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.

[Signature]

JOEL MAYO Z. ALMARIO
Representative
2nd District, Davao Oriental
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."

SECTION 2. 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.

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

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

SECTION 3. Mining - Free Zone. – The Province of Davao Oriental is hereby declared a mining-free zone. All forms of mining operations and activity, whether large-scale or small-scale within its jurisdiction are hereby prohibited.
The provisions of Republic Act No. 7942, otherwise known as the "Philippine Mining Act of 1995"; Republic Act No. 7076. otherwise known as the "People’s Small-scale Mining Act of 1991" and other law, rules and regulations on mining inconsistent with this Act shall have no application within the territorial jurisdiction of this locality.

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

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

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

SECTION 6. Prohibition Against Exploration Activities in Areas Covered by Mineral Agreements. – At the date of the effectivity of this Act, no exploration permit to conduct further exploration activities or application for extension thereof
shall be granted even during the lifetime of existing mining contracts, technical
and financial assistance agreements and mineral production sharing agreements.

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

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

SECTION 8. Cancellation of Small-scale Mining Contracts – All small-
scale mining contracts as enunciated by Republic Act No. 7076, or the “People’s
Small-scale Mining Act of 1991” are hereby cancelled upon the effectivity of this
Act. Affected small-scale mining contractors have one (1) year from the time this
Act takes effect to undertake rehabilitation, regeneration and any person found
violating any of the provisions of this Act shall, upon conviction, be punished with
imprisonment of not less than six (6) years and one (1) day, but not more than
twelve (12) years, or a fine of not less than one million (PhP 1,000,000.00) pesos,
but not more than five million (PhP 5,000,000.00) pesos, or both, at the discretion
of the court of proper jurisdiction.

If the offender is a corporation, partnership, association or any other
juridical entity, the penalty shall be served upon the president, managing director
or chief operating officer of the offending entity. Provided, The license to operate
of the erring organization shall be cancelled and revoked permanently. Provided,

further, That the offending corporation or individual shall not be allowed to
operate similar establishments under a different name or in a different location.

If the offender is an alien, he shall, after service of sentence or payment of
fine, be subject to deportation, and be permanently barred from entering the
country.
SECTION 9. Quarry Permits. – Issuance of a quarry permit in the mining-
free zone shall be under the direct supervision of the DENR. Existing quarry
permits issued by the provincial government at the time of the adoption of this Act
shall likewise be recognized. Thereafter, quarry permits issued by the provincial
government shall be reviewed and monitored by the DENR.

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

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

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

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

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

SECTION 11. Implementing Rules and Regulations. – Within three (3)
months from the passage of this Act, the DENR shall promulgate the necessary
rules and regulations for its effective implementation.
SECTION 12. 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 full force and effect.

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

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

Approved.