

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

16th CONGRESS
First Regular Session

HOUSE BILL NO. 2888



Introduced by Representative REGINA ONGSIAKO REYES
Lone District, Marinduque

EXPLANATORY NOTE

Every human being has the right to a healthy environment and it is the responsibility of government to ensure that its people enjoy this right. This principle was made part of the basic state policy clearly expressed in the 1987 Constitution: that ***the state shall protect and promote the right to health of the people and that the state shall protect and advance the right of the people to a balanced and healthful ecology.***

As such, these constitutional provisions should be a guide in view of the government's recent thrust towards a more aggressive mining policy and in light of the latest Supreme Court decision allowing foreign-owned corporations to manage and control mining operations under the Technical or Financial Assistance Agreement (FTAA). The purpose of this bill is to temper this economic strategy by putting in place possible safeguards to protect the environment, ecology and health of the potential mining communities. These safeguards were drawn from the tragic experience of the people of Marinduque due to the Marcopper Mining disaster, with the hope that the said tragedy will never be repeated and should never be experienced by potential mining communities.

Based on the Final Report on the recently concluded Marinduque Independent Environmental and Health Study/Assessment (MEHS), there was no denying the negative effects of Marcopper mining to the environment. However, the direct link of mining on health problems has been inconclusive.

This uncertainty stems from the insufficiency of health studies and lack of baseline health data. In fact, the report indicates that the scientists cannot exclude exposure to mine waste as a potential cause for concern to poor health within exposed components of the population. They recommended that a careful integrated health surveillance system be implemented to definitely demonstrate cause-effect relationship of mining effects on health. A baseline health data and progressive health data collection are needed to determine the effects of mining on the health of exposed population.

Large-scale mining operations under FTAA exist for a very long period of time lasting twenty-five (25) years and renewable for another 25 years. It is, therefore, imperative that assessments on healthy of the surrounding population are taken before, during and after the mining operation to make sure that there are no negative effects of the mine exposure on the health people living in these mining communities. This bill seeks to include a health profile prior to mining operation, which will provide for a baseline health data, and an independent health assessment every 5 years from the start of operation to constitute part of the Health and Environmental Impact Assessment (EIA).

The State's policy to protect, promote and advance people's right to health and right to a balanced and healthful ecology as mandated by the Constitution, underscore the responsibility of the government to ensure that these rights are upheld and should not be compromised. In the light of the government's implementation of its national policy agenda on revitalization of mining, the protection of these rights will be best achieved by adopting an independent healthy assessment as additional environmental and health safeguards.

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


REGINA ONGSIAKO REYES

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

16th CONGRESS
First Regular Session

HOUSE BILL NO. 2888

Introduced by Representative REGINA ONGSIAKO REYES
Lone District, Marinduque

AN ACT
INSTITUTING INDEPENDENT HEALTH AND ENVIRONMENTAL
ASSESSMENT FOR ALL MINING PROJECTS, AMENDING FOR
THE PURPOSE THE PHILIPPINE MINING ACT OF 1995

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

Section 1. Section 70 of Republic Act No. 7942 otherwise known as the Philippine Mining Act of 1995 is hereby amended as follows:

SEC. 70. HEALTH AND Environmental Impact Assessment (HEIA). - Except during the exploration period of a mineral agreement or financial or technical assistance agreement or an exploration permit, an environmental clearance certificate shall be required based on an environmental impact assessment and procedures under the Philippine Environmental Impact Assessment System including Sections 26 and 27 of the Local Government Code of 1991 which require national government agencies to maintain ecological balance, and prior consultation with the local government units, nongovernmental and people's organizations and other concerned sectors of the community: *Provided, That* **A COMPREHENSIVE HEALTH PROFILE OF THE SURROUNDING COMMUNITIES AND** completed ecological profile of the proposed mining area shall constitute part of the HEALTH AND environmental impact assessment. Peoples organizations and

nongovernmental organizations shall be allowed and encouraged to participate in ensuring that contractors/permittees shall observe all the requirements of environmental protection.

AN INDEPENDENT HEALTH AND ENVIRONMENTAL ASSESSMENT OF THE SURROUNDING COMMUNITIES OF THE MINE SITE SHALL BE CONDUCTED EVERY FIVE (5) YEARS FROM THE START OF THE MINING OPERATION UNTIL TEN (10) YEARS AFTER ITS CLOSURE, AS MAY BE PROVIDED IN THE IMPLEMENTING RULES AND REGULATIONS OF THIS ACT. AN INDEPENDENT ASSESSMENT FUND SHALL BE CREATED FOR THIS PURPOSE AND SHALL BE DEPOSITED AS A TRUST FUND IN A GOVERNMENT DEPOSITORY BANK. FAILURE TO COMPLY THE ABOVE OBLIGATION SHALL MEAN IMMEDIATE SUSPENSION OR CLOSURE OF THE MINING OPERATION OF THE CONTRACTOR/PERMITTEE CONCERNED.

Sec. 2. This Act shall take effect upon its approval.

APPROVED.