

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

Sixteenth Congress
First Regular Session

House Bill No. 1298



Introduced by Representative Carlos M. Padilla

EXPLANATORY NOTE

This bill was originally filed in the 15th Congress. It was approved by the House on November 28, 2012 and was transmitted and received by the Senate on November 29, 2012. However, the Senate failed to act on this measure. Hence, it is being re-filed in the 16th Congress.

This bill is so important to my province and to my constituents. It affects not only the present but even the future generation of our people.

DESTRUCTION TO ENVIRONMENT

In a report entitled "A Legacy of Disasters" on the Mining Situation in the Philippines-2011 prepared by Alyansa Tigil Mina **"No denying the country's experience..."** has been more debilitating, if scaring than not. Mining operations have always been equated with environmental destruction-deforestation, slope destabilization, soil erosion, desertification, water resource degradation, defertilization, crop damages, siltation, alteration of terrain and sea bottom, increased water turbidity and air pollution. Mining operations in the Philippines have damaged forest, agricultural lands, river systems and marine resources.

MINING OR AGRICULTURE

On the other hand based on the report of Robert Goodland and Clive Wicks entitled Philippines: Mining or Food? "on the Mining Situation in the Philippines: Mining

or Food? **"forest loss has led to a decline in the production of rice, the country's staple food..."**. And such is akin to killing the goose that would laid "golden eggs" in perpetuity. Those "golden eggs" provided sustainable livelihoods for poorer people. Still from said report, I wish to add the statement of Right Honorable Clark Short, a member of the British Parliament who had the opportunity to study the situation in the country and I quoted "the stark choice facing the Philippines is between a few years of mining and thousand years of irrigated rice..."

Nueva Vizcaya is not only self-sufficient but even net exporter of rice. In addition, a big portion of our vegetable sold in the markets of Metro Manila comes from Nueva Vizcaya. My province is fast becoming the citrus capital of the North. These and many other agricultural products are produced in abundance in Nueva Vizcaya.

NUEVA VIZCAYA, A WATERSHED FOR MAJOR DAMS IN LUZON

However, we are concerned not only with our own food requirements and the livelihood of our people. We also care for our neighbors. Let me point out that Nueva Vizcaya serves as a watershed for major irrigation and hydro facilities hosted by neighboring provinces and regions.

First, the Magat multi-purpose dam in the province of Isabela, considered one of the biggest in Asia which irrigates 194,000 hectares and generates 360 megawatt of electricity partly gets its water requirements from Nueva Vizcaya. Correct example, the waters of our Santa Fe and Santa Cruz rivers find their way to Magat Dam. This is not to mention one of Nueva Vizcaya's major river systems, the Magat River whose water flows directly to the Dam, hence that name Magat Dam.

Second, Pantabangan Dam gets forty per cent of its water from Nueva Vizcaya's river. Water that irrigates the farmlands in Nueva Ecija, Tarlac and Bulacan. Ultimately draining into Manila Bay, it fills the marshlands of Pampanga and the fishponds of Bulacan, quoting from a portion of a Napocor's report on "watersheds". Besides, the Casecnan River supports the 150-megawatt plant of electricity generated by CE Casecnan, an American company.

Third, Ambuklao and Binga Dams are served by the watershed of Mt. Pulag, the highest mountain of Luzon which is partly situated in Nueva Vizcaya. So with the watershed that supports San Roque also abuts the province of Nueva Vizcaya.

Inevitably, the destruction of Nueva Vizcaya's watershed will have a negative effect on those above mentioned facilities. On a sad note, I wish to state that about 50 years ago when Ambuklao and Binga were under construction which resulted to the submerging of a number of Benguet Indigenous Communities whose displaced families now settle down in the valleys and mountains of Nueva Vizcaya. Today, ironically, their homes and farmlands are again threatened by the intrusion of mining companies.

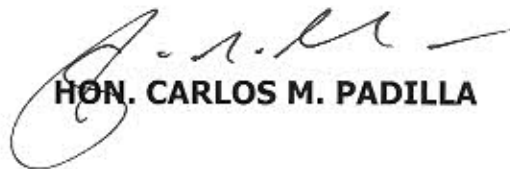
DISLOCATION OF TRIBAL COMMUNITIES

But not only they who are threatened ! Even other IP communities all over my province are considering that the mountains and forest which constitute almost seventy per cent of Nueva Vizcaya's land area are inhabited by those tribal communities of Ibaloi, Kalanguya, Kankanai, Bugkalot, Dadiangan, Isinai, Gaddang, Iwak, Tuale, Dumagat and the like. These are the people who are producing the best citrus, rootcrops and quality vegetables. Their skills, hardwork and industry have immensely contributed to the progress of Nueva Vizcaya.

PUBLIC SUPPORT FOR THE BILL

Strong public support, backed up by a recent survey from Manila, is opposing mining in Nueva Vizcaya. This is led by Most Reverend Ramon B. Villena, NGO leaders and other religious leaders.

Hence, approval of this bill is earnestly requested.



HON. CARLOS M. PADILLA

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X HB 1298

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AN
ACT DECLARING THE PROVINCE OF NUEVA VIZCAYA 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:

Section 1. *Declaration of Policy.*- The Province of Nueva Vizcaya is hereby declared a mining free zone; therefore, all mining operations in the Province of Nueva Vizcaya are hereby prohibited.

Sec. 2. *Coverage* – As used in this Act, mining shall refer to the "*extraction of valuable minerals or other geological materials, excluding gravel and sand marble*", inclusive of large-scale and small-scale mining activities involve exploration, feasibility projects, development, utilization and processing.

Sec. 3. *Penal Provision.*- Any corporate entity or person who unlawfully mine or continue to mine or engage in any mining operation in the Province of Nueva Vizcaya shall be penalized.

Violation of this Act is punishable by not less than six (6) years but not more than twelve (12) years of imprisonment. Fines shall be imposed also in the amount of not less than One Hundred Thousand Pesos (P100,000.00) but not more than Five Hundred Thousand Pesos (500,000.00).

Officers of the corporation, firm, partnership or association shall be directly liable for the violation of this Act.

Mining permit issued to the abovementioned entities shall be revoked by reason of the violation of this Act.

Alien offender, who rendered service of his/her sentence and/or paid the imposed fines, shall be deported immediately.

Sec. 4. *Implementing Rules and Regulations.*- The Secretary of Department of Environment and Natural Resources (DENR) shall promulgate the necessary rules and regulations within the effectivity of this Act.

Sec. 5. *Transitory Provision.* – The Provincial Government of Nueva Vizcaya, with DENR, and in partnership with various stakeholders, such as but not limited to indigenous people, farmers, religious sectors etc. shall review the contracts and agreements of the existing mining operations.

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

Sec. 7. *Effectivity.*- This Act shall take effect fifteen (15) days following its publication in at least two (2) newspapers of general circulation.

Approved.