

REPUBLIC OF THE PHILIPPINES
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

SIXTEENTH CONGRESS
First Regular Session

670

House Bill No. _____



Introduced by REP. CESAR V. SARMIENTO

EXPLANATORY NOTE

The Constitution imposes upon the State a serious obligation "to protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature." Such duty comes with it the correlative responsibility to guard the environment from impairment and harm.

Mining has been statistically proven to be one of the most environmentally destructive industries. It is harmful not only to the environment but also to humans. Damages caused by mining have been irreversible. Apart from destroying the natural beauty of the environment, mining displaces communities, causes landslides, pollutes water sources and contributes to the greenhouse effect and climate change, among others.

In 2005, the Department of Energy awarded 7,000 hectares of forest land to Monte Oro Resources Energy Inc., for coal mining exploration in Catanduanes. In 2008, it awarded an additional 8,000 hectares of land to the same company. The mining activity did not push through because it was opposed by the church and by concerned citizens of the province and there was no public consultation prior to the said awards. Since then, there is a continuing threat that sooner or later, Catanduanes will eventually become a mining zone.

Catanduanes is blessed with rich natural resources and it possesses the largest remaining natural forest cover in the Bicol Region. It is also home to various biodiversity species and is listed by the Department of Environment and Natural Resources as one of the most important areas of biodiversity. It is for these reasons that the State needs to preserve and safeguard, as the constitution mandates, the beauty and richness of the province and its people from the harsh effects of mining. Hence, the passage of this bill is earnestly called for.


CESAR V. SARMIENTO

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AN ACT
DECLARING THE PROVINCE OF CATANDUANES A MINING FREE ZONE

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

Section 1. *Statement of Policy.*—It is the policy of the State to protect and promote the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature. Towards this end, the State shall protect the people and the environment in the Province of Catanduanes from the adverse effects of mining.

Section 2. *Declaration of the Province of Catanduanes as a Mining Free Zone.*—The Province of Catanduanes is hereby declared a mining free zone and all mining operations in the Province of Catanduanes are hereby prohibited.

For the purpose of this Act, mining shall refer to the extraction of valuable minerals or other geological materials from the earth and shall include such mining activities as exploration, feasibility, development, utilization and processing and large-scale quarry operations involving cement, raw materials, marble, granite, sand and gravel construction aggregates: *Provided, however,* That the quarrying of gravel and sand for projects directly

undertaken by agencies of the national government or by the provincial government for basic services such as, but not limited to, roads and bridges, school buildings, water and energy utilities and similar public works, is exempted from the coverage of this Act, subject, however, to the requirements of existing mining and environment laws.

Section 3. *Penal Provisions.*—Any person, employee or employment agency who shall violate the provisions of this Act shall be penalized with imprisonment of at least six (6) years but not more than twelve (12) years and a fine of at least One Hundred Thousand Pesos (P100,000.00) but not more than Five Hundred Thousand Pesos (P500,000.00). If the violator is a corporation or association, the president and the manager/s of said corporation or association, or its agent or representative in the Philippines, in case of a foreign corporation or association, shall be held liable.

Section 4. *Implementing Rules and Regulations.*—Within three months following the effectivity of this Act, the Secretary of the Department of Environment and Natural Resources shall promulgate the necessary rules and regulations for its effective implementation.

Section 5. *Separability Clause.*—If any portion or provision of this Act is declared unconstitutional, the remainder of this act or any provision not affected thereby shall remain in force and effect.

Section 6. *Repealing Clause.*—All laws, orders, issuances, rules and regulations or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

Section 7. *Effectivity.*—This Act shall take effect fifteen (15) days after its publication in a newspaper of general circulation.

Approved,