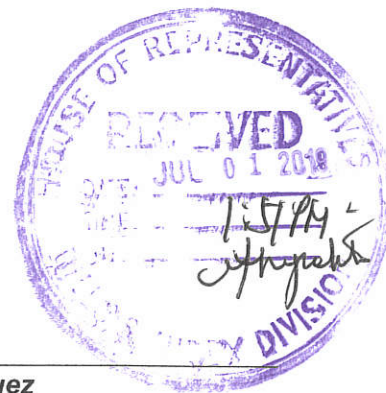


EIGHTEENTH CONGRESS)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)

HOUSE OF REPRESENTATIVES



Introduced by Representative Rufus B. Rodriguez

House Bill No. 430

EXPLANATORY NOTE

This bill was originally introduced as House Bill No. 5888 during the Fourteenth Congress and again in the Fifteenth Congress as House Bill No. 1064. It was approved by the Committee on Natural Resources during both the Fourteenth and Fifteenth Congresses, was approved by the House of Representatives and transmitted to the Senate where it was not acted upon. It was re-filed during the 16th Congress where it was once again approved by the House of Representatives and transmitted to the Senate. It was again re-filed during the 17th Congress where it was approved but was recommitted.

Mining has adverse effects both to humans and the environment. Aside from adding toxic chemicals to the ore, it strips-off large areas of top soil of all flora and fauna. Just recently, Cagayan de Oro City has suffered flash floods and mining operations in barangays Dansolihon, Mambuaya, Taglimao, Tagpangi, Tuburan and Tumpago are blamed for such flashfloods. The flashfloods destroyed not just properties but agricultural areas and farm-to-market roads as well. Based on the Progress Reports of the Regional Disaster Coordinating Council of Region 10 based in Cagayan de Oro City, the flashfloods of January 3, 2009 has affected 21,605 persons or 5,223 families in the city. It has also totally damaged 141 houses and partially damaged 1,410 house amounting to an estimated cost of 1.9 million as of January 8, 2009 only.

In the January 11, 2009 floods that befell Cagayan de Oro City, 37,086 persons or 7,410 families were affected with 94 houses totally damaged and 71 partially damaged.

Further, typhoon Sendong brought about the worst destruction in the history of Cagayan de Oro City.

To prevent flashfloods from recurring, mining operations in Cagayan de Oro City must be totally prohibited. Hence this bill, which seeks to declare the City of Cagayan de Oro a mining-free zone.

In view thereof, immediate approval of this Bill is sought.


RUFUS B. RODRIGUEZ

EIGHTEENTH CONGRESS)
REPUBLIC OF THE PHILIPPINES)
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HOUSE OF REPRESENTATIVES

Introduced by Representative Rufus B. Rodriguez

House Bill No. 430

AN ACT
DECLARING THE CITY OF CAGAYAN DE ORO A MINING FREE ZONE

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

SECTION 1. *Statement of Policy.* – It is the policy of the State to protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature. Towards this end, the State shall ensure the protection of the environment in and the residents of Cagayan de Oro City from the adverse effects of mining.

SEC. 2. *Declaration of Cagayan de Oro City as a Mining-Free Zone.* – Cagayan de Oro City is hereby declared a mining-free zone and all forms of mining operations in the City of Cagayan de Oro are hereby prohibited.

As used in this Act, mining shall refer to the extraction of valuable minerals or other geological materials from the earth and shall include such mining activities as exploration, feasibility, development, utilization and processing and large-scale quarry operations involving cement raw materials, marble, granite, sand and gravel construction aggregates: *Provided, however,* That the quarrying of gravel and sand for projects directly undertaken by agencies of the national government or by the city government for basic services such as, but not limited to roads and bridges, school buildings, water and energy utilities utilities and similar public works, is exempted from the coverage of this Act, subject, however, to the requirements of existing mining and environment laws: *Provided, further,* That the national government may pursue mineral resource development in any part of the city when the national interest so requires such as in the case of strategic raw minerals for industries critical to national development for scientific, cultural and ecological values.

SEC. 3. *Penal Provisions.* – Any person, employee or employment agency who shall violate the provisions of this Act shall be penalized with 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 violator is a corporation or association, the president and the manager/s of said corporation or association, or its agent or representative in the Philippines, in case of a foreign corporation or association, shall be held liable.

SEC. 4. *Implementing Rules and Regulations.* – Within three (3) months following the effectivity of this Act, the Secretary of the Department of Environment and Natural Resources shall promulgate the necessary rules and regulations for its effective implementation.

SEC. 5. *Separability Clause.* – If any portion or provision of this Act is declared unconstitutional, the remainder of this Act or any provision not affected thereby shall remain in force and effect.

SEC. 6. *Repealing Clause.* – All laws, orders, issuances, rules and regulations or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SEC. 7. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,