

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

Seventeenth Congress
Second Regular Session

HOUSE BILL NO. 5921



Introduced by Honorable Michelle M. Antonio

EXPLANATORY NOTE

RA 7076, otherwise known as the “Small-Scale Mining Act of 1991,” declares that the State shall promote, develop, protect, and rationalize viable small-scale mining activities in order to generate more employment opportunities and provide an equitable sharing of the nation's wealth and natural resources, giving due regard to existing rights as herein provided.

The Small-Scale Mining Act of 1991 established a People's Small-Scale Mining Program to be implemented by the Secretary of the Department of Environment and Natural Resources in coordination with other concerned government agencies, designed to achieve an orderly, systematic and rational scheme for the small-scale development and utilization of mineral resources in certain mineral areas in order to address the social, economic, technical, and environmental connected with small-scale mining activities.

However, more than two decades after its enactment, the purpose of said legislation has not yet been fulfilled. Ambiguities in the provisions precluded an effective implementation of the law. The existing restrictive and archaic definition of small-scale mining has resulted to a gap in the law allowing mining operations not covered by the definition to operate without proper permits. It has been reported that as a result of the passage and imposition of RA 7076, small scale mining activities went underground and were not officially reported to the government as required by law.¹ This has given rise to the conduct of illegal mining through the smuggling of precious metals and minerals, and the exploitation of impoverished miners by businessmen under the guise of conducting small-scale mining to evade necessary taxes and permits.

¹ <http://www.philstar.com/business/2017/03/21/1682996/readers-view-small-scale-mining>

Mt. Diwalwal in Compostela Valley, for instance, has given rise to extreme competition among operators of small-scale mining.² This competition has been notoriously violent – resulting in killings of competing miners to monopolize tunnels with high yields of gold. To quote a miner from Mt. Diwalwal, “*Life is cheap in mining.*” Controversies around small-scale mining had been put to light as well through the media with the release of the film, “Oro,” in the Metro Manila Film Festival. “Oro” is based on true events in the Gata 4 Massacre in Camarines Sur which resulted in the loss of the lives of small-scale miners.

With the definition of “small-scale mining” no longer congruent with modern technology and practice, small-scale miners are placed in a precarious position of being unable to carry on their trade under the auspices of either large-scale or small-scale regulations. This has resulted in the illegal conduct of small-scale mining, compounding the industry’s reputation as more destructive, dangerous, and unsustainable than large-scale mining.³

Thus, with an amendment to the definition of small-scale mining, this bill seeks to fill the gap in existing laws and to strengthen government regulation on all small-scale mining activities. This will put a stop in the conduct of illegal mining which has resulted in the smuggling of our country’s precious minerals, and the senseless deaths of Filipinos all for abusive businesses’ pursuit to monopolize small-scale mining.

In view of the foregoing, approval of this bill is highly recommended.


MICHELLE M. ANTONIO

² <https://manueldomes.wordpress.com/2011/06/22/gold-rush-in-compostela-valley-philippines/>

³ plj.upd.edu.ph/legal-responses-to-the-impact-of-mining/

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**AN ACT AMENDING REPUBLIC ACT NO. 7076, OTHERWISE
KNOWN AS THE SMALL-SCALE MINING ACT OF 1991**

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

SECTION 1. Section 3 (b) of Republic Act No. 7076, otherwise known as the
Small-Scale Mining Act of 1991, is hereby amended to read as follows:

“Sec. 3. B. Small-Scale Mining refers to [mining activities which rely heavily on
manual labor using simple implement and methods and do not use explosives or
heavy mining equipment;]

SMALL-SCALE MINING REFERS TO MINING ACTIVITIES

CARRIED OUT BY INDIVIDUALS, GROUPS OR COMMUNITIES

WHO RELY PRIMARILY ON MANUAL LABOR IN THE CONDUCT

OF THEIR DAILY OPERATIONS, AND ARE AIDED BY SIMPLE

IMPLEMENT, METHODS, MINING MACHINERY AND

TECHNOLOGY.

**SMALL SCALE MINING SHALL ALSO COVER ALL MINING
ACTIVITIES THAT ARE NOT ELIGIBLE AND NOT QUALIFIED TO
OBTAIN THE FOLLOWING AGREEMENTS AND/OR PERMITS:**

- a. EXPLORATION PERMIT APPROVED BY THE MINES AND
GEOSCIENCES BUREAU**
- b. MINERAL AGREEMENTS (MINERAL PRODUCTION SHARING
AGREEMENTS, CO-PRODUCTION AGREEMENTS, JOINT
VENTURE AGREEMENTS) APPROVED BY THE DEPARTMENT
OF ENVIRONMENT AND NATURAL RESOURCES**
- c. FINANCIAL OR TECHNICAL ASSISTANCE AGREEMENTS
APPROVED BY THE PRESIDENT**
- d. QUARRY PERMIT GRANTED BY THE PROVINCIAL GOVERNOR
OF THE QUARRY AREA**
- e. MINERAL TRADING REGISTRATION ACCREDITED WITH THE
DEPARTMENT OF TRADE AND INDUSTRY**
- f. ENVIRONMENTAL COMPLIANCE CERTIFICATES ISSUED BY
THE DEPARTMENT OF ENVIRONMENT AND NATURAL
RESOURCES**

SEC. 2. *Separability Clause.* - If any provision or part hereof, is held invalid or unconstitutional, the remainder of the law or the provision not otherwise affected shall remain valid and subsisting.

SEC. 3. *Repealing Clause.* - Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to or is inconsistent with the provision of this Act is hereby repealed, modified, or amended accordingly.

SEC. 4. *Effectivity Clause.* - This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved,