



Republic of the Philippines
House of Representatives
SEVENTEENTH CONGRESS
Second Regular Session



HOUSE BILL NO. 6728

INTRODUCED BY REP. LUISA LLOREN CUARESMA

Lone District of Nueva Vizcaya

EXPLANATORY NOTE

Today I bring before the House of Representatives the plight of my constituents in the great province of Nueva Vizcaya. They have suffered far too much and far too long from the destruction brought by irresponsible mining companies—as do, I am sure, other communities in several parts of the Philippines.

The community and local leaders like myself stood seemingly helpless against this giant industry that enjoyed the absolute protection of the law and the national government. For example, aside from their hundreds of security personnel, a military detachment and police checkpoints were deployed at their mining site to provide “additional protection”, as if they needed it. The roads leading to their project site also have several checkpoints. In spite of their vast

financial resources, they still take away much needed military and police personnel from the local communities that need more protection.

The officials of the Mines and Geosciences Bureau (MGB) of the DENR, the agency assigned by law to "regulate" the miners, hold office and sleep inside the compound of the mining company. Every now and then, you see the MGB officials attending the activities of the mining company and helping it promote its business to the community and potential investors.

If the telecommunications industry, which does not cause too much environmental impact; which does not cause displacement of Filipinos from their homes; which does not result in contamination of water sources; and which does cause massive deforestation, requires a legislative franchise to operate, then with more reason that we should impose the same requirement to an inherently destructive industry like mining.

I sincerely appreciate Speaker Pantaleon Alvarez for reinforcing my proposal to require a legislative franchise before an FTAA or any similar mining contract will be approved.

Today, I remain as firm as ever, because lost dignity and destruction should not be the price of development. Because pain and suffering cannot bring us true progress and prosperity. Because we have a duty and a responsibility to safeguard the future of every generation of Filipinos yet to come. Because destructive, illegal, and irresponsible mining simply must stop, and it must stop now.

We do not call for an indiscriminate blanket ban on mining; what we call for—and what I have advocated and will continue to advocate—is responsible and common-sense mining. That means all mining companies must be regulated in such a way that they strictly comply with the rules and regulations in place. That means that the community should be entitled to substantial and realistic financial benefits from the mining project and be able to allocate these benefits under their own terms and not upon the dictates of the mining company or the DENR.

Thus, I call for your support in this bill for the creation of an oversight committee that will be solely engaged in the strict regulation of the minerals industry.

With this, support for this measure is earnestly sought.


LUISA LLOREN CUARESMA



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HOUSE BILL NO. **6728**

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**AN ACT CREATING A JOINT CONGRESSIONAL OVERSIGHT
COMMITTEE ON MINING**

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

SECTION 1. Declaration of Policy – It is hereby declared 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. The legislature must exercise its mandate to ensure that mining laws are implemented efficiently and effectively.

Republic Act No. 7942, otherwise known as the "Philippine Mining Act of 1995" expressly states that all mineral resources in public and private lands within the territory and exclusive economic zone of the Republic of the Philippines are owned by the State. It shall be the responsibility of the State to promote their rational exploration, development, utilization and conservation through the combined efforts of government and the private sector in order to enhance national growth in a way that effectively safeguards the environment and protect the rights of affected communities.

SECTION 2. Creation of Joint Congressional Oversight Committee on Mining – There is hereby created a Joint Congressional Oversight Committee on Mining.

SECTION 3. Composition – The Joint Congressional Oversight Committee on Mining shall be co-chaired by the Chairperson of Committee of Natural Resources of the House of the Representatives and Chairperson of the Committee of Environment and Natural Resources of the Senate. The President of the Senate and the Speaker of the House of Representatives shall each designate seven (7) Senators and seven (7) Members of the House of Representatives as members of the Joint Congressional Oversight Committee on Mining.

Provided, that the minority shall have one (1) seat each from the Senate and House of Representatives.

SECTION 4. Functions – The Joint Congressional Oversight Committee on Mining shall have the following functions:

- a) Conduct hearing and investigations in aid of legislation on matters pertaining to the impact of mining in the environment, indigenous peoples, culture and ecotourism;
- b) Require reports from government agencies in all matters connected to mining;
- c) Summon implementers of the programs, activities and projects included in the general appropriations act;
- d) Recommend prosecution of erring government officials, public officers or employees;
- e) Grant or cancel legislative mining franchise;
- f) Ensure post-mining rehabilitation of the environment and the community;
- g) To promote and protect the rights of indigenous peoples affected by mining;
- h) Ensure that legislative proposals promote, protect and conserve ancestral domains and agricultural lands;
- i) Prescribe standards for responsible mining;
- j) Come out with studies to improve regulation of mining in the country; and
- k) Subpeona and contempt power.

SECTION 5. Repealing Clause – All laws, presidential decrees, executive orders, rules and regulations contrary to or inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SECTION 6. Effectivity Clause. - This Act shall take effect immediately after its publication in the Official Gazette or newspaper of general circulation. Approved,

Approved,