

SIXTEENTH CONGRESS OF THE )  
REPUBLIC OF THE PHILIPPINES )  
HOUSE OF REPRESENTATIVES )  
FIRST REGULAR SESSION )



HOUSE BILL No. 1085

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Introduced by Representative Ben P. Evardone  
Lone District, Eastern Samar

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### EXPLANATORY NOTE

While it is conceded that mining plays a vital role in the economic development and growth of the Filipino nation, some areas or locations, on account of their peculiar soil composition and geological setting as a whole, need to be preserved and insulated from the destructive effects inherent in mining.

Eastern Samar is one such place. An here's why ---

Pursuant to the DENR-MGB Geohazard Map for Eastern Samar, the province is highly-susceptible to landslides and flashfloods. For this reason, the DENR-MGB has been urging LGUs to familiarize themselves with the geohazard maps on their respective territories. MGB has called upon them to implement the necessary measures to reduce the impact of natural disasters on the people's lives and properties. Sadly, however, MGB's call has fallen on deaf ears. Mining activities, permitted or otherwise, are conducted even in areas already identified as high-susceptible to landslides and flashfloods.

Moreover, in its MGB RO-8 Report, the MGB Director recommended the suspension of all small scale mining permits in Eastern Samar after the MGB found rampant mineral theft committed by either or both permit holders and non-permittees, acting alone or in concert with local diggers. The report disclosed that local officials seem to have given up, justifying that the locals resort to mining as their means of livelihood. Consequently, local residents now dig for minerals here and there disregarding legalities and the environmental impact of their acts. Some SSM permittees allegedly use heavy equipments.

Meanwhile, some large scale miners in Eastern Samar proceed with extractions reportedly for commercial purposes even as the permits given them are merely for exploration, as others go on buying mineral ores from unlicensed 'camote' miners, thus promoting rampant mineral theft.

This bill not only seeks to put an end to such unhealthy, irresponsible, illegal mining practices in Eastern Samar but more importantly to liberate the people from avoidable hazards especially those set off by climate change. Likewise, this bill ensures the accomplishment of the salutary purposes behind the establishment of the Samar Island Natural Park and the Carapdapan, Salcedo Community-Based Reforestation Management (CBRM), among other government programs and projects on the environment. For indeed, what greater folly can there be than strive to make our life better only to destroy it in the process?

Furthermore, let it be stressed that this bill finds basis in the collective right of the people of Eastern Samar to a healthful and balanced ecology and seeks to reinforce the right to equal protection of the laws.

It is submitted that when the present mining laws were passed, Congress failed to consider the foregoing circumstances peculiar to our province, which had been in existence since long ago, particularly as regards the geohazards shown by DENR-MGB-NAMRIA Geohazards maps. Such failure, though unintentional, leave the people of Eastern Samar in a very precarious situation. Therefore, the present mining laws should be re-evaluated, amended if necessary, this time taking into account the geohazard maps, geologic setting of every supposed mining area, as well as changes in weather patterns.

Verily, class legislation, which essentially favors a class or subject and/or discriminates against another belonging to the same class, occurs not only when the law enacted substantially distinguishes one from another when none is required, but also when such law fails to make such distinction when one should be made.

In the 15<sup>th</sup> Congress, this bill was allowed to pass Third Reading and transmitted to the Senate. For lack of material time, however, the Senate was not able to finish its version of the bill.

On this score, passage of this bill is earnestly sought.

  
**BEN P. EVARDONE**  
Representative

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**AN ACT**  
**DECLARING THE PROVINCE OF EASTERN SAMAR A MINING-FREE ZONE**  
**AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF**

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

1       **SECTION 1. Title.**— The Province of Eastern Samar is hereby declared a  
 2 mining-free zone, and all mining operations in the Province of Eastern Samar are  
 3 hereby prohibited.

4  
 5       As used in this Act, mining operations shall be understood in the sense  
 6 used under existing mining laws, and shall apply whether the same is conducted  
 7 in small scale or otherwise: Provided however, that this Act shall not operate  
 8 against legitimate quarrying and/or sand and gravel activities in the Province of  
 9 Eastern Samar.

10  
 11       **SEC. 2.** It shall be unlawful for any person to conduct mining operations in  
 12 the Province of Eastern Samar. Any person found guilty violating the provisions of  
 13 this Act shall be penalized with imprisonment of at least six (6) years but not more  
 14 than twelve (12) years and a fine of at least Two Hundred Thousand Pesos (Php  
 15 200,000.00) but not more than Five Hundred Thousand Pesos (Php 500,000.00).

16  
 17       If the offender is a corporation, firm, partnership or association, the penalty  
 18 shall be imposed upon the officer or officers of the corporation, firm partnership or  
 19 association responsible for the violation hereof.

20  
 21       If the offender is an alien, after service of sentence and payment of fine, he  
 22 will be deported immediately without further proceedings.

23  
 24       **SEC. 3. Implementing Rules and Regulations.**— Within three months  
 25 following the effectivity of this Act, the Secretary of the Department of  
 26 Environment and Natural Resources shall promulgate the necessary rules and  
 27 regulations for its effective implementation.

28  
 29       **SEC. 4. Existing Rights.** — All property and private rights vested prior to  
 30 the effectivity of this Act shall continue to be recognized and respected in

1 accordance with laws, rules and regulations.  
2

3 **SEC. 5. Repealing Clause.** – All laws, presidential decrees or issuances,  
4 executive orders, letter of instruction, administrative order, rule or regulation  
5 contrary to or inconsistent with the provisions of this Act are hereby repealed.  
6

7 **SEC. 6. Effectivity Clause.** — This Act shall take effect fifteen (15) days  
8 after its publication in the Official Gazette or in a newspaper of general circulation  
9 in the Philippines, whichever comes earlier.  
10

11 **Approved,**