

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

NINETEENTH CONGRESS
3rd Regular Session

House Bill No. 11226



Introduced by Representatives ERIC GO YAP

EXPLANATORY NOTE

The 1987 Constitution affirms one of the state policies to recognize and promote the rights of indigenous cultural communities within the framework of national unity and development. Principal of these rights, as further enunciated by Republic Act No. 8371 or the *Indigenous People's Rights Act* (IPRA), is the protection of the ICCs/IPs' ancestral domains. Section 46 of the said Act mandates that the issuance of Certification Precondition (CP) from the National Commission on Indigenous Peoples (NCIP), based on the free and prior informed consent of the ICCs/IPs concerned shall be secured first prior to the grant of any license, lease or permit for the exploitation of natural resources affecting the interests of ICCs/IPs or their ancestral domains.

Despite such requirement, reports of increased mining activities in the ancestral lands, especially those mining operators who failed to secure Certification Precondition (CP) from the NCIP, have also progressed, notwithstanding the precondition of securing the said Certification before such operations commence.

Granted that the Republic Act No. 7942 or the *Philippine Mining Act* does not explicitly provide such requisite even if such is emphasized in the IPRA, this Bill seeks to amend Section 16 of the said Act to reconcile the said differences, as well as strengthen the compulsory nature of the Certification Precondition (CP) from the NCIP among mining operators and stakeholders, with respect to the free and prior informed consent of the ICCs/IPs concerned. Further, this measure also aims to amend Section 17 of the same Act to put a fixed percentage on the amount of royalty payment that shall be paid for the trust fund for the socioeconomic well-being of the affected ICCs/IPs—five percent (5%) of the gross output of the operations—which will mitigate future disagreements relating to the amount of royalty payment to be rendered to the affected ICCs/IPs.

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


HON. ERIC GO YAP

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House Bill No. **11226**

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AN ACT
PROTECTING THE RIGHTS OF INDIGENOUS PEOPLES AFFECTED BY
MINING OPERATIONS IN ANCESTRAL DOMAINS, AMENDING FOR THE
PURPOSE REPUBLIC ACT NO. 7942, OTHERWISE KNOWN AS THE
“PHILIPPINE MINING ACT OF 1995”

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

SECTION 1. Section 16 of Republic Act No. 7942, otherwise known as *Philippine Mining Act of 1995* is hereby amended to read as follows:

*“SEC 16. Opening of Ancestral Lands for Mining Operations. – No ancestral land shall be opened for mining operations without the **FREE AND** prior **INFORMED** consent of the indigenous cultural community [concerned] **AND CERTIFICATION PRECONDITION ISSUED FOR THE PURPOSE BY THE NATIONAL COMMISSION ON INDIGENOUS PEOPLES, AS SPECIFIED UNDER SECTION 59 OF THE REPUBLIC ACT NO. 8371.**”*

SEC 2. Section 17 of the same Act is also hereby amended to read as follows:

*“SEC 17. Royalty Payments for Indigenous Cultural Communities. – In the event of an agreement with an indigenous cultural community pursuant to the preceding section, [the] A royalty payment upon utilization of the minerals shall be [agreed upon by the parties] **GIVEN TO THE INDIGENOUS CULTURAL COMMUNITY BY THE CONTRACTOR, PERMIT HOLDER, OR MINING OPERATOR.** The said royalty **SHALL BE FIVE PERCENT (5%) OF THE GROSS OUTPUT AND** shall form part of a trust fund for the socio-economic well-being of the indigenous cultural community.”*

SEC. 3. This Act shall take effect fifteen (15) days following its publication in at least two (2) national newspapers of general circulation.

Approved,