



Republic of the Philippines  
HOUSE OF REPRESENTATIVES  
Quezon City



SEVENTEENTH CONGRESS

First Regular Session

HOUSE BILL NO. **5086**

---

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, its ill effects 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. 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. Mati City, the capital of Davao Oriental, has set aside a portion of its forested area as a sanctuary for the Philippine Eagle. 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. Davao Oriental is also home to several indigenous communities, living alongside the farmers running the rice granaries in the province. All these communities, and the stability of the ecology, stand to be obliterated should mining be permitted in the province. 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.

But the most alarming and pressing issue is the findings by the Philippine Institute on 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.

If mining were allowed in the province, it 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.

Support for this bill is earnestly sought.



**JOEL MAYO Z. ALMARIO**  
*Representative*  
2<sup>nd</sup> District, Davao Oriental



Republic of the Philippines  
HOUSE OF REPRESENTATIVES  
Quezon City

SEVENTEENTH CONGRESS

First Regular Session

HOUSE BILL NO. 5086

---

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:*

**SECTION. 1. Short Title.** - This Act shall be known as the "**DAVAO ORIENTAL MINING-FREE ZONE ACT.**"

1  
2       **SECTION. 2. Statement of Policy.** – It is the policy of the state to protect  
3 and advance the right of the people to a balanced and healthful ecology in accord  
4 with the rhythm and harmony of nature.

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

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

11

1           **SECTION. 3. Declaration of Davao Oriental a Mining- Free and**  
2 **Quarrying - Free Zone.** - The Province of Davao Oriental is hereby declared a  
3 mining- free zone, and all mining operations therein are hereby prohibited.  
4

5           **SECTION. 4. Scope.** - For purposes of this Act, "*mining*" refers to the  
6 extraction of minerals, ores or other geological materials from the earth. It shall  
7 include mining activities such as exploration, feasibility studies, development,  
8 utilization and processing as well as quarry operations involving cement raw  
9 materials, marble, granite, sand and gravel construction aggregates, whether  
10 large-scale or small-scale operation, and other similar activities related to the  
11 excavating and quarrying of minerals and ores. *Provided*, That the quarrying of  
12 gravel and sand for projects directly undertaken by the agencies of the national or  
13 city government for basic services such as, but not limited to, roads and bridges,  
14 school buildings, water and energy utilities, are exempted from the coverage of  
15 this Act.  
16

17           **SECTION. 5. Penal Provisions.** - Any person found violating any of the  
18 provisions of this Act shall, upon conviction, be punished with imprisonment of  
19 not less than six (6) years and one (1) day, but not more than twelve (12) years,  
20 or a fine of not less than one million (PhP 1,000,000.00) pesos, but not more than  
21 five million (PhP 5,000,000.00) pesos, or both, at the discretion of the court of  
22 proper jurisdiction.

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

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

33           **SECTION. 6. Transitory Provision.** - Any person or juridical entity granted  
34 with an exploration permit, contract, or mineral agreement with the government

086

1 prior to the effectivity of this Act shall be given a period of one (1) year to cease all  
2 mining operations and businesses.

3 Upon the termination of any exploration permit, contract, or mineral  
4 agreement, the right granted to the contractor to occupy and use the public land  
5 shall revert to the Philippine Government.

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

10  
11 **SECTION. 8. *Separability Clause.*** - If any portion or provision of this Act  
12 is declared unconstitutional, the remainder of this Act or any provision not  
13 affected thereby shall remain in full force and effect.

14  
15 **SECTION. 9. *Effectivity.*** - This Act shall take effect fifteen (15) days after  
16 its publication in the Official Gazette or in any two (2) newspapers of general  
17 circulation.

18  
19 *Approved.*

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke, located in the lower right quadrant of the page.