

HOUSE OF REPRESENTATIVES

Quezon City

13th Congress
Second Regular Session

House Bill No. 4594



Introduced by Representatives Abraham Kahlil B. Mitra & Antonio C. Alvarez

EXPLANATORY NOTE

Republic Act 7942 otherwise known as the "Philippine Mining Act of 1995" was enacted to provide the proper framework on the sustainable and responsible utilization of our mineral resources. Among others, the Philippine Mining Act has been continuously amended to ensure that economic growth from mining will not cause significant and adverse effect to the environment.

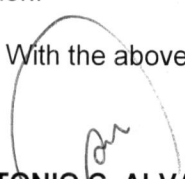
The word "environment" for the purpose of planning is still a constant debate. When most of the focus of Philippine Environmental laws is ardent to the concept of conservation, the definition of environment which includes humans or people environment, in the context of development, has failed to truly address the need for a social conservation.

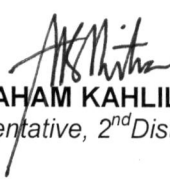
Both Philippine Environmental Impact Systems and Philippine Mining Act mandate the effective and sustainable implementation of proposed projects that could impose harm to the environment or that are harmful by nature of its operation. However, both laws have a broad and unclear mandate on the social responsibility of the proponents. Even the Socio-Economic and Development Plan or SDMP as a document requirement under DAO 96-40 could sometimes appear as permit requirement rather than a commitment from a proponent. Thus, the very essence of supplementing the loss from displacement of communities, impact of lifestyle change and alteration of norms and values that has been with the host communities for centuries is not addressed.

Moreover, the dole-out mentality due to the "reactive" rather than "pro-active" approach community development plan by the proponent is posing a great threat to the capacity of the community to be independent. Adding to this is the conflict between local government units and proponents in terms of implementation and duplication of projects leaving other development projects unaddressed.

This proposed bill seeks to provide an efficient guideline in the creation of a socio-economic development plan for the host communities that would compel the unaccountable loss in the social aspect of host communities due to resource extraction.

With the above-mentioned provisions, passage of this bill is earnestly sought.


ANTONIO C. ALVAREZ
Representative, 1st District of Palawan


ABRAHAM KAHLIL B. MITRA
Representative, 2nd District of Palawan

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

Second Regular Session
13th CONGRESS

House Bill No. **4594**

Introduced by Representatives Abraham Kahlil B. Mitra & Antonio C. Alvarez

AN ACT
RATIONALIZING THE CREATION OF A SOCIO-ECONOMIC
DEVELOPMENT PLAN FOR THE IMPACT COMMUNITIES OF MINING
PROPOSERS, AMENDING FOR THE PURPOSE SECTIONS 69 AND 70
OF REPUBLIC ACT 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.** Section 60 of the Philippine Mining Act of 1995 is hereby
2 amended to read as follows:

3 “Sec. 69. *Environmental Protection.* – Every contractor shall undertake
4 the environmental protection and enhancement program covering the period
5 of the mineral agreement or permit. Such environmental program shall be
6 incorporated in the work program which the contractor or permittee shall
7 submit an accompanying document to the application for a mineral agreement
8 or permit. The work program shall include not only plans relative to mining
9 operations but also to rehabilitation, regeneration, revegetation and
10 reforestation of mineralized areas, slope stabilization of mined-out and tailings
11 covered areas, aquaculture, watershed development. [;and socio-economic
12 development].

13

14 **SECTION 2.** A new Section is hereby inserted after Section 69 of
15 the same Act that will read as follows;:

16 **SEC. 70. SOCIO-ECONOMIC DEVELOPMENT – THE**
17 **CONTRACTOR SHALL ASSISTS IN THE PROMOTION OF THE SOCIAL**
18 **WELFARE OF THE COMMUNITIES IDENTIFIED AS “IMPACT AREAS”**
19 **FOR THE PERIOD OF MINERAL AGREEMENT OR PERMIT THROUGH**

1 THE CREATION AND IMPLEMENTATION OF THE SOCIO-ECONOMIC
2 DEVELOPMENT PLAN WITH DIRECT COORDINATION AND
3 CONSULTATION WITH THE LOCAL GOVERNMENT UNITS AND
4 CONGRESSIONAL DISTRICTS REPRESENTATIVES. SUCH SOCIO-
5 ECONOMIC DEVELOPMENT PLAN SHALL INCLUDE THE PREVAILING
6 NEEDS BASED ON COMMUNITY CONSULTATIONS AND SHALL
7 CONSIDER THE COMPREHENSIVE FRAMEWORK PLAN OF THE LOCAL
8 GOVERNMENT UNITS. THE SOCIO-ECONOMIC DEVELOPMENT PLAN
9 DOCUMENT WITH AN APPROPRIATION EQUIVALENT TO FIVE (5%) OF
10 THE DIRECT MINING AND MILLING COSTS SHALL BE SUBMITTED TO
11 MINES AND GEOSCIENCES BUREAU FOR EVALUATION. THE BUREAU
12 SHALL FORM A MONITORING TEAM THAT WOULD AUDIT AND
13 EVALUATE THE IMPACT OF THE SOCIO-ECONOMIC DEVELOPMENT
14 PROGRAM TO THE HOST COMMUNITY.

15
16 **SECTION 3. *Implementing Rules and Regulations.*** – The Secretary of
17 Environment and Natural Resources through the Mines and Geosciences
18 Bureau shall promulgate the necessary rules and regulations to effectively
19 implement the provisions of this Act.

20
21 **SECTION 4. *Repealing Clause.*** – All other law, Presidential Decrees,
22 Executive Orders, Rules and Regulations or parts thereof, which are
23 inconsistent with any of the provisions of this Act are hereby repealed,
24 amended or modified accordingly.

25
26 **SECTION 5. *Separability Clause.*** – In case any provision of this Act or
27 any portion thereof is declared unconstitutional, other provisions shall not be
28 affected thereby.

29
30 **SECTION 6. *Effectivity Clause.*** – This Act shall take effect upon its
31 approval.

32
33 ***Approved,***