguasan Marsh which not only supplies a bounty of freshwater fish and organic fertilizer but considered as a possible source as well of natural gas.

The province's economy is traditionally based on farm production activities and agribusiness that it substantially depends on the topography and geological features of the land. Majority of the communities significantly rely on natural resources for subsistence and livelihood that its viability is indispensable for the cultural survival and well-being of communities, and sustainable development considerations — including human health and safety aspects.

An environment vulnerable to the effects of mining can no longer support and sustain life existing in it. Since resources are limited, and most of the resources that support life and build up the backbone of today's development come from the biodiversity sources, it is difficult rather impossible for the natural environment to sustain the exploding human population.

The catastrophic effects of mining are the conditions that our children and future generations will have to endure — a deadly inheritance abridging the right to life, livelihood, health and security.

We are the world that we live in, and the people of the Province of Cotabato choose to live free of mining.



**JOSE "PINGPING" I. TEJADA**  
3<sup>rd</sup> District, Province of Cotabato



Republic of the Philippines  
**HOUSE OF REPRESENTATIVES**  
Quezon City

**EIGHTEENTH CONGRESS**  
First Regular Session

**3119**  
**HOUSE BILL NO. \_\_\_\_\_**

---

**INTRODUCED BY REPRESENTATIVE JOSE "PINGPING" I. TEJADA**

---

**AN ACT DECLARING THE PROVINCE OF COTABATO A MINING FREE ZONE AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF**

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

1           **Section 1. Mining Free Zone.** – The Province of Cotabato is hereby declared a  
2 mining-free zone. All forms of mining operations and activity, whether large-scale or  
3 small-scale, within its jurisdiction are hereby prohibited. The provisions of Republic  
4 Act No. 7942, otherwise known as the Philippine Mining Act of 1995; Republic Act No.  
5 7076, otherwise known as the "People's Small-scale Mining Act of 1991"; and other  
6 laws, rules and regulations on mining inconsistent with this Act shall have no  
7 application within the territorial jurisdiction of the locality.

8  
9           **Section 2. Coverage.** – This Act covers all mining operations and activities  
10 including quarrying within the territorial jurisdiction of the Province of Cotabato.

11  
12           As used in this Act, "mining" refers to the extraction of valuable minerals or  
13 other geological materials from the earth and shall include mining activities as  
14 exploration, feasibility, development, utilization and processing including quarry  
15 operations involving cement raw materials, marble, granite, sand and gravel  
16 construction aggregates, and other quarry resources.

17  
18           **Section 3. Quarry Operations.** – The quarrying of sand and gravel construction  
19 aggregates not exceeding the maximum area of five (5) hectares per qualified person  
20 is exempted from the coverage of the Act.

21  
22           Existing quarry permits issued by the provincial government at the time of the  
23 effectivity of this Act shall be recognized. Thereafter, quarry permits issued by the  
24 provincial governor shall be regularly reviewed and monitored by the Department of  
25 Environment and Natural Resources (DENR).

1 The DENR shall impose strict regulations in ensuring that no more than one  
2 quarry permit is granted to the same person, corporation, its affiliates, subsidiary or  
3 any entity that has essentially the same legal personality as the applicant or holder of  
4 an existing quarry permit in the province.

5  
6 A quarry permit shall immediately be cancelled by the provincial governor  
7 upon the recommendation of the DENR, when, in the guise of quarrying activities, the  
8 holder of a quarry permit engages in activities that require an exploration permit,  
9 mineral agreement, or mining contract.

10  
11 **Section 4. Penal Provision.** – Any person, natural or juridical, or any public  
12 officer who violates the provisions of this Act shall suffer the penalty of imprisonment  
13 of not less than six (6) years but not more than twelve (12) years and a fine of not less  
14 than One million pesos (1,000,000.00) but not more than Ten million pesos  
15 (10,000,000.00).

16  
17 Any public officer who violates this Act shall also be dismissed from the service  
18 and perpetually disqualified from holding public office.

19  
20 If the violator is a juridical entity, the highest ranking official and the members  
21 of its board of directors or trustees who authorized the violations herein shall suffer  
22 the penalty imposed in this Act.

23  
24 **Section 5. Implementing Rules and Regulations.** – Within three (3) months  
25 following the effectivity of this Act, the DENR Secretary shall promulgate the necessary  
26 rules and regulations for its effective implementation.

27  
28 **Section 6. Repealing Clause.** – Any law, presidential decree or issuance,  
29 executive order, letter of instruction, administrative order, rule or regulation contrary  
30 to or inconsistent with any provision of this Act is hereby amended or modified  
31 accordingly.

32  
33 **Section 8. Effectivity.** – This Act shall take effect fifteen (15) days following its  
34 publication in the *Official Gazette* or in a newspaper of general circulation.

35  
36 Approved.