



Republic of the Philippines

HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS

First Regular Session

HOUSE BILL NO. **1124**



Introduced by **Representative JOEL MAYO Z. ALMARIO**

The impact of mining is strong and far-reaching. While it is necessary for the enhancement of our daily lives and continued modernization, the ill effects of mining are deeper and more alarming. The protective measures and the environmental and enhancement programs employed by mining companies in their operations cannot reverse the long lasting and pervasive damage it causes. We can feign a belief that the resources excavated are renewable, but the truth is, mining causes permanent and irreversible destruction. As such, this bill seeks to protect the province of Davao Oriental from the dangers of mining.

The province is home of abundant natural wealth – to name a few, there is Aliwagwag Falls in Cateel, Curtain Falls and hot springs in Baganga, Diomaboc Lake in Manay, and the Cawacawa Falls in San Isidro. There are also guarded riches like the Pujada Bay protected by Proclamation No. 431 since 1994, and the world-famous UNESCO heritage site, Mount Hamiguitan where the all-natural Bonsai Forest is located. Spread all over the province are numerous eco-tourism destinations and beach resorts that rely on the beauty of nature. Likewise, there are animal species inhabiting the nearby seacoasts, including the threatened dugongs and dolphins, which are dependent on the purity of the surrounding waters. Mati City, the capital of Davao Oriental, has also set aside a portion of its forested area as a sanctuary for the Philippine Eagle. These natural wonders are at risk of permanent destruction if mining operations are not ceased. Together with its ruin would be the death of numerous flora and fauna, as well as the cessation of tourism on which quite a number of Davaoenos are dependent.

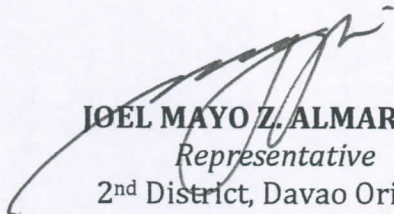
The province is also home to several indigenous communities living alongside the farmers running the rice granaries in the province. All these communities stand to be obliterated should mining continue to be permitted in the province.

But the most alarming and pressing issue is the findings by the Philippine Institute of Volcanology and Seismology – Department of Science and Technology (PHIVOLCS - DOST) together with members of the Department of Geophysics, Kyoto University and Department of Geography, Hiroshima University, that Davao Oriental sits on a 320- kilometer fault line that stretches from Surigao Province until Compostela Valley. These recently discovered cracks, more commonly known as the Surigao-Mati fault line, make up a big portion of the Philippine Fault Zone. Sitting on a large swath of land in the coastal areas of Mati City, the PHIVOLCS has predicted that should an earthquake happen in close proximity to the province, a tsunami would strike the coast hard, endangering all the coastal towns and its hundreds of residents. PHIVOLCS noted that they are certain that a 7 to 8.3-magnitude earthquake would inevitably happen soon.

Continued mining in the province will aggravate the danger posed by the fault line, threatening the lives of thousands of citizens in the province. The prohibition of mining operations now becomes extremely necessary, and time is of the essence as merely a few years after the finding of PHIVOLCS, neighboring provinces including Surigao and Davao del Sur, have already started experiencing strong earthquakes. There are thousands lives that are put on the line so long as the environment is not cared for, and no mitigating activities to prevent its further destruction are put in place.

A similar version of this bill was approved by the House on third and final reading during the 17th Congress.

Support for this bill is once again earnestly sought.



JOEL MAYO Z. ALMARIO
Representative

2nd District, Davao Oriental



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Introduced by **Representative JOEL MAYO Z. ALMARIO**

AN ACT DECLARING DAVAO ORIENTAL A MINING- FREE ZONE

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

4 **SECTION 2. *Statement of Policy.*** - It is the policy of the state to protect
5 and advance the right of the people to a balanced and healthful ecology in accord
6 with the rhythm and harmony of nature.

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

11 Towards this end, the state shall protect the people and the environment
12 in the Province of Davao Oriental from the adverse effects of mining.
13

14 **SECTION 3. *Mining - Free Zone.*** - The Province of Davao Oriental is
15 hereby declared a mining- free zone. All forms of mining operations and activity,
16 whether large-scale or small-scale within its jurisdiction are hereby prohibited.

1 The provisions of Republic Act No. 7942, otherwise known as the "Philippine
2 Mining Act of 1995"; Republic Act No. 7076, otherwise known as the "People's
3 Small-scale Mining Act of 1991" and other law, rules and regulations on mining
4 inconsistent with this Act shall have no application within the territorial
5 jurisdiction of this locality.

6
7 **SECTION 4. Coverage.** – This Act covers all mining operations and
8 activities, including quarrying, within the territorial jurisdiction of the Province of
9 Davao Oriental.

10 As used in this Act, "*mining*" shall refer to the extraction of valuable
11 minerals or other geological materials from the earth and shall include mining
12 activities such as exploration, conduct of feasibility studies and surveys,
13 development, utilization and processing as well as quarry operations involving
14 cement raw materials, marble, granite, sand and gravel construction aggregates,
15 whether large-scale or small-scale operation, and other similar activities related
16 to the excavating and quarrying of minerals and ores.

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

29
30 **SECTION 6. Prohibition Against Exploration Activities in Areas Covered**
31 **by Mineral Agreements.** – At the date of the effectivity of this Act, no exploration
32 permit to conduct further exploration activities or application for extension thereof

1 shall be granted even during the lifetime of existing mining contracts, technical
2 and financial assistance agreements and mineral production sharing agreements.

3 **SECTION 7. *Dormant Exploration, Permits and Mineral Agreements.* –**

4 Exploration activities and mining operations under existing exploration permits,
5 mineral agreements, and other similar agreements shall be undertaken
6 immediately by the permittee or contractor. In case of failure to initiate or
7 undertake any exploration activity or mining operation within two (2) years from
8 the effectivity of this Act, the exploration permit or mineral agreement shall be
9 declared dormant by the Department of Environment and National Resources
10 (DENR).

11 Dormant permits and agreements shall *ipso facto* be cancelled upon
12 declaration of dormancy.

13
14 **SECTION 8. *Cancellation of Small-scale Mining Contracts* –** All small-

15 scale mining contracts as enunciated by Republic Act No. 7076, or the “People’s
16 Small-scale Mining Act of 1991” are hereby cancelled upon the effectivity of this
17 Act. Affected small0scale mining contractors have one (1) year from the time this
18 Act takes effect to undertake rehabilitation, regeneration and ny person found
19 violating any of the provisions of this Act shall, upon conviction, be punished with
20 imprisonment of not less than six (6) years and one (1) day, but not more than
21 twelve (12) years, or a fine of not less than one million (PhP 1,000,000.00) pesos,
22 but not more than five million (PhP 5,000,000.00) pesos, or both, at the discretion
23 of the court of proper jurisdiction.

24 If the offender is a corporation, partnership, association or any other
25 juridical entity, the penalty shall be served upon the president, managing director
26 or chief operating officer of the offending entity. *Provided*, The license to operate
27 of the erring organization shall be cancelled and revoked permanently. *Provided*,
28 *further*, That the offending corporation or individual shall not be allowed to
29 operate similar establishments under a different name or in a different location.

30 If the offender is an alien, he shall, after service of sentence or payment of
31 fine, be subject to deportation, and be permanently barred from entering the
32 country.

1 **SECTION 9. Quarry Permits.** – Issuance of a quarry permit in the mining-
2 free zone shall be under the direct supervision of the DENR. Existing quarry
3 permits issued by the provincial government at the time of the adoption of this Act
4 shall likewise be recognized. Thereafter, quarry permits issued by the provincial
5 government shall be reviewed and monitored by the DENR.

6 The maximum area which a qualified person may hold at any one time
7 within the territorial jurisdiction of the province shall be five (5) hectares. The
8 DENR shall impose strict regulations to ensure that no more than one quarry
9 permit is granted to the same person, corporation, its affiliates, subsidiary or any
10 entity that has essentially the same legal personality as the applicant or holder of
11 an existing quarry permit in the province.

12 A quarry permit shall immediately be canceled by the provincial
13 government for areas up to five (5) hectares, or the DENR for areas above five (5)
14 hectares, when in the guise of quarrying activities, the holder of a quarry permit
15 engages in activities that are properly authorized by exploration permits, mineral
16 agreements or mining contracts, upon investigation by the DENR for the purpose.

17
18 **SECTION 10. Penal Provisions.** – Any person, natural or juridical, or any
19 public officer, who violates the provisions of this Act shall suffer the penalty of
20 imprisonment of not less than six (6) years but not more than twelve (12) years,
21 and a fine of not less One million pesos (P1,000,000.00), but not more than Ten
22 million pesos (P10,000,000.00).

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

25 If the offender is a juridical entity, the highest ranking official and members
26 of its board of directors or trustees who authorized the violation therein shall
27 suffer the penalty imposed under this Act.

28
29 **SECTION 11. Implementing Rules and Regulations.** – Within three (3)
30 months from the passage of this Act, the DENR shall promulgate the necessary
31 rules and regulations for its effective implementation.

1 **SECTION 12. *Separability Clause.*** – If any portion or provision of this Act
2 is declared unconstitutional, the remainder of this Act or any provision not
3 affected thereby shall remain in full force and effect.

4

5 **SECTION 13. *Repealing Clause.*** – All laws, decrees, executive orders and
6 rules and regulations contrary to or inconsistent with the provisions of this Act
7 are hereby amended or modified accordingly.

8

9 **SECTION 14. *Effectivity.*** - This Act shall take effect fifteen (15) days after
10 its publication in the Official Gazette or in a newspaper of general circulation.

11

12 *Approved.*