

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. 4387



Introduced by **HON. RONALD M. COSALAN**

EXPLANATORY NOTE

The Municipality of Kibungan, Benguet Province has been recognized as an ancestral domain of the indigenous peoples of the area by the National Commission on Indigenous Peoples (NCIP) with the award of the Certificate of Ancestral Domain Title (CADT) No. CCAR_KIB-0240-016. With the efforts of the Kibungan Kankana-ey Tribe and the local government of Kibungan, the Ten-Year Ancestral Domain Sustainable Development Protection Plan (ADSDPP) was formulated in November 2006. The Comprehensive Land Use Plan (CLUP) of Kibungan, which was based on the ADSDPP, spells out the uses of the ancestral land as primarily for agriculture, cultivation of high value crops as primary source of livelihood, communal water shed, communal forest, pasture lands, cemetery, parks and institutional purposes, among others. Kibungan supply indigenous rice and highland vegetables to Regions I, II and the National Capital Region.

Kibungan also boasts of beautiful sceneries of distinct cultural and ancestral heritage like the Les-eng rice terraces surrounded by solid rock formations, the century old Palina rice terraces that turn golden yellow near harvest time and the rocky mountain walls which are favorite destinations of local and international tourists and mountain trekkers. Within the area are watersheds, forest reserves, public cemeteries, waterways and historic sites.

Hence, the indigenous peoples of Kibungan express their opposition to large scale mining operations within their ancestral domain. The Kankana-ey is dependent of agricultural production as our main source of living. Large-scale mining also causes ground sinking, various illness due to pollution and dangerous chemicals used and produced in the mining process, depletion of water resources, and destruction of the environment as a whole.

Republic Act No. 7942, otherwise known as "The Philippine Mining Act of 1995" names as areas closed to mining proclaimed watersheds, forest reserves, plantations of valuable crops and waterways.

This House Bill was approved on third reading in the Sixteenth Congress and sent to the Senate, but it was not acted upon by the latter. Approval of this measure is earnestly requested.

A handwritten signature in black ink, appearing to read 'Ronald M. Cosalan', written in a cursive style.

HON. RONALD M. COSALAN
Representative - Lone District, Benguet Province

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Introduced by **HON. RONALD M. COSALAN**

AN ACT
DECLARING THE MUNICIPALITY OF KIBUNGAN, BENGUET
A MINING-FREE ZONE AND PROVIDING
PENALTIES FOR VIOLATIONS THEREOF

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

SECTION 1. The Municipality of Kibungan, Province Benguet is hereby declared a mining-free zone and all small- scale and large-scale mining operations are hereby prohibited.

SECTION 2. As used in this Act, mining shall refer to the extraction of valuable minerals or other geological materials, excluding gravel, sand and marble using mechanized tools and equipment, requiring considerable capital and having large-scale environmental, social, cultural and economic impacts with regard to resource use and or consumption. This shall include mining activities involving exploration, feasibility, development, utilization and processing.

SECTION 3. It shall be unlawful for any person to engage in any mining operation in the Municipality of Kibungan, Province of Benguet.

Any person found guilty of violating the provision of this Act shall be penalized with an imprisonment of at least six (6) years but not more than twelve (12) years and a fine of at least One Hundred Thousand Pesos (P100,000.00) but not more than Five Hundred Thousand Pesos (P500,000.00).

If the offender is a corporation, firm, partnership or association, the penalty shall be imposed upon the officer or officers of the corporation, firm, partnership or association responsible for the violation thereof.

If the offender is an alien, the person shall be deported immediately after the service of sentence and payment of fine.

SECTION 4. Within three (3) months following the effectivity of this Act, the Secretary of the Department of Environment and Natural Resources (DENR) shall promulgate the necessary rules and regulations for its effective implementation.

SECTION 5. Upon approval of this Act, the local government of the Municipality of Kibungan, Benguet, in coordination with the DENR, shall review the contracts and agreements entered into by all existing small-scale and large-scale mining operations, those to be terminated, and those to be allowed to continue until such period that their contracts or agreements may allow.

SECTION 6. All laws, decrees, orders, rules and regulations or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SECTION 7. This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspapers of general circulation.

Approved,