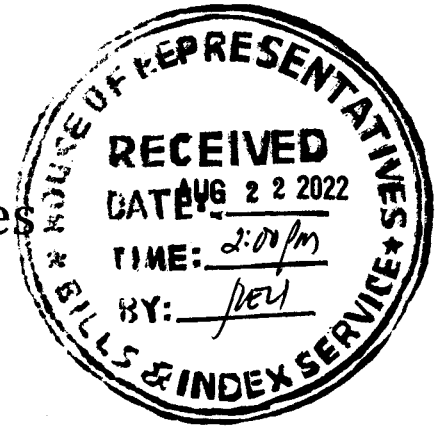




Republic of the Philippines
House of Representatives
Quezon City, Metro Manila



Nineteenth Congress
First Regular Session

HOUSE BILL NO. **3891**

Introduced by Representative Arnan C. Panaligan

EXPLANATORY NOTE

This bill seeks to declare the Island of Mindoro a mining-free zone.

The Island of Mindoro is one of the major biogeographical regions in the country that has social, economic, and ecological importance. It is the home to eight indigenous Mangyan tribes. Each has its own language, beliefs, and customs, with culture deeply rooted to nature which makes Mindoro as one of the cultural centers of the country. There are also at least seven key biodiversity areas that are home to many endemic flora and fauna species such as the *cynanchum malampayae*, *murina aenea*, Mindoro bleeding-heart pigeon, Philippine warty pig, and Philippine deer. The tamaraw (*bubalus mindorensis*), found only in the island of Mindoro is now listed as a critically endangered species.

Large-scale and small-scale mining exploit the Philippine soil for its mineral and geological resources that cost the destruction of communities and natural ecology. Mining continues to cause disastrous consequences and threatens the people and the country as a whole.

Both Occidental and Oriental Mindoro have at least 80% of the respective total land area which are classified as moderately to highly susceptible to floods and landslides. Recent typhoons and floods brought havoc to Mindoro leaving damages in infrastructure and agriculture, and even the loss of lives due to massive mining operations.

In 2002, the Province of Oriental Mindoro adopted a 25-year mining moratorium. A similar 25-year mining moratorium was declared in the Province of Occidental Mindoro in 2009. The two provinces are one in their serious efforts to conserve biodiversity and natural heritage. The people of Mindoro continue their public outcry against destructive mining and the degradation of critical watersheds.

This bill aims to stop all large and small-scale mining activities in the

licenses, technical and financial agreements and mineral production sharing agreements in accordance with Republic Act No. 7942, otherwise known as the “*Mining Act of 1995*,” and Republic Act No. 7076, otherwise known as the “*People’s Small-scale Mining Act of 1991*,” covering any area of the two (2) provinces shall remain valid until their expiration or termination thereof. Thereafter, no further extension or renewal of the contract, permit, license or agreement shall be granted. Moreover, no new exploration permits shall be issued nor new mineral agreements or similar other agreements covering lands within the jurisdiction of the said provinces shall be entered into.

Quarrying activities will also be regulated by putting safety nets in approving permits in the province. Under this proposed measure, the maximum area which a qualified person may hold at any one time within the territorial jurisdiction of the province shall be five (5) hectares. Strict regulations are imposed to ensure that no more than one quarry is granted to the same person, corporation, its affiliates, subsidiary or any entity that has essentially the same legal personality as the applicant or holder of an existing quarry permit in the province.

As the Island of Mindoro is dependent on its fragile environment and watersheds to survive, destructive mining should not be allowed. This bill will ensure that the province’s national, cultural, and natural heritage will be passed on to future generations.

During the 18th Congress, this proposed measure was originally filed as House Bill No. 6082 by former Representative Josephine Ramirez-Sato of the Lone Legislative District of the Province of Occidental Mindoro. This was later substituted by House Bill No. 10611 which was approved on Third Reading on January 17, 2022 and transmitted to the Senate on January 24, 2022. However, it was not passed into law.

In view of the foregoing, the approval of this bill is urgently requested.


ARNAN C. PANALIGAN



Republic of the Philippines
House of Representatives
Quezon City, Metro Manila

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HOUSE BILL NO. **3891**

Introduced by Representative Arnan C. Panaligan

AN ACT

**DECLARING THE ISLAND OF MINDORO A MINING FREE-ZONE,
PROHIBITING ALL FORMS OF MINING OPERATION AND ACTIVITY,
AND PROVIDING PENALTIES THEREFOR**

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

SECTION 1. *Short Title.* – This Act shall be known as the “Mindoro Island
Mining-Free Zone Act.”

SEC. 2. *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.

It is likewise the responsibility of the State to promote the rational exploration,
development, utilization, and conservation of the mineral resources of the country
in a way that effectively safeguards the environment and protects the rights of
affected communities. Towards this end, the State shall institute measures to protect
the people and the environment in Mindoro Island from the adverse effects of
mining.

1 SEC. 3. ***Mining-Free Zone.*** – The Mindoro Island, covering the provinces
2 of Mindoro Occidental and Mindoro Oriental, is hereby declared a mining-free zone.
3 All forms of mining operations and activity, whether large-scale or small-scale,
4 within its jurisdiction are hereby prohibited. The provisions of Republic Act No.
5 7942, otherwise known as the “*Mining Act of 1995*,” Republic Act No. 7076,
6 otherwise known as the “*People’s Small-Scale Mining Act*” and other laws, rules,
7 and regulations on mining inconsistent with this Act shall have no application within
8 the territorial jurisdiction of the locality.

9 SEC. 4. ***Coverage.*** – This Act covers all mining operations and activities,
10 including quarrying, within the territorial jurisdiction of the provinces of Mindoro
11 Occidental and Mindoro Oriental.

12 As used in this Act, “*mining*” refers to the extraction of valuable minerals or
13 other geological materials from the earth and includes such mining activities as
14 exploration, conduct of geological feasibility studies and surveys, development,
15 utilization and processing, as well as quarry operations involving cement raw
16 materials, marble, granite, sand and gravel construction aggregates, and other
17 similar activities related to excavating and quarrying minerals and ores.

18 SEC. 5. ***Recognition of Existing Mining Contracts, Agreements and***
19 ***Permits.*** – All valid and existing mining contracts, exploration permits, licenses,
20 technical and financial agreements and mineral production sharing agreements in
21 accordance with Republic Act No. 7942 and Republic Act No. 7076 covering any
22 area of the two (2) provinces at the date of effectivity of this Act shall be recognized
23 by the Government and shall remain valid until their expiration or termination
24 thereof. Thereafter, no further extension or renewal of the contract, permit, license

1 exploration permits nor enter into new mineral agreements or similar other
2 agreements covering lands within the jurisdiction of the said provinces.

3 **SEC. 6. *Prohibition Against Granting of Further Exploration***
4 ***Permits in Existing Mineral Agreements.*** – At the date of the effectivity of
5 this Act, no exploration permits to conduct further exploration activities or an
6 application for extension thereof shall be granted even during the lifetime of existing
7 mineral contracts, technical and financial assistance agreements and mineral
8 production sharing agreements.

9 **SEC. 7. *Dormant Exploration Permits and Mineral Agreements.*** –
10 Exploration activities and mining operations under existing exploration permits,
11 mineral agreements and other similar agreements shall be undertaken immediately
12 by the permittee or contractor. In case of failure to initiate or undertake any
13 exploration activity or mining operation permit or mineral agreements within (1)
14 year from the effectivity of this Act, the exploration permit or mineral agreement
15 shall be declared dormant by the Department of Environment and Natural Resources
16 (DENR). Dormant permits and agreements shall *ipso facto* be cancelled upon
17 declaration of dormancy.

18 **SEC. 8. *Rehabilitation of Small-Scale Mining Areas.*** – Within one (1)
19 year after the effectivity of this Act, all affected small-scale mining operators are
20 mandated to undertake the rehabilitation, regeneration, and reforestation activities
21 on mineralized areas, to include slope stabilization of mined-out and tailing-covered
22 areas, in order to ensure watershed development, and water preservation solutions.

23 **SEC. 9. *Quarry Permits.*** – Issuance of a quarry permit in the mining-
24 free zone shall be under the direct supervision of the DENR. Existing quarry permits

1 be recognized. Thereafter, quarry permits issued by the provincial governor shall be
2 reviewed and monitored by the DENR.

3 The maximum area which a qualified person may hold at any one time within
4 the territorial jurisdiction of the province shall be five (5) hectares. The DENR shall
5 impose strict regulations in ensuring that no more than one quarry is granted to the
6 same person, corporation, its affiliates, subsidiary or any entity that has essentially
7 the same legal personality as the applicant or holder of an existing quarry permit in
8 the province.

9 Upon the recommendation and conduct of proper investigation by the DENR,
10 a quarry permit shall immediately be cancelled by the provincial governor for areas
11 up to five (5) hectares, when, in the guise of quarrying activities, the holder of a
12 quarry permit engages in activities that are duly authorized for exploration permits,
13 mineral agreements or mining contracts.

14 **SEC. 10. *Penal Provisions.*** – (a) An imprisonment of not less than six (6)
15 years and one (1) day but not more than twelve (12) years, or a fine of not less than
16 One million pesos (PhP1,000,000.00) but not more than Ten million pesos
17 (P10,000,000.00), or both, shall be imposed upon any person who shall undertake
18 exploration activities after the expiration of the exploration permits, mineral
19 agreements or mining contracts or after the declaration of the DENR of the
20 dormancy of the exploration permits, mineral agreements or mining contracts;

21 (b) An imprisonment of not less than thirty (30) days but not more than six
22 (6) months, or a fine of not less than Five hundred thousand pesos (P500,000.00)
23 but not more than Five million pesos (P5,000,000.00), or both, shall be imposed
24 upon any person who refuses or deliberately fail to undertake the rehabilitation,

regeneration, and reforestation of mineralized areas in order to ensure watershed development, and water preservation solutions; and

(c) An imprisonment of not less than thirty (30) days but not more than six (6) months, 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, shall be imposed upon any public official or employee who shall grant an exploration permit or extend an existing exploration permit in violation of Section 6 of this Act.

In addition, a public officer who violates this Act shall also be dismissed from service and perpetually disqualified from holding public office. If the offender is a juridical entity, the highest ranking official and the members of its board of directors or trustees who directly participated and authorized the violations therein shall suffer the penalty imposed under this Act.

SEC. 11. *Implementing Rules and Regulations.* – Within six (6) months following the effectivity of this Act, the DENR and the local government units concerned shall promulgate the rules and regulations for the effective implementation this Act.

SEC. 12. *Separability Clause.* – If any provision of this Act is declared unconstitutional or invalid, other parts or provisions hereof not affected shall continue to be in full force and effect.

SEC. 13. *Repealing Clause.* – All other laws, ordinances, orders, rules, regulations and other issuances or parts thereof which are inconsistent with this Act are hereby repealed, amended or modified accordingly.

SEC. 14. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in a newspaper of general circulation.