

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

16th Congress
First Regular Session

House Bill No. **2163**



Introduced by Honorable Sergio A. F. Apostol

EXPLANATORY NOTE

Section 16, Article 2 of the 1987 Constitution provides that it is the policy of the State to protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature. The Supreme Court itself affirms this policy in its landmark case of *Oposa vs. Factoran*, when it goes deeper and held that present generation has an "Intergenerational Responsibility" for future generations to have a balanced and healthful ecology.

One of the culprits in the degradation of our ecosystem, particularly the forest is mining operations. A documented report led by the UK Secretary of State for Overseas Development to the Philippines' mining areas noted that mining operations in our country have left over 800 abandoned mines littered throughout the countryside in the Philippines and caused massive environmental damage.

An example of such environmental damage that may be caused is the proposed off-shore mining exploration along northern towns in the provinces covering Carigara Bay area, which is located between the northern portion of the Leyte province and Biliran province. Such mining operations will endanger the existence of marine life in the area that will later take away the livelihood of small fishermen who are fishing in the Carigara waters. These are poor fishermen who struggle to feed their family everyday. If the marine life in the bay will disappear, then their respective families will greatly suffer. Furthermore, the marine eco-systems which is mandated to be protected by the Constitution will be put in serious jeopardy.

This bill does not altogether seek to prevent mining companies to operate their business, but due to special circumstances, shall ban them to operate within the Carigara Bay area. As part of the present generation, it is but fair to require of these mining companies to fulfill the mandate of the "Intergenerational Responsibility" owed to the generations yet unborn for them to have a balanced and healthful ecology.

In view of the foregoing, immediate approval of this bill is earnestly requested.


SERGIO A.F. APOSTOL
Representative
Second District, Leyte

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**AN ACT PROHIBITING ANY NATURAL OR JURIDICAL PERSON OR PERSONS,
TO BE INVOLVED IN MINING OPERATIONS WITHIN THE CARIGARA BAY AREA, LOCATED
BETWEEN THE NORTHERN PORTION OF LEYTE PROVINCE AND BILIRAN PROVINCE,
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. It is the policy of the State to protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature.

The proposed off-shore mining exploration along northern towns in the provinces covering Carigara bay area, will seriously endanger the marine life and eco-systems of the bay and affect the fishermen who catch fish therein as their livelihood, contrary to the policy of the State.

SECTION 2. Prohibition. No person, firm, entity, or a group of persons or entities, whether or not licensed to engage in mining operations is allowed to be engaged in any mining activity within the Carigara Bay which is between the provinces of Leyte and Biliran.

"Mining activity" is the extraction of valuable minerals or other geological materials from the earth, from an ore body, vein or (coal) seam.

SECTION 3. Penal Provisions. Any person, entity, or a group of person or entities found to have violated or have not complied with the foregoing prohibitory provision shall be held liable with the penalty of revocation of their mining permits and payment of a fine of not less than one million pesos (P1,000,000.00). *Provided*, that the owners, officers and management employees of firms or entities who violate any provision of this Act shall also be held liable and be subject to imprisonment of not less than one (1) year nor more than three (3) years.

SECTION 4. Repealing Clause. All other laws, decrees, orders, issuances, rules and regulations which are inconsistent with the provisions of this Act are hereby repealed, amended, or modified accordingly.

SECTION 5. Separability Clause. If for any reason any provision of this Act or any part thereof is declared invalid or unconstitutional, all other sections or provisions not affected thereby shall remain in force and effect.

SECTION 6. Effectivity. This Act shall take effect fifteen (15) days after publication in two (2) newspapers of national circulation, and two (2) newspapers of general circulation in the provinces of Leyte and Biliran.

Approved,