

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session

HOUSE BILL No. 6450



Introduced by

**BAYAN MUNA Representatives CARLOS ISAGANI T. ZARATE,
EUFEMIA C. CULLAMAT, and FERDINAND R. GAITE,
GABRIELA Women's Party Representative ARLENE D. BROSAS,
ACT TEACHERS Party-List Representative FRANCE L. CASTRO,
and KABATAAN Party-List Representative SARAH JANE I. ELAGO**

AN ACT

**IMPOSING A MORATORIUM ON THE OPEN PIT METHOD OF MINING FOR
COPPER, GOLD, SILVER, AND COMPLEX ORES IN THE PHILIPPINES**

EXPLANATORY NOTE

The Philippines is one of the most mineral rich countries in Asia. It is the fifth most mineral-rich country in the world in terms of gold, copper, nickel, and chromite. The Mines and Geosciences Bureau estimates that the country has an untapped mineral wealth worth \$840 billion. Due to its vast mineral resources, the country has been the target of many foreign and local mining operations which come with significant environmental, social and cultural costs. All over the archipelago, destructive mining practices have caused irreversible damage to forests and local communities. One of the most notorious and destructive method is open-pit mining.

Open-pit mining is the process of extracting rock or minerals from the earth through their removal from an open pit. Its environmental effects are far-reaching as it requires the clearing of hectares of agricultural and forest lands, deep excavation, often the use of toxic heavy metals for processing, and the consumption of millions of liters of water. These operations result to the siltation of rivers and leaking of toxic chemicals into waterways. As a result, it not only harms the environment but the host community as well, causing the displacement of residents, lack of access to water and loss of livelihood for residents and indigenous people who rely on farming, fishing and forestry.

In the Philippines, several open-pit mines are often left abandoned and unrehabilitated after operations which has resulted to lasting damage to its surrounding communities. The Rapu-Rapu polymetallic mine in Albay is testament to the destruction caused by open-pit mines. Left unrehabilitated, the mine was found to have toxic acid drainage seeping into a creek downstream. They found that water's pH levels dropped far below accepted standards, making it unsuitable for irrigation.

In South Cotabato, Mindanao, the Tampakan copper-gold mining project is on its way to become the largest open-pit mine in the Philippines. The proposed project will require the clearing of 6,935 hectares of agricultural land and rainforests. It stands to contaminate three major watersheds covering five provinces and threatens to dry up irrigation systems in the lowlands. An estimated 6,000 residents will be dislocated, most of which are indigenous people

1 from the B'laan tribe. Residents have protested its continued operation and the extension of its
2 Financial and Technical Assistance Agreement.

3
4 In Nueva Vizcaya, residents opposed the continued operations of Oceana Gold Philippines, Inc.,
5 an Australian-Canadian mining company operating an open-pit mine in Didipio, Kasibu, Nueva
6 Vizcaya. In 2011 the Commission on Human Rights found that the establishment of the mine
7 caused the displacement, eviction, and rights violations of residents and indigenous people in
8 Didipio. In 2014, it an environmental investigation mission found that Oceana Gold's Didipio
9 mine caused water pollution that was 2 to 8 times above safety levels for irrigation and riverine
10 organisms. Residents continue to air their opposition to the continued operations of the mine.

11
12 The mining sector contributes only 0.8 percent of the country's Gross Domestic Product and
13 0.6% to employment. 97% of mineral production in the country goes to foreign industries.
14 Mining also has the highest poverty incidence of any sector in the country at 48.7 percent,
15 despite foreign mining companies raking in billions in revenues. The gains from the mining
16 sector are obviously outweighed by the long-term and far-reaching environmental and social
17 costs.

18
19 In 2017, a ban on prospective open-pit mines was issued by the DENR under then Secretary
20 Gina Lopez, citing open pit mines as a financial liability with destructive impacts on the
21 environment and a loss of economic potential for its host communities.

22
23 Harnessing the country's mineral resources sustainable mining practices, guided by proper
24 regulation and development, is be crucial to national industrialization and towards a strong, self-
25 reliant, and progressive economy.

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27 In view of the foregoing, the passage of this Bill is earnestly sought.

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30 *Approved,*

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34 **REP. CARLOS ISAGANI T. ZARATE**

35 *Bayan Muna Partylist*

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38 **REP. EUFEMIA C. CULLAMAT**

39 *Bayan Muna Partylist*

40 **REP. FERDINAND R. GAITE**

41 *Bayan Muna Partylist*

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44 **REP. ARLENE D. BROSAS**

45 *GABRIELA Women's Party*

46 **REP. FRANCE L. CASTRO**

47 *ACT Teachers Partylist*

48 **REP. SARAH JANE I. ELAGO**

49 *Kabataan Partylist*

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16
17 AN ACT IMPOSING A MORATORIUM ON THE OPEN PIT METHOD OF
18 MINING FOR COPPER, GOLD, SILVER, AND COMPLEX ORES IN THE
19 PHILIPPINES
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21
22 *Be it enacted by the Senate and the House of Representatives of the Philippines in Congress assembled:*
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24
25 **Section 1. Short Title.** This Act shall be known as the "Open Pit Mining Moratorium Act of
26 2020"
27

28 **Section 2. Declaration of Policy.** The Philippine Constitution provides for the protection and
29 advancement of the right of the people to a balanced and healthful ecology in accord with the
30 rhythm and harmony of nature.
31

32 It is further enshrined in the Constitution that the State owns all the mineral, coal, natural gas and
33 petroleum resources within its national territory, its terrestrial, fluvial and marine domains,
34 including its territorial seas, the seabed, the subsoil, the insular shelves, and other submarine areas
35 within its archipelagic baselines. The appropriate utilization, sound management of the country's
36 finite mineral resources and the enjoyment of the benefits of such is exclusive to the Filipino
37 people. These resources shall therefore in no way be alienated.
38

39 As such, the State as a policy shall impose strict regulation on existing mining methods and
40 technologies that have caused massive ecological disruption, posed alarming risks to communities,
41 and have facilitated the depletion of our mineral resources to the loss of our national economy.
42

43 **Section 3. Coverage.** The moratorium mandated by this Act shall cover all existing approved and
44 pending mining projects of copper, gold, silver, and complex ores that have not commenced
45 commercial operation.
46

47 **Section 4. Moratorium on Open Pit Mining.** There shall be a 25-year moratorium or suspension
48 on the approval and commencement of mining projects as covered in Section 3. Mining
49 contractors who have not commenced commercial operation but have approved Declarations of
50 Mining Project Feasibility for open pit mining are given a period of six (6) months to review their

1 planned mining methods accordingly.

2
3 **Section 5. Mandatory Review of Moratorium After Twelve Years.** Congress shall establish a
4 mechanism to undertake a mandatory review of this Act after twelve (12) years, with the primary
5 objective of assessing the feasibility of open pit mining methods on the basis of the principles of
6 achieving agricultural modernization, national industrialization, ecological integrity, and the
7 rational, sustainable, and equitable development of the national economy.

8
9 **Section 6. National Industrialization Program and Minerals Management Plan as**
10 **Precondition.** As a precondition to the consideration of the feasibility of open pit mining, the
11 State shall craft a National Industrialization Program (NIP) and Minerals Management Plan
12 (MMP) that adheres to the following:

- 13
14 a. the medium- and long-term needs of the Philippines;
15 b. the advancement of the industry's technology with emphasis on existing indigenous
16 knowledge, research and development;
17 c. the right to self-determination of the indigenous and Moro peoples;
18 d. the generally accepted principles as embodied in the International Covenants on Civil and
19 Political Rights, on Economic, Social and Cultural Rights, the UN Declaration on the
20 Rights of Indigenous Peoples and other international accords on human rights, labor
21 rights, the rights of women and children, and the protection and preservation of the
22 environment, of which the State is a party;
23 e. The right of the people to a balanced and healthful ecology in accord with the rhythm and
24 harmony of nature;
25 f. Maintain peace and order, protect life, liberty and property and promote the general
26 welfare;
27 g. Advance the medium- and long-term needs of the Philippines;
28 h. Encourage the advancement of the industry's technology with emphasis on existing
29 indigenous knowledge, research and development;
30 i. Promote social justice in all phases of national development;
31 j. Protect and promote the right to health of the people and instill health consciousness
32 among them;
33 k. Pursue an independent foreign policy. In its relations with other states the paramount
34 consideration shall be national sovereignty, territorial integrity, national interest, and the
35 right to self-determination;
36 l. Develop a self-reliant and independent national economy effectively controlled by
37 Filipinos;
38 m. Ensure the autonomy of local governments;
39 n. Give highest priority to the enactment of measures that protect and enhance the right of
40 all the people to human dignity, reduce social, economic, and political inequalities, and
41 remove cultural inequities by equitably diffusing wealth and political power for the
42 common good; and
43 o. Encourage non-governmental, community-based, or sectoral organizations that promote
44 the welfare of the nation.

45
46 The NIP will be framed on the principles of agricultural modernization, development of industrial
47 and manufacturing industries, and rational, sustainable, and equitable development of the national
48 economy. The State shall, therefore, promote the development of mineral processing to maximize
49 the benefits or value-added from mining. Towards this end, it shall encourage the establishment
50 and development of manufacturing plants that will utilize locally processed mineral products as
51 well as mining firms that will process mineral ores first for domestic purposes and before exporting

1 them to other countries. It shall address the needs of the domestic economy and upholds the rights
2 of industry workers, indigenous peoples and local communities.

3
4 Pursuant to the foregoing, the State shall implement a MMP that provides the framework for the
5 utilization and management of the country's mineral resources, which will address the needs of the
6 domestic economy and uphold the rights of industry workers, indigenous peoples and local
7 communities.

8
9 The said MMP to be implemented by the State shall be economically-viable, ecologically-sound,
10 and in aid to the nation's efforts to attaining food self-sufficiency, rural development and national
11 industrialization. It shall be crafted in accord with the NIP that will provide a comprehensive
12 economic framework for genuine national development, including agricultural modernization,
13 public infrastructure in energy, transportation, communication, and downstream mineral
14 industries.

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16
17 **Section 7. Implementing Rules and Regulations.** The Department of Environment and
18 Natural Resources (DENR) and the Mines and Geosciences Bureau (MGB) is hereby tasked to
19 draft the implementing rules and regulations of this Act within sixty (60) days following its
20 complete publication.

21
22 **Section 7. Separability Clause.** The provisions of this Act are hereby declared to be separable
23 and, in the event of any such provisions are declared unconstitutional, the other provisions which
24 are not affected thereby shall remain in force and effect.

25
26 **Section 8. Repealing Clause.** All provisions in laws, decrees, issuances and other regulations
27 inconsistent with this Act shall be deemed amended or repealed if the inconsistency is
28 irreconcilable.

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30 **Section 9. Effectivity Clause.** This Act shall take effect within fifteen (15) days following its
31 publication in two national newspapers of general circulation in the Philippines.

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33 *Approved,*
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