

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

SEVENTEENTH CONGRESS
First Regular Session



322

COMMITTEE REPORT NO. _____

19 JUL 2017

Submitted by the Committee on Natural Resources on _____
Re: House Bill No. **6013**
Recommending its approval, in substitution of House Bill No. 1618
Sponsors: Representatives Arnel U. Ty and Carlos Isagani T. Zarate

Mr. Speaker:

The Committee on Natural Resources, to which was referred House Bill No. 1618, introduced by Representative Zarate, entitled:

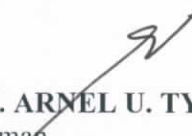
AN ACT
DECLARING AS CLOSED TO MINING APPLICATIONS THOSE AREAS DECLARED BY LOCAL GOVERNMENT UNITS AS NO MINING ZONES, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 7942 OTHERWISE KNOWN AS THE PHILIPPINE MINING ACT OF 1995, AND FOR OTHER PURPOSES

has considered the same and recommends that the attached House Bill No. **6013**, entitled:

AN ACT
PROVIDING FOR ADDITIONAL AREAS AS CLOSED TO MINING APPLICATIONS, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 7942 OTHERWISE KNOWN AS THE PHILIPPINE MINING ACT OF 1995

be approved in substitution of House Bill No. 1618, with Representatives Zarate and Ty as authors thereof.

Respectfully submitted,


HON. ARNEL U. TY
Chairman
Committee on Natural Resources

THE HONORABLE SPEAKER
House of Representatives
Quezon City

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
First Regular Session
6013

HOUSE BILL No. _____
(in substitution of HB No. 1618)

Introduced by Rep. CARLOS ISAGANI T. ZARATE and ARNEL U. TY

AN ACT
PROVIDING FOR ADDITIONAL AREAS AS CLOSED TO MINING
APPLICATIONS, AMENDING FOR THE PURPOSE REPUBLIC ACT NO.
7942 OTHERWISE KNOWN AS THE PHILIPPINE MINING ACT OF 1995

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

1 **Section 1. Declaration of Policy.** It is hereby a declared policy of the State to ensure that
2 the power of local government units (LGU) consistent with their mandate under the general welfare
3 clause of Republic Act No. 7160, otherwise known as the Local Government Code, to enact
4 ordinances enhancing the right of the people to a balanced ecology, is upheld at all times. Pursuant
5 to this, the right of local government units to exempt areas under their jurisdiction from mining
6 operations or applications is likewise sustained.

7 **Section 2.** Section 19, Chapter III of Republic Act No. 7942 is hereby amended to read as
8 follows:

9 **"SEC. 19. Areas Closed to Mining Applications.** -- Mineral agreement or
10 financial and technical assistance agreement applications shall not be allowed:
11 a) In military and other government reservations, except upon prior written
12 clearance by the government agency concerned;
13 b) Near or under public or private buildings, cemeteries, archeological and
14 historic sites, bridges, highways, waterways, railroads, reservoirs, dams or
15 other infrastructure projects, public or private works including plantations or
16 valuable crops, expect upon written consent of the government agency and the
17 private entity concerned;

1 c) In areas covered by valid and existing mining rights;

2 d.) In areas expressly prohibited by law;

3 E.) IN AREAS DECLARED BY LOCAL GOVERNMENT UNITS AS NO-
4 MINING ZONES;

5 F.) IN PRIME AGRICULTURAL LANDS, IRRIGABLE AND IRRIGATED
6 LANDS AS DEFINED BY REPUBLIC ACT 9700 OTHERWISE KNOWN
7 AS "THE COMPREHENSIVE AGRARIAN REFORM LAW OF 1988"

8 G.) IN AREAS WHEREIN THERE ARE CULTURAL PROPERTY AS
9 ENUMERATED UNDER REPUBLIC ACT 10066 OTHERWISE KNOWN
10 AS "THE NATIONAL CULTURAL HERITAGE ACT OF 2009"

11 [e] H.) In areas covered by small-scale miners as defined by law unless with
12 prior consent of the small-scale miners, in which case a royalty payment
13 upon the utilization of minerals shall be agreed upon by the parties, said royalty
14 forming a trust fund for the socioeconomic development of the community
15 concerned; and

16 [f] I.) Old growth or virgin forests proclaimed watershed forest reserves,
17 wilderness areas, mangrove forests, mossy forests, national parks,
18 provincial/municipal forests, parks, greenbelts, game refuge and bird
19 sanctuaries as defined by law in areas expressly prohibited under the National
20 Integrated Protected Areas System (NIPAS) under Republic Act No. 7586,
21 Department Administrative Order No. 25, series of 1992 and other laws."

22 **Section 3. Separability Clause.** If any provision of this Act is held invalid or
23 unconstitutional, the remainder of the Act or the provision not otherwise affected shall remain
24 valid and subsisting.

25 **Section 4. Repealing Clause.** Any law, presidential decree or issuance, executive order,
26 letter of instruction, administrative rule or regulation contrary to or inconsistent with the provisions
27 of this Act is hereby repealed, modified or amended accordingly.

28 **Section 5. Effectivity Clause.** This Act shall take effect fifteen (15) days after its
29 publication in the Official Gazette or in any newspapers of general circulation.

30 *Approved,*

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FACT SHEET

House Bill No. 6013

(in substitution of HB No.1618)

AN ACT
PROVIDING FOR ADDITIONAL AREAS AS CLOSED TO MINING APPLICATIONS,
AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 7942 OTHERWISE KNOWN
AS THE PHILIPPINE MINING ACT OF 1995

Introduced by: **REPRESENTATIVE CARLOS ISAGANI T. ZARATE**

Committee Referral: **COMMITTEE ON NATURAL RESOURCES**

Committee Chairperson: **REPRESENTATIVE ARNEL U. TY**

OBJECTIVE:

- To amend Section 19, Chapter III of Republic Act No. 7942, otherwise known as the Philippine Mining Act of 1995 by providing for additional areas that shall be closed to mining applications

KEY PROVISIONS:

- Provides for the inclusion of three additional areas in the enumeration of areas closed to Mining Applications in the aforementioned provision:
 - a) in areas declared by local government units as no-mining zones;
 - b) in prime agricultural lands, irrigable and irrigated lands as defined by Republic Act 9700 otherwise known as "The Comprehensive Agrarian Reform Law of 1988"; and
 - c) in areas wherein there are cultural property as enumerated under Republic Act 10066 otherwise known as "The National Cultural Heritage Act of 2009"

RELATED LAWS:

- Republic Act No. 7942
- Republic Act No. 7160
- Republic Act No. 9700
- Republic Act 10066