

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

16th CONGRESS
Second Regular Session

House Bill No. 4673



Introduced by Representative ROGELIO J. ESPINA

EXPLANATORY NOTE

The Constitution mandates 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." Correlatively, such comes with the duty to guard the environment from impairment and harm.

The environmental impact of mining includes erosion, formation of sinkholes, loss of biodiversity, and contamination of soil, groundwater, surface water by chemicals from mining processes. Mining can have adverse effects on surrounding surface and ground water. The result can be unnaturally high concentrations of some chemicals, such as arsenic, sulfuric acid, and mercury over a significant area of surface or subsurface. There is potential for massive contamination of the area surrounding mines due to the various chemicals used in the mining process. Large amounts of water produced from mine drainage, mine cooling, aqueous extraction and other mining processes increases the potential for these chemicals to contaminate ground and surface water. Besides creating environmental damage, the contamination resulting from leakage of chemicals also affect the health of the local population.

Biliran is located at the Eastern Visayas Region, blessed with rich natural resources and a home to various biodiversity species. Considering the topographical features of the Province of Biliran, an island Province composed of

eight (8) municipalities with land area of more or less 555.42 sq. km, definitely mining is not ideal. Mining will destroy the pristine beauty of the island and upsets its ecological balance. Thus, it is for these reasons that the State needs to preserve and safeguard, as the Constitution mandates, the beauty and rich natural resources of the province and to protect its people from the harsh effects of mining. Hence, the passage of the bill is earnestly sought.



ROGELIO J. ESPINA
Representative
Lone District of Biliran

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

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

Section 1. Title. – The Province of Biliran is hereby declared a mining-free zone, and all mining operations in the Province of Biliran are hereby prohibited.

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

Section 2. Statement of Policy. – It is the policy of the State to protect and promote 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 in the Province of Biliran from the adverse effects of mining.

Section 3. Penal Provisions. – Any person, employee or employment agency who shall violate the provisions of this Act shall be penalized with imprisonment of at least six (6) years but not more than twelve (12) years and a fine of at least One Hundred Thousand Pesos (P100,000.00) but not more than Five Hundred

Thousand Pesos (P500,000.00). If the violator is a corporation or association, the president and the manager/s of said corporation or association shall be held liable.

Section 4. Implementing Rules and Regulations. - Within six (6) months following the effectivity of this Act, the Secretary of the Department of Environment and Natural Resources in consultation with the Provincial Government, all Municipal Government Heads of the Province, the Religious sector and accredited Non Government Organizations, shall promulgate the necessary rules and regulations for its effective implementation.

Section 5. Separability Clause. - If any portion or provision of this Act is declared unconstitutional, the remainder of this act or any provision not affected thereby shall remain in force and effect.

Section 6. Repealing Clause. - All laws, orders, issuances, rules and regulations or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

Section 7. Effectivity. - This Act shall take effect fifteen (15) days after its publication in a newspaper of general circulation.

Approved,