

REPUBLIC OF THE PHILIPPINES
HOUSE OF REPRESENTATIVES
QUEZON CITY

SEVENTEENTH (17TH) CONGRESS
SECOND REGULAR SESSION

HOUSE BILL NO. **6384**



Introduced by **Hon. Tricia Nicole Q. Velasco - Catera**

EXPLANATORY NOTE

The purpose of this bill is to put in place an indefinite moratorium on any and all mining activities over the entire Province of Marinduque.

As of today, the inhabitants of the province are still suffering from the effects of the 1996 Marcopper mining disaster, wherein 1.6 million cubic meters of tailings were released along the Makulapnit - Boac river system. The impact on the river and people who depended on it for their livelihoods were severe. After the initial inundation which caused destruction of crops and livestock, clogging of irrigation channels for rice fields, and killing of freshwater and marine life, the affected residents are still dealing with the contamination brought about by the toxic mine wastes dumped on the river system. Residents were conclusively diagnosed as harboring quantities of zinc and copper beyond tolerable limits.

The provincial government in 2005 filed a \$100-million class suit against Marcopper and its parent company, Barrick Gold Corp., but the Nevada State District Court threw out the case a decade later. Until now justice remains elusive for the victims of the mining disaster. Not a single centavo had been paid as compensation for what was tagged as the country's worst mining disaster. Negotiations are still ongoing at present with Barrick Gold on the compensation of damages to the province and its people but an acceptable deal for the victims still does not appear on the immediate horizon.

There is no solution that can erase the damage that has occurred in Marinduque. The people simply want their environment cleaned up, compensation for their suffering, and assurance that this will not happen again.

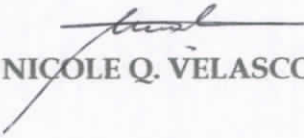
However, just earlier this year the Mines and Geosciences Bureau (MGB) detected leaks in one of the abandoned dams of Marcopper Mining Corp., raising anew public concerns over the integrity of the decades-old mining facility.

This issue, along with decades old quest for justice of the victims, must be resolved first before any mining activity be allowed or even considered to be conducted in the province. The Constitution provided:

"The State shall protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature."

The Constitutional right of the victims of the Marcopper mining disaster had been and is continuously being violated. It will be rubbing salt in the wound if mining would be allowed to flourish once more in the province even before proper redress had been provided.

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


TRICIA NICOLE Q. VELASCO - CATERA

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**AN ACT DECLARING THE PROVINCE OF MARINDUQUE A MINING - FREE
ZONE**

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

SECTION 1. The Province of Marinduque is hereby declared a mining-free zone, and all mining operations therein shall be prohibited.

For the purpose of this Act, mining shall refer to the extraction of valuable minerals or other geological materials from the earth, not otherwise considered or declared as quarry resources, and shall include such mining activities and operations as defined under existing laws: *Provided, however,* that the National Government shall maintain the authority to conduct mineral exploration in any part of the province, when national interest requires, such as when there is a need to determine the presence and availability of strategic raw materials for industries critical to national development or with scientific, cultural, or ecological value.

SEC. 2. Any person 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 (P500,000). If the violator is a corporation or association, the president and the manager of said corporation or association shall be held liable.

SEC. 3. Within six (6) months following the effectivity of this Act, the Secretary of the Department of Environment and Natural Resources (DENR), in consultation with the provincial and municipal governments, the private sector, and accredited non-government organizations, shall promulgate the necessary rules and regulations for its effective implementation.

SEC. 4. If any portion or provision of this Act is declared unconstitutional or invalid, the remainder of this Act or any provision not affected thereby shall remain in force and in effect.

SEC. 5. All laws, orders, issuances, rules and regulations or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SEC. 6. This Act shall take effect fifteen (15) days after its publication in two (2) newspaper of general circulation.

Approved,