

**Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City**

**FIFTEENTH CONGRESS
First Regular Session**

House Bill No. 4338

**Introduced by Representatives
DIOSDADO MACAPAGAL ARROYO and GLORIA MACAPAGAL ARROYO**

**AN ACT
PROHIBITING THE USE OF CYANIDE AND OTHER TOXIC CHEMICALS BY
MINING FIRMS FOR GOLD AND OTHER MINERAL ORE PROCESSING IN
OPEN-PIT MINING OPERATIONS**

EXPLANATORY NOTE

Section 16, Article II, of the 1987 Constitution acknowledges the right of all citizens to "a balanced and healthful ecology in accord with the rhythm and harmony of nature". However, current mining operations in some parts of the country prove otherwise. Mining companies are increasingly using cyanide to extract gold, silver, copper, zinc, and other metals from metallic ore since cyanide can extract almost 100% of the precious metals from rocks which contain them.

In 2002, there were only 7 mining tenements approved, namely for Philex Mining Corporation, Lepanto Victoria Mine, Rio Tuba Nickel Mining Corporation, Taganito Mining, Hinatuan-Cagdianao Mining Corporation and Benguet Corporation Masinloc Mine with a total tenement area of 23,106 hectares or a mere 5% of the total mineralized area. But as of November 2005, the number of approved tenements has ballooned to 383 with 2,229 petitions pending approval.

Moreover, cyanide has been the cause of environmental disasters at Philippine mines such as the mine tailings in Boac, Marinduque, in Sipalay and Hinobaan, in Negros Occidental, in Itogon, Benguet, and mudflows in Sibutad, Zamboanga del Norte; and at many foreign mines such as in Romania, Guyana,

Canada, Kyrgyzstan, and Papua New Guinea resulting in massive fish kills and contaminated drinking water.

The Cyanide Ban of 2011, if passed, would prohibit the recovery of gold, silver and other metals by cyanide leaching of the ore. Cyanide is a lethal substance that is used to extract gold and other minerals from ore in mining. One teaspoon of a 2% cyanide solution is potent enough to kill an adult human. Cyanide in much lower levels is toxic to birds, animals and aquatic creatures. Further, cyanide poses serious environmental risks—from transportation on our roadways, from storage and use at mine site, and from residuals disposed in waste dumps.

In view of the foregoing, the early passage of this bill is earnestly sought.



DIOSDADO MACAPAGAL ARROYO
Second District, Camarines Sur



GLORIA MACAPAGAL ARROYO
Second District, Pampanga

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS
First Regular Session

House Bill No. **4338**

Introduced by Representatives
DIOSDADO MACAPAGAL ARROYO and GLORIA MACAPAGAL ARROYO

AN ACT
PROHIBITING THE USE OF CYANIDE AND OTHER TOXIC CHEMICALS BY
MINING FIRMS FOR GOLD AND OTHER MINERAL ORE PROCESSING IN
OPEN-PIT MINING OPERATIONS

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 “Cyanide Ban Act of 2011.”

SECTION 2. *Definition of Terms.* – In this Act, unless the context otherwise requires--

1. “Cyanide” means hydrocyanic acid or any of its salts or derivatives.
2. “Heap leaching” is a mining process to extract precious metals and copper compounds from ore.

SECTION 3. *Prohibition on the Use of Cyanide and other toxic chemicals in Mining Operations.* – Cyanide heap leaching in open-pit gold and silver mining is hereby prohibited. Further, other toxic chemicals which may be used in mining operations that violate Section 16, Article II of the Constitution is hereby prohibited.

SECTION 4. *Penalty.* – Any person who willfully violates or grossly neglects the prohibition contained hereof shall suffer the penalty of Five (5) years of imprisonment or a fine of Two Hundred Thousand Pesos (P250,000.00), or both, at the discretion of the court.

SECTION 5. *Separability Clause.* – If any provision, part or portion of this Act shall be held invalid, the remaining provisions, parts or portions of the Act not otherwise affected shall remain valid and effective.

SECTION 6. *Repealing Clause.* – All laws, executive issuances, orders and rules and regulations contrary to or inconsistent with this Act, or any part thereof, are hereby repealed, amended and/or modified accordingly.

SECTION 7. *Effectivity.* – This Act shall take effect upon its publication in the Official Gazette or in at least two (2) national newspapers of general circulation.

Approved,