

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Constitution Hills, Quezon City

SIXTEENTH CONGRESS
First Regular Session

House Bill No. **4348**



Introduced by: Rep. **ISIDRO T. UNGAB**, Davao City 3rd District,
Gabriela Women's Party Reps. **LUZVIMINDA C. ILAGAN** and **EMMI A. DE JESUS**,
and Bayan Muna Rep. **CARLOS ISAGANI T. ZARATE**

EXPLANATORY NOTE

This measure was the former House Bill 5684, principally authored by Davao City Third District Rep. Isidro T. Ungab, filed in the 15th Congress. It was approved on Third Reading and duly transmitted to the Senate. Unfortunately, it was left un-acted in the upper chamber as the 15th Congress drew to a close. With the permission of its original author, it is hereby filed anew with the hope that the present Congress will find time to act on it with reasonable dispatch.

Declaring Davao City as a mining-free zone is a long-standing legislative demand of the local government and constituents of the City. It is founded on the fair assessment that mining is basically a 'search and destroy' operation that destroys big while giving little to local governments under the existing fiscal sharing system of Republic Act 7942 (The Philippine Mining Act of 1995)¹. Moreover, Davao City has been able to achieve its development into the Southern Philippine's premiere city and top investment destination without the participation of large-scale mining. The city's local officials and business leaders and their constituents wish to keep it that way by declaring the entire city as a mining-free zone in order to spare its good mix of abundant natural resources, rich biodiversity, natural beauty, diverse flora and fauna (the city is the home of the Philippine monkey-eating eagle), and unique cultural heritage from the divisive and destructive effects of mining.

Davao City prides itself in having pioneered in local initiatives that have greatly improved the health and sanitary conditions of its people and constituents, such as the ordinances prohibiting smoking and firecrackers as well as measures that instilled on its residents the importance of their civic role in achieving an orderly waste collection and disposal system. The city is one of the first few cities that enacted its own environmental code that gives no-nonsense 'ridge-to-reef' protection to its rich biodiversity and ecosystems, especially its sources of clean water. In fact, it is because of these progressive legislations that Davaoenos have a high consciousness of the ill effects of mining and other extractive industries.

¹ Under the existing sharing scheme of the Philippine Mining Act of 1995, LGUs receive only a 2 % excise tax from the gross revenue of a mining operation in their area of jurisdiction.

These pioneering efforts in making the city safe from environmental degradation will come to naught if large-scale mining is allowed in its area of responsibility. Large-scale mining will only mess up the development founded on peace and order, good government, strong agro-industrial linkage, and tourism that Davao City has so far achieved.

In view of the foregoing, the people of Davao City earnestly seek the prompt passage of this bill.


ISIDRO T. UNGAB
Davao City, Third District


LUZVIMINDA C. ILAGAN
Gabriela Women's Party


EMMI A. DE JESUS
Gabriela Women's Party


CARLOS ISAGANI T. ZARATE
Bayan Muna

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AN ACT
DECLARING THE CITY OF DAVAO AS A MINING-FREE ZONE

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

SECTION 1. Statement 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. Towards this end, the State shall protect the people and the environment of the City of Davao against the adverse effects of mining.

SEC. 2. Declaring the City of Davao as a Mining-Free Zone. – The City of Davao is hereby declared as a mining-free zone and all mining operations in the area are hereby prohibited.

For purposes of this Act, "mining" refers to the extraction of minerals or ores which shall include exploration, feasibility study, development, utilization and processing: Provided, That the quarrying of gravel and sand for projects directly undertaken by the agencies of the national or city government for basic services such as, but not limited to, roads and bridges, school buildings, water and energy utilities, are exempted from the coverage of this Act.

SEC. 3. Penal Provisions. – Any person found to have violated any of the provisions of this Act shall, upon conviction, be punished by imprisonment of not less than six (6) years and one (1) day but not more than twelve (12) years or a fine of not less than One hundred thousand pesos (P100,000.00) but not more than Five hundred thousand pesos (P500,000.00), or both, at the discretion of the court.

If the offense is committed by a corporation, partnership, association or any other juridical entity, the penalty shall be imposed on the president, managing director, partner or chief operating officer. The license to operate of the erring corporation, partnership, association or any other juridical entity shall be cancelled and revoked permanently. The

operator or owner thereof shall not be allowed to operate similar establishments in a different name or in a different location.

If the offender is a foreigner, he/she shall, after service of sentence or payment of fine, be subject to deportation and permanently barred from entering the country.

SEC. 4. Transitory Provision. – Any contractor who has an existing exploration permit before the effectivity of this Act shall be given a period of two (2) years to wind down the activities of the mining operation. Upon the termination of the exploration permit, the right granted to the contractor to occupy and use the public land shall revert to the Philippine Government.

SEC. 5. Implementing Rules and Regulations. – Within ninety (90) days after the effectivity of this Act, the Sangguniang Panlungsod of the City of Davao, with the concurrence of the City Mayor, shall promulgate the necessary rules and regulations for the proper implementation of this Act.

SEC. 6. Repealing Clause. – All laws, decrees, executive orders and rules and regulations contrary to or inconsistent with the provisions of this Act are hereby amended or modified accordingly.

SEC. 7. Effectivity Clause. – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in any two (2) national newspapers of general circulation.

Approved,