

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

Thirteen Congress
Second Regular Session

House Bill No. 5459



Introduced by: TRANQUILINO B. CARMONA, M.D.

EXPLANATORY NOTE

The country will never forget what happened to the village of Guinsaugon, Saint Bernard, Southern Leyte. The Philippine Red Cross reported that 450 people survived after a massive landslide buried the said village that had an area of six hectares with an estimated population that reached as high 3,000 people and as low 1800 people. The Provincial Government of Southern Leyte said that 139 bodies were recovered and 915 people were still missing, including school children and their teachers;

Geologist explained that the February 17, 2006 disaster was caused by excessive rain that made the sides of the mountain above the village soggy. They further elucidated that, loosened by too much rain one side of the mountain collapsed and fell in a fierce avalanche of mud and rocks on the village;

In 1979, the volcano above Saint Bernard erupted through all of its six craters, and in 1991, deadly landslide victimized thousand of villagers;

As early as 2005, the DENR's Mines and Geo-Science Bureau had already identified the Geological hazard that threatened Saint Bernard, and had in fact, assessed the geological dangers around the municipality. According to such agency, its finding was not complete to make the necessary and drastic recommendations, such as relocating the people of the village. Ironically, It is a DENR study that revealed that Guinsaugon actually sits on volcanic rocks that breaks up and disintegrates in rough weather, thus, making the ground unstable and susceptible to mass movement;

It is said that, had the bureau or the DENR made its findings known , and impressed on the local officials of said village that their place was geologically situated in a very dangerous position, perhaps a few more lives could have been saved in Guinsaugon.

Highly recommended through the passage of this bill.

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“AN ACT STRENGTHENING THE MINES AND GEO-SCIENCE BUREAU OF THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES (DENR) BY ENCHANCING ITS KNOW-HOW IN GEOLOGICAL SURVEY, PURPOSELY, TO IDENTIFY GEOLOGICAL POWERS TO MAKE KNOWN ITS STUDY ON GEOLOGICAL HAZARDS THAT SURROUND THE PHILIPPINE ARCHIPELAGO”

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

Section 1. Mines and Geo-Science Bureau, Additional Powers. – Section 16, Chapter 3, Title IV, Book IV of the Administrative Code of 1987 is hereby modified and to be read, as follows:

Section 16. Mines and Geo-Sciences Bureau. – (a) The Mines and Geo-Sciences Bureau, to be headed by a Director and assisted by Assistant Director shall absorb the function of the Bureau of Mines and Geo-Sciences, Mineral Reservation Development Board, and the Gold Mining Development Board which were abolished by Executive Order No. 131, except line functions and powers thereof which are transferred to the regional field offices.

(b) THE DIRECTOR shall advise the Secretary on matters pertaining to geology and mineral resources exploration, development, utilization and conservation and shall:

- (1) Recommend policies, regulations or programs pertaining to mineral resources development and geology;
- (2) Advise the Secretary on the granting of mining rights and contracts over areas containing metallic and non-metallic mineral resources;
- (3) Advise the Regional Offices on the effective implementation of mineral development and conservation programs as well as geological surveys;
- (4) Recommend policies, regulations and oversee the development and exploitation of mineral resources of the sea within the country's jurisdiction such as silica sand, gold placer, magnetic and chromite sand, etc;
- (5) Assist in the monitoring and evaluation of the Bureau's program and projects to ensure efficiency and effectiveness thereof;

- (6) Develop and promulgate standards and operating procedures on mineral resources development and geology;
- (7) Supervise and control the development and packaging of nationally applicable technologies on **geological survey**, mineral resources assessment, mining and metallurgy; the provision of geological, metallurgical, chemical and rock mechanics laboratory services; the conduct of marine geological and geophysical survey and natural exploration drilling programs;
- (8) Perform such other functions as may be provided by law or assigned by the Secretary.

(c) THE DIRECTOR IS TASKED TO PURSUE THE BUREAU'S STUDY/SURVEY ON GEOLOGICAL HAZARDS OF THE PHILIPPINE ARCHIPELAGO UPON WHICH THE CONCERNED AGENCIES AND LOCAL OFFICIALS SHALL BE IMMEDIATELY INFORMED OF THE IMPLICATION OF SUCH DANGER TO THEIR RESPECTIVE COMMUNITY. ANENT THERETO, THE DIRECTOR SHALL BE AUTHORIZED TO:

- (1) COORDINATE AND DISCUSS WITH AFFECTED LOCAL GOVERNMENT UNITS AND OTHER AGENCIES, UPON IDENTIFYING A GEOLOGICAL HAZARD IN THEIR AREA IN A GEOLOGICAL STUDY/SURVEY CONDUCTED FOR SUCH PURPOSE;**
- (2) PUT UP A MECHANISM TO ENSURE THE SAFETY OF THE COMMUNITY IN THE EVENT THE BUREAU IDENTIFIES THE PLACE/AREA TO BE WITHIN THE GEOLOGICAL HAZARD ZONE;**
- (3) FURNISH OTHER EXPERTS IN THE FIELD OF GEOLOGY OF THE BUREAU'S FINDINGS/RECOMMENDATIONS ON THE GEOLOGICAL HAZARDS THAT COMMUNITY IS FACING, SO THAT THE ACCURACY OF THE ITS RECOMMENDATIONS/FINDINGS SHALL BE ACCORDINGLY SCRUTINIZED. THE BUREAU'S FINDINGS MAY BE PUBLISHED IF THE DIRECTOR DEEMS IT NECESSARY UNDER THE CIRCUMSTANCES.**

Section 2. Mines and Geo-Science Bureau, Comment by. – (a) In order to determine whether a development/infrastructure project, public or private, being undertaken falls within an area, that is, geologically at risk, the project proponent concerned shall furnish the bureau of the necessary documents for such particular development or infrastructure project. Thereafter, it shall be duty of the bureau to notify the project proponent of its findings and recommendations regarding the geological risk in pursuing the aforesaid project.

(b) The bureau shall be empowered to define the development/infrastructure projects that shall be covered by this Act, which shall be based on the vastness of the project, the financial requirements involve, and the number of the people that will be affected.

(c) The bureau shall likewise define what the Geological Hazard/Risk means and accordingly identify the particular the geological hazard zones all over the country.

(d) The Housing Land Use Regulatory Board (HLURB) and Local Government Units (LGUs) shall coordinate with the bureau in the approval/review of the Comprehensive Land Use Plans.

Section 3. Implementing Rules and Regulations- the bureau shall issue, within sixty (60) days after the effectivity of this Act, the rules and regulations of this Act;

Section 4. – Separability Clause – Should any provision herein be declared unconstitutional, the same shall not affect the validity of the other provisions of this Act.

Section 5. – Amendatory Clause – Executive Order 292 otherwise known as the Administrative of 1987 is modified accordingly. All laws, decrees, orders, rules and regulation or other issuances or parts thereof inconsistent with the provisions of this Act are hereby repealed.

Section 6. – Effectivity- This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in any newspaper of general circulation in the **Philippines.**

APPROVED: