



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



Thirteenth Congress
Second Regular Session

HOUSE BILL NO. 5606

Introduced by Honorable Jose Carlos V. Lacson

EXPLANATORY NOTE

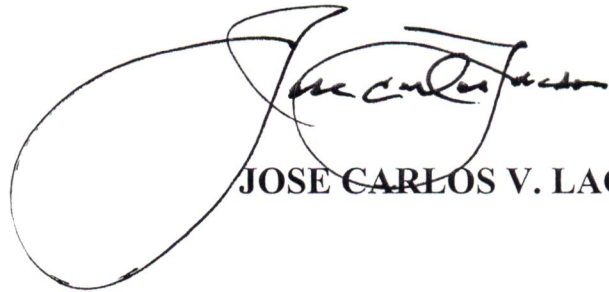
Section 1, Article III of the Constitution guarantees the right of a person to due process of law over life, liberty, property, provided as follows:

“No person shall be deprived of life, liberty, or property without due process of law, nor shall any person be denied the equal protection of the laws.”

Several applications for mining operations are pending with the Department of Environment and Natural Resources. Many of these applications involve lands owned by private persons. Existing laws do not provide any protection to landowners whose lands are subjected to mining operations. The consent of the landowners is not required in applying for mining operations. Hence, the owners of the affected areas are deprived of the beneficial ownership of their lands. Approval of such mining applications amounts to the unlawful taking of property without due process of law in violation of the rights guaranteed under the Constitution

This bill aims, therefore, to protect the landowners from unjust and unlawful taking of their property by requiring holders of mining rights to seek the written consent of surface landowners and an endorsement from the barangay concerned.

Hence, the approval of this bill is earnestly sought.

A handwritten signature in black ink, appearing to read 'Jose Carlos V. Lacson', is written over a large, stylized, looped flourish.

JOSE CARLOS V. LACSON



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AN ACT
REQUIRING THE WRITTEN CONSENT OF SURFACE
LANDOWNER AND ENDORSEMENT OF SANGGUNIANG
BARANGAY FOR MINING OPERATIONS IN PRIVATE LANDS,
AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 7942
OTHERWISE KNOWN AS THE PHILIPPINE MINING ACT OF
1995.

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

SECTION 1. Section 76 of Republic Act No. 7942 is hereby amended to read as follows:

“SEC. 76. *Entry into Private Lands and Concession Areas.* – [Subject to prior notification, h] Holders of mining rights shall not [be prevented from entry] ENTER into private lands and concession areas TO CONDUCT MINING OPERATIONS WITHOUT WRITTEN CONSENT [by] OF

THE surface owners, occupants, or concessionaires AND
ENDORSEMENT FROM THE SANGGUNIANG
BARANGAY WHERE THE LAND IS SITUATED [when
conducting]. IF THE CONSENT OR ENDORSEMENT
REQUIRED HEREIN IS DENIED, THE INTERESTED
PERSON MAY BRING THE MATTER TO THE PANEL OF
ARBITRATORS OF THE REGIONAL OFFICE OF THE
DEPARTMENT WHERE THE MINING AREA IS
LOCATED: *Provided*, That any damage done to the property
of the surface owner, occupant or concessionaire as a
consequence of such operations shall be properly compensated
as may be provided for in the implementing rules and
regulations: *Provided*, further, That to guarantee such
compensation, the person authorized to conduct mining
operations shall, prior thereto, post a bond with the regional
director based on type of properties, the prevailing prices in and
around the area where the mining operations are to be
conducted, with surety or sureties satisfactory to the regional
director.”

SEC. 2. All laws, executive orders, presidential decrees, rules and regulations or parts thereof which are inconsistent with any of the provisions of this Act are hereby repealed or amended accordingly.

SEC. 3. This Act shall take effect thirty (30) days following its complete publication in two (2) national newspapers of general circulation.

Approved,