

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

NINETEENTH CONGRESS
3rd Regular Session

House Bill No. **11425**



Introduced by Representative ERIC GO YAP

EXPLANATORY NOTE

Small-scale mining is among the sectors with tremendous potential not only in terms of national development but also as key player towards poverty reduction. Following the enactment of Presidential Decree 1899, small-scale mining was first acknowledged as a formal industry sector in 1984. The said Presidential Decree defined small-scale mining and set a licensing system under the authority of local government units (LGUs). Years thereafter, Republic Act No. 7076 or the *Small-scale Mining Act of 1991* was enacted, introducing the People Small-scale Mining Program, which transferred the authority over small scale mining to provincial or city mining regulatory boards (P/CMRBs), chaired by the regional director of the Mines and Geosciences Bureau (MGB).

RA 7076 puts emphasis on the condition that all small-scale mining activities must be done within a declared people's small-scale mining area or *Minahang Bayan*. The Philippine Institute for Development Studies (PIDS), in its Policy Note No. 2020-06 (April 2020), states that majority of small-scale miners expresses the difficulty to comply with the condition set forth by RA 7076 intertwined with the confusion and social concerns that penetrate small-scale mining communities. PIDS further reports that PD 1899, on the other hand, allows small-scale mining operations outside of the *Minahang Bayan* with permits granted by the provincial governors to individuals, partnerships, and corporations. The overlap was allowed to continue despite the issuance of Executive Order No. 79 in 2012, absent an express repeal of PD 1899. As a result, uncontrolled or unregulated small-scale mining activities in several provinces remain—pervading the sector with utmost informal mining activities just for its members to continue their source of livelihood.

In this regard, this Bill proposes to expressly repeal PD 1899 without stripping the local government units of their administrative autonomy in implementing national policies or standards. In this amendment, the Provincial Governor or the City Mayor is appointed as co-chairperson of the DENR Regional Director at the Provincial/City Artisanal and Small-Scale Mining Regulatory Board (Board). The Board declares and regulates the operations of *Minahang Bayan* in the area and is the implementing arm

at the province or city level of the People's Small-Scale Mining Program under the direct supervision and control of the DENR Secretary. The MGB, Environment Management Bureau (EMB), and other relevant offices will constitute the Technical Support Committee to the Board.

Integration is also of primordial importance to mitigate confusion among stakeholders. Thus, all mining regulatory agencies shall be part, at the national level, of the Inter-Agency on Mines or IAC-Mines, and, at the provincial and city levels, shall be *ex-officio* members of the Board. The integration at the national, provincial, or city levels allows for the effective collaboration and coordination of mandates and activities from the national to the regional and field to harmonize varying approach to ensuring environmental protection, health and safety, sustainable livelihood, and decent work in the *Minahang Bayan*.

The proposed measure also seeks to delineate the difference between artisanal mining activity from small-scale mining. The former, consistent with internationally accepted definitions, is being considered as subsistence and manual while the latter, small-scale mining, is defined as a form of activity that uses or employs modern technologies and light machinery regardless of production volume and where duly licensed MGB mining engineer supervises its operation, and the use of explosives is supervised by a PNP blaster or by a duly authorized individual or blasting contractor. The said juxtaposition highlights the nature and realities of small-scale mining operations and addresses the issue of health and safety hazards and thriving practice of mulcting or extortions.

Summarily, the proposed amendments to the Bill at hand seek to address the exorbitant costs of formalizing a *Minahang Bayan* or People's Mining Area, the limited validity of mining contracts, and the legal barriers posed by the current definition of small-scale mining under RA 7076. There is a very thin line that distinguishes large-scale mining operations versus small-scale mining which should not be the case. Small-scale mining under a *Minahang Bayan* shall not be considered as a commercial or business venture similar to the large-scale mining. Small-scale mining should be a social enterprise with the State to provide livelihood in the absence of opportunities for socio-economic progress, especially communities lacking source of livelihood in their areas.

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



HON. ERIC GO YAP

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House Bill No. **11425**

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AN ACT
AMENDING REPUBLIC ACT NO. 7076, OTHERWISE KNOWN AS "AN ACT
CREATING A PEOPLE'S SMALL-SCALE MINING PROGRAM, AND FOR
OTHER PURPOSES"

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

SECTION 1. Section 2 of Republic Act No. 7076, is hereby amended to read as follows:

"SECTION 2. Declaration of Policy. THE STATE AFFIRMS THE CONSTITUTIONAL GUARANTEE TO CREATE ECONOMIC OPPORTUNITIES BASED ON FREEDOM OF INITIATIVE AND SELF-RELIANCE TO PROMOTE SOCIAL JUSTICE.

THE STATE COMMITS TO ENSURING EQUITABLE SHARING OF THE NATION'S WEALTH AND NATURAL RESOURCES TO REDUCE SOCIAL AND ECONOMIC INEQUITIES.

TO THIS END, THE STATE SHALL ENSURE, THROUGH A WHOLE-OF-GOVERNMENT APPROACH, THE DEVELOPMENT OF ENVIRONMENTALLY SUSTAINABLE LIVELIHOOD AND DECENT WORK IN ARTISANAL AND SMALL-SCALE MINING ACTIVITIES."
[It is hereby declared of the State to 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.]

SEC. 2. R.A. 7076 is hereby amended by providing a new Section 3, to read as follows:

"SECTION 3. COVERAGE. ALL ARTISANAL AND SMALL-SCALE MINING AND MINERAL PROCESSING ACTIVITIES, AS DEFINED HEREIN, SHALL BE COVERED BY THIS ACT."

SEC. 3. Section 3 of R.A. 7076 is hereby renumbered and amended as follows

"SECTION 4[3]. *Definition of Terms.* For purposes of this Act, the following terms shall be defined as follows:

- a) [(f)] **"Active mining area"** refers to areas **WHEREIN ANY OF THE FOLLOWING ACTIVITIES IS BEING UNDERTAKEN:** [under] actual exploration, development, [exploitation or] **OR** commercial production as determined by the Secretary after the necessary field investigation or verification including contiguous and geologically related areas belonging to the same claim-owner and/or under contract with an operator, but in no case to exceed the maximum area allowed by law;
- b) **"ARTISANAL MINERS" AS USED IN THIS ACT REFERS TO A FILIPINO RESIDENT OR GROUP OF FILIPINO RESIDENTS IN A COMMUNITY DULY LICENSED AND WITH PERMIT TO UNDERTAKE ARTISANAL MINING ACTIVITIES IN A DESIGNATED AREA, USING SIMPLE IMPLEMENTS AND METHODS;**
- c) **"ARTISANAL MINING"** [Small-scale mining] refers to **SUBSISTENCE** mining activities which rely [heavily] on manual labor using simple implements and methods and do not use explosives or [heavy] mining equipment;
- d) **"ARTISANAL MINING AREA" REFERS TO AN AREA SET ASIDE BY THE BOARD FOR ARTISANAL MINING ACTIVITIES WITHIN AN AREA DECLARED AS MINAHANG BAYAN;**
- e) **"BOARD" REFERS TO THE PROVINCIAL/CITY ARTISANAL AND SMALL-SCALE MINING REGULATORY BOARD** created under **THIS ACT AS THE IMPLEMENTING ARM OF THE DEPARTMENT AT THE PROVINCE OR CITY LEVEL AND SHALL BE UNDER the direct supervision and control of the SECRETARY OF THE DEPARTMENT** [which shall be the implementing agency of the Department];
- f) [(h)] **"Claim-owner"** refers to a holder of an existing mining right;
- g) **"COMMUNITY DEVELOPMENT AND MANAGEMENT PROGRAM OR CDMP" REFERS TO THE PROGRAM WHICH AIMS TO ASSIST IN THE DEVELOPMENT OF RESPONSIBLE, SELF-RELIANT,**

AND RESOURCE-BASED HOST AND NEIGHBORING COMMUNITIES;

- h) "DECENT WORK" AS DEFINED BY THE INTERNATIONAL LABOUR ORGANIZATION INVOLVES OPPORTUNITIES FOR WORK THAT IS PRODUCTIVE AND DELIVERS A FAIR INCOME, SECURITY IN THE WORKPLACE AND SOCIAL PROTECTION FOR ALL, BETTER PROSPECT FOR PERSONAL DEVELOPMENT AND SOCIAL INTEGRATION, FREEDOM FOR PEOPLE TO EXPRESS THEIR CONCERNS, ORGANIZE AND PARTICIPATE IN THE DECISIONS THAT AFFECT THEIR LIVES AND EQUALITY OF OPPORTUNITY AND TREATMENT FOR ALL WOMEN AND MEN;**
- i) "DEPARTMENT" REFERS TO THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES (DENR);**
- j) "ECO-FRIENDLY LEACHING REAGENT" IS ANY KIND OF SAFE, ENVIRONMENTALLY-FRIENDLY AND LOW-TOXICITY LEACHING SUBSTANCE/CHEMICAL USED IN MINERAL PROCESSING FOR ARTISANAL OR SMALL-SCALE MINING;**
- k) "EMB" REFERS TO THE DEPARTMENT'S ENVIRONMENT MANAGEMENT BUREAU;**
- l) [(g)] "*Existing mining right*" refers to perfected and subsisting claim, lease, license or permit covering a mineralized area prior to its declaration as a people's small-scale mining area;**
- m) "FINANCIER" AS USED IN THIS ACT REFERS TO INDIVIDUAL OR ENTITY DULY ACCREDITED BY THE BOARD TO ENGAGE IN FINANCING ARTISANAL OR SMALL-SCALE UNDERTAKINGS WHETHER ACTING AS THE OSTENSIBLE EMPLOYER OR UNDER A SHARING SCHEME;**
- n) [(j)] "*License*" refers to the privilege granted to a person to legitimately pursue his/HER occupation as ARTISANAL OR [a] small-scale miner or processor under this Act;**

- o) "MGB" REFERS TO THE DEPARTMENT'S MINES AND GEOSCIENCE BUREAU;
- p) "MINAHANG BAYAN" REFERS TO AN AREA DECLARED AND SET ASIDE BY THE DEPARTMENT, THROUGH THE BOARD, FOR ARTISANAL AND/OR SMALL-SCALE MINING ACTIVITIES PURSUANT TO THIS ACT;
- q) [(a)] "*Mineralized areas*" refer to areas with naturally occurring mineral deposits of gold, silver, chromite, kaolin, silica, marble and like mineral resources;
- r) "MINERAL PROCESSING" MEANS THE MILLING, BENEFICATION, LEACHING, SMELTING, CALCINATION OR UPGRADING OF ORES, MINERALS, ROCKS, MILL TAILINGS, MINE WASTES AND/OR OTHER METALLURGICAL BY-PRODUCTS OR BY SIMILAR MEANS TO CONVERT THE SAME INTO MARKETABLE PRODUCTS;
- s) "MINERAL RESERVATION" REFER TO AREAS, INCLUDING SUBMERGED LANDS WITHIN THE CONTIGUOUS ZONE AND EXCLUSIVE ECONOMIC ZONE, ESTABLISHED AND PROCLAIMED AS SUCH BY THE PRESIDENT OF THE PHILIPPINES UPON RECOMMENDATION BY THE SECRETARY;
- t) "MINES OCCUPATIONAL SAFETY AND HEALTH PROGRAM OR MOSH" REFERS TO A MINES OCCUPATIONAL SAFETY AND HEALTH PROGRAM DEVELOPED AND PRESCRIBED BY THE DEPARTMENT AND THE DEPARTMENT OF LABOR AND EMPLOYMENT (DOLE) IN ACCORDANCE WITH REPUBLIC ACT NO. 11058 AND OF INTERNATIONAL LABOUR ORGANIZATION CONVENTION NO. 176 OR SAFETY AND HEALTH IN THE MINES CONVENTION THAT ENSURES JUST, SAFE, AND HUMANE WORKING ENVIRONMENT FOR ARTISANAL, SMALL-SCALE MINERS, MINERAL PROCESSORS, AND SUCH OTHER INDIVIDUALS WORKING OR OPERATING IN THE MINAHANG BAYAN;
- u) "MINING PROCESSOR'S LICENSE" REFERS TO A LICENSE GRANTED TO SMALL-SCALE PROCESSOR TO OPERATE CUSTOM MILLS OR SMALL-SCALE MINERAL PROCESSING PLANT IN THE TREATMENT

OF MINERAL OR ORE BEARING MATERIAL, SUCH AS BENEFICIATION, LEACHING, CUTTING, SIZING, POLISHING AND/OR OTHER SIMILAR ACTIVITIES;

v) [(k)"Mining plan"] **"MINING WORK PROGRAM"** refers to THE [a two] **REQUIRED THREE-YEAR WORK program FOR ARTISANAL AND FIVE-YEAR FOR SMALL-SCALE MINING WHICH OUTLINE THE** activities and methodologies employed in the extraction and production of minerals or ore-bearing materials, the financial plan and other resources in support thereof, including details of implementation of the prescribed **PEIMP, MOSH and CDMP**;

w) **"POTENTIAL ENVIRONMENTAL IMPACT MANAGEMENT PLAN OR PEIMP"** REFERS TO ENVIRONMENTAL MANAGEMENT AND REHABILITATION ACTIVITIES DEVELOPED AND PRESCRIBED BY THE DEPARTMENT TO BE STRICTLY FOLLOWED BY ALL FOR THE DURATION OF ARTISANAL ACTIVITIES OR SMALL-SCALE MINING CONTRACT OR SMALL-SCALE MINERAL PROCESSOR'S OPERATIONS;

x) **"PROGRAM"** REFERS TO THE PEOPLE'S SMALL-SCALE MINING PROGRAM UNDER THIS ACT WHICH SHALL COVER ARTISANAL AND SMALL-SCALE EXTRACTION OF MINERALS, SMALL-SCALE MINERAL PROCESSING AND FINANCING UNDERTAKEN BY FINANCIERS;

y) [(I) "Director"] **"REGIONAL DIRECTOR"** refers to the regional [executive] director of the Department [of Environment and Natural Resources];

z) [(m)] **"Secretary"** refers to the Secretary of the Department of Environment and Natural Resources;

aa) [(d)] **"Small-scale miners"** refer to Filipino citizens [who, individually or in the company of other Filipino citizens,] **AND COMMUNITY RESIDENTS, voluntarily** [form a] **FORMED INTO A FILIPINO MINING COMMUNITY ASSOCIATION OR cooperative, REGISTERED WITH THE APPROPRIATE GOVERNMENT AGENCY AND** duly licensed by the Department [of Environment and Natural Resources] **THROUGH THE BOARD** to engage, under the terms and conditions of a **SMALL SCALE MINING** contract, in the extraction or removal of minerals or ore-bearing materials from the

ground **SUCH AS GOLD, SILVER AND CHROMITE AND OTHER METALLIC MINERALS LIKE ZINC, NICKEL, IRON, COPPER AND MANGANESE;**

bb) [(C)] **"Small-scale mining"** refers to **MINING ACTIVITIES UNDERTAKEN BY SMALL-SCALE MINERS, AS DEFINED ABOVE, WHICH USES OR EMPLOYS MODERN MINING TECHNOLOGIES AND LIGHT MACHINERIES, REGARDLESS OF THE VOLUME OF PRODUCTION, AND WHOSE OPERATION IS SUPERVISED BY A DULY LICENSED MGB MINING ENGINEER AND THE USE OF EXPLOSIVE SUPERVISED BY PHILIPPINE NATIONAL POLICE BLASTER OR PERFORMED BY A DULY LICENSED INDIVIDUAL OR BLASTING CONTRACTOR;**

cc) [(d)] **"Small-scale mining contract"** refers to co-production, joint venture or mineral production sharing agreement between the State and a small-scale mining contractor for the small-scale utilization of a plot of mineral land;

dd) [(e)] **"Small-scale mining contractor"** refers to an **ASSOCIATION** or a cooperative of small-scale miners, registered with the [Securities and Exchange Commission or other] appropriate government agency, which has entered into an agreement with the State for small-scale **EXTRACTION OR** utilization of a plot of mineral land within a [people's small-scale mining] **BOARD DECLARED MINAHANG BAYAN;**

ee) [(i)] **"SMALL-SCALE MINERAL Processor" AS USED IN THIS ACT** refers to **AN [person] INDIVIDUAL OR AN ASSOCIATION OR COOPERATIVE [issued a] LICENSED** to engage in the treatment of minerals or ore-bearing materials such as by gravity concentration, leaching, beneficiation, cyanidation, cutting, sizing, polishing and other similar activities; **AND**

ff) **"SUSTAINABLE LIVELIHOOD" AS USED HEREIN** **ADOPTS THE UNITED NATIONS' CONCEPT OF SUSTAINABLE LIVELIHOOD THAT REFERS TO ONE THAT CAN COPE WITH AND RECOVER FROM STRESSES AND SHOCKS, MAINTAIN OR ENHANCE ITS CAPABILITIES AND ASSETS, WHILE NOT UNDERMINING THE NATURAL RESOURCE BASE."**

SEC. 4. Section 4 of R.A. 7076 is hereby renumbered, amended and integrated therein the provision of Section 26, to read as follows:

"SECTION 5[4]. *People's Small-Scale Mining Program.* A PEOPLE'S SMALL-SCALE MINING (PSSM) PROGRAM IS HEREBY ESTABLISHED TO IMPLEMENT THE DECLARED STATE POLICY ON ARTISANAL AND SMALL-SCALE MINING. THE PROGRAM SHALL BE UNDER THE DIRECT SUPERVISION AND CONTROL OF THE SECRETARY OF THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES (DENR).

THE SECRETARY, IN COORDINATION WITH OTHER GOVERNMENT AGENCIES IN THE INTER-AGENCY COUNCIL HEREIN PROVIDED, SHALL DESIGN, AND IMPLEMENT SUSTAINABLE LIVELIHOOD AND DEVELOPMENT APPROACH FOR ARTISANAL AND SMALL-SCALE MINING.

[For the purpose of carrying out the declared policy provided in Section 2 hereof, there is hereby established a People's Small-scale Mining Program to be implemented by the Secretary of the Department of Environment and Natural Resources, hereinafter called the Department, 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.]

The PSSM Program shall include the following features:

- a) Identification, segregation, and reservation of certain mineral lands as [People's Small-Scale Mining areas] **MINAHANG BAYAN;**
- b) The recognition of prior existing rights and productivity;
- c) The encouragement of the formation of cooperatives **OR ASSOCIATIONS;**
- d) The [extension] **PROVISION** of technical and financial assistance **TO THE MINAHANG BAYAN,** and [other] social services;
- e) The [extension] **PROVISION OF TECHNICAL** assistance **AND GUIDANCE ON ENVIRONMENTALLY SOUND EXTRACTION AND** processing [and] **INCLUDING** marketing;
- f) The [generation] **DEVELOPMENT** of ancillary livelihood activities;

- g) **THE DEVELOPMENT OF SIMPLE AND EASY TO FOLLOW REGULATIONS AND MEASURES TO SECURE HIGHER LEVEL OF COMPLIANCE, CONSISTENCY, AND EFFECTIVE ENFORCEMENT TAKING INTO CONSIDERATION THE TECHNICAL CAPACITY TO COMPLY AND TO FACILITATE THE FORMALIZATION OF THE ARTISANAL AND SMALL-SCALE MINING ENGAGEMENT;**

[The regulation of the small-scale mining industry with the view to encourage growth and productivity; and]

- h) **THE MOSH ORIENTATION OF ALL INDIVIDUALS ENGAGE OR WORKING IN THE MINAHANG BAYAN, AND REQUIREMENT OF TRAINING OF SAFETY OFFICERS AND FIRST AIDERS IN ALL ARTISANAL, SMALL-SCALE, AND MINERAL PROCESSING OPERATIONS, AS WELL AS THE CONDUCT OF RESCUE DRILLS AT THE MINE SITE;**
- i) **THE OBSERVANCE OF THE RIGHTS AND BENEFITS OF ALL INDIVIDUALS WORKING IN EXTRACTION, PROCESSING AND RELATED UNDERTAKINGS IN THE MINAHANG BAYAN; AND**
- j) **The efficient collection of government revenue”**

SEC. 5. A new Section 6 is hereby provided, to read as follows:

"SECTION 6. INTER-AGENCY COUNCIL ON SMALL-SCALE MINING OR IAC-MINES. TO EFFECT COHERENCE IN POLICY AND PROGRAM APPROACH ON ARTISANAL AND SMALL-SCALE MINING, AN INTER-AGENCY COUNCIL IS HEREBY ESTABLISHED AT THE NATIONAL LEVEL TO BE CHAIRED BY THE SECRETARY OF THE DENR.

THE INTER-AGENCY, HEREINAFTER REFERRED TO AS IAC-MINES. SHALL BE CO-CHAIRLED BY THE DEPARTMENT OF FINANCE (DOF) AND THE BANGKO SENTRAL NG PILIPINAS (BSP). THE IAC-SSM SHALL BE COMPOSED OF THE FOLLOWING GOVERNMENT AGENCIES AS MEMBERS: THE DEPARTMENT OF LABOR AND EMPLOYMENT (DOLE), THE DEPARTMENT OF TRADE AND INDUSTRY (DTI), THE COOPERATIVE DEVELOPMENT AUTHORITY (CDA), THE DEPARTMENT OF SCIENCE AND TECHNOLOGY (DOST), THE DEPARTMENT OF INTERIOR AND LOCAL GOVERNMENT (DILG), THE NATIONAL COMMISSION ON INDIGENOUS PEOPLES (NCIP), THE TECHNICAL EDUCATION AND SKILLS DEVELOPMENT ADMINISTRATION (TESDA), THE PHILIPPINE NATIONAL POLICE (PNP), THE DEPARTMENT OF SOCIAL WELFARE AND DEVELOPMENT (DSWD), THE ARMED FORCES OF THE PHILIPPINES (AFP), AND SUCH OTHER RELEVANT GOVERNMENT AGENCIES SUCH AS THE SOCIAL SECURITY SYSTEM (SSS), PHILHEALTH AND PAG-IBIG.

NON-GOVERNMENT ORGANIZATIONS (CSO) AND/OR CIVIL SOCIETY ORGANIZATIONS (CSO) ENGAGED IN ENVIRONMENT PRESERVATION SHALL BE INVITED AS WELL AS THE NATIONAL COALITION OF SMALL-SCALE MINERS IN THE PHILIPPINES AND RELEVANT TRADE UNION ORGANIZATION.

THE IAC-MINES SHALL BE THE PRIMARY PLANNING, COORDINATING, AND IMPLEMENTING BODY OF THE PSSM PROGRAM. IT SHALL MEET REGULARLY AND SHALL CONSULT AND COLLABORATE WITH ALL STAKEHOLDERS.

IN ADDITION TO THE PRECEDING SECTION, IAC-MINES SHALL HAVE THE FOLLOWING POWERS AND FUNCTIONS:

- a) SERVE AS THE PRIMARY BODY RESPONSIBLE FOR THE PROMOTION AND ENHANCEMENT OF THE PSSM PROGRAM AND ITS IMPLEMENTATION;**
- b) PROVIDE TECHNICAL ASSISTANCE, WITH THE DENR-MGB ON THE LEAD, IN COST-BENEFIT ANALYSIS OR FEASIBILITY STUDY ON MINERAL RESERVES IN THE PROJECTED MINAHANG BAYAN, INCLUDING THE DEPUTIZATION OF ASSISTING GEOLOGISTS, GEODETIC AND MINING ENGINEERS;**
- c) ENSURE SUPPORT IN TERMS OF SKILLS DEVELOPMENT, EXPOSURE TO BUSINESS NETWORKS, AND LOW INTEREST CREDIT ASSISTANCE FROM GOVERNMENT FINANCIAL INSTITUTIONS FOR CAPITALIZATION, ACQUISITION OF MODERN MINING TECHNOLOGIES AND LIGHT MACHINERIES FOR USE IN THE MINAHANG BAYAN;**
- d) PROVIDE PRIORITY ACCESS, WITH DTI ON THE LEAD, TO ARTISANAL OR SSM START-UPS TO SUPPORT FACILITIES AND FINANCIAL ASSISTANCE;**
- e) IN COLLABORATION WITH THE LOCAL GOVERNMENT UNITS, WITH THE DOLE ON THE LEAD, ENSURE COMPLIANCE, WITHIN THE MINAHANG BAYAN, WITH RIGHTS AT WORK, PROHIBITION ON CHILD LABOR AND DISCRIMINATION AT WORK, OBSERVANCE OF MOSH AND GENERAL LABOR STANDARDS, AND PROVISION OF TECHNICAL ASSISTANCE FOR EASE OF COMPLIANCE, ENFORCEMENT AND MONITORING;**
- f) DEVELOP AND IMPLEMENT, WITH THE DOST ON THE LEAD, ALTERNATIVES TO TOXIC OR HAZARDOUS MINERAL**

EXTRACTION AND TREATMENT OF MINERAL OR ORE BEARING MATERIAL, SUCH AS BENEFICIATION, LEACHING, CUTTING, SIZING, POLISHING AND/OR OTHER SIMILAR ACTIVITIES;

- g) FORMULATE AN ACCREDITATION AND BLACKLISTING SYSTEM FOR FINANCIERS AND ESTABLISH TERMS AND CONDITIONS THAT ENSURE FAIR SHARING AGREEMENT AND SAFEGURDS THE RIGHTS AND HEALTH OF ARTISANAL AND SMALL-SCALE MINERS, AND THE ENVIRONMENT;**
- h) COORDINATE WITH THE PROVINCIAL/CITY ARTISANAL AND SMALL-SCALE MINING REGULATORY BOARDS THE IMPLEMENTATION OF ANY IAC-MINES MEMBER'S PROGRAMS AND ASSISTANCE FOR THE MINAHANG BAYAN;**
- i) ESTABLISH AN INTER-AGENCY COUNCIL'S SECRETARIAT, WHICH SHALL BE LODGED WITH THE DEPARTMENT; AND**
- j) PERFORM SUCH OTHER FUNCTION AS MAY BE NECESSARY TO CARRY OUT THE DECLARED STATE POLICY AND THE PSSM PROGRAM."**

SEC. 6. Section 24 is hereby renumbered and amended as follows:

"SECTION 7[24]. ARTISANAL AND SMALL-SCALE MINING REGULATORY BOARD. There is hereby created, under the supervision and control of the Secretary of the **DEPARTMENT, AN ARTISANAL AND SMALL-SCALE MINING REGULATORY BOARD, HEREIN REFERRED TO AS THE BOARD,** in the province/city with **ARTISANAL AND/OR** small-scale mining activities [, which shall be].

THE BOARD SHALL BE THE PROGRAM IMPLEMENTING ARM OF THE DEPARTMENT IN THE PROVINCE OR CITY and subject to review by the Secretary, shall exercise the following powers and functions:

- a) Declare and segregate existing gold rush area [for small-scale mining] AS MINAHANG BAYAN;**
- b) Reserve future gold and other mining areas for MINAHANG BAYAN [small scale mining];**
- c) REGISTER AND LICENSE ALL ARTISANAL, SMALL-SCALE MINERS, PROCESSORS AND ACCREDIT FINANCIERS IN THE AREA AND MAINTAIN A REGISTRY OF LICENSEES/ACCREDITED FINANCIERS;**

- d) Award contracts to **LICENSED** small-scale miners **ASSOCIATION OR COOPERATIVE TO DO EXTRACTION ACTIVITIES WITHIN THE MINAHANG BAYAN;**
- e) **ISSUE PERMIT TO OPERATE TO LICENSED ARTISANAL MINERS WITH CLEAR DESIGNATED AREA OF OPERATION INSIDE THE MINAHANG BAYAN THAT SHOULD NOT IN ANY WAY INTERFERE OR OBSTRUCT OR ENDANGER OTHER OPERATIONS OR ACTIVITIES WITHIN THE AREA;**
- f) **DESIGNATE OPEN AREAS FOR ARTISANAL MINING WITHIN THE MINAHANG BAYAN;**
- g) [Formulate and] **ABIDE BY AND Implement THE** rules and regulations related to small scale mining **IN THE PROVINCE OR CITY;**
- h) Settle disputes, conflicts, or litigations over conflicting claims within the [People's Small-Scale mining area,] **MINAHANG BAYAN AND/OR OVERLAPPING CLAIMS BETWEEN AND AMONG MINAHAN BAYANS OR WITH LARGE-SCALE MINING** [an area that is declared a small-mining], **IN THE EVENT OF NON-SETTLEMENT THE DISPUTE SHALL BE ELEVATED TO THE DEPARTMENT FOR RESOLUTION;**
- i) **ACCREDIT OR BLACKLIST FINANCIERS PURSUANT TO TERMS AND CONDITIONS SET BY THE DEPARTMENT TO ENSURE FAIR SHARING AGREEMENT AND PROTECTION OF THE RIGHTS AND OCCUPATIONAL SAFETY AND HEALTH OF ARTISANAL AND SMALL-SCALE MINERS;**
- j) **ACCREDIT OR BLACKLIST AN AUTHORIZED PHILIPPINE NATIONAL POLICE BLASTER OR A DULY LICENSED BLASTING CONTRACTOR; AND**
- k) **DEPUTIZED EXISTING MULTIPARTITE MONITORING TEAM (MMT) AS THE MONITORING ARM OF THE BOARD IN COORDINATION WITH THE REGIONAL MINE REHABILITATION FUND (MRF) COMMITTEE. IN THE ABSENCE OF AN MRF COMMITTEE AND MMT, THE BOARD SHALL CREATE A MINAHANG BAYAN MULTIPARTITE MONITORING TEAM; AND**
- l) Perform such other functions as may be necessary **OR REQUIRED BY THE SECRETARY** to achieve the goals and objective of this Act.

SEC. 7. Section 25 is hereby renumbered and amended to read as follows:

"SECTION 8 [25]. Composition of the Provincial / City ARTISANAL AND SMALL-SCALE Mining Regulatory Board. The Board shall be composed of the Department **REGIONAL DIRECTOR AS CHAIRPERSON WITH THE GOVERNOR OR CITY MAYOR, OR A DESIGNATED REPRESENTATIVE, AS THE CASE MAY BE, AS CO-CHAIRPERSON.** [of Environment and Natural Resources representative as Chairman; and the representative of the governor or city mayor, as the representative of the governor or city mayor, as the case may be, one (1) small scale mining representative, one (1) big-scale mining representative, and the representative from a nongovernment organization who shall come from an environmental group, as members.]

THE VICE-CHAIRPERSON SHALL BE ELECTED FROM AMONG THE MEMBERS OF THE BOARD REPRESENTING THE PRIVATE SECTOR. THE REPRESENTATIVES OF THE SECTOR SHALL COME FROM THE ARTISANAL MINERS, SMALL-SCALE MINERS, AND LOCAL REPRESENTATIVE FROM THE NATIONAL COALITION OF SMALL-SCALE MINERS IN THE PHILIPPINES, WITH AT LEAST ONE (1) REPRESENTATIVE EACH. IN AREAS WITH A CERTIFICATE OF ANCESTRAL DOMAIN TITLE (CADT) OR CERTIFICATE OF ANCESTRAL LAND TITLE (CALT), A REPRESENTATIVE OF THE INDIGENOUS COMMUNITY, SHALL SIT AS A MEMBER OF THE BOARD.

The representatives from the private sector shall be nominated by [their respective organizations] **DULY REGISTERED AND MOST REPRESENTATIVE** organization/s and **SHALL** be appointed by the **SECRETARY** of the Department [regional director. The Department shall provide the staff support to the Board]. **THE NOMINATING OR DESIGNATING ORGANIZATION SHALL HAVE THE RIGHT OF RECALL OF THEIR REPRESENTATIVE IN THE BOARD.**

FURTHER, FOR THE GOVERNMENT SECTOR, THE INDIGENOUS PEOPLES' REPRESENTATIVE IN THE SANGGUNIANG PANLALAWIGAN OR PROVINCIAL BOARD, THE REGIONAL DIRECTOR OF THE DOLE AND SUCH OTHER IAC-MINES MEMBER-AGENCIES' REGIONAL DIRECTORS, AS MAY BE NECESSARY, SHALL BE EX-OFFICIO MEMBERS OF THE BOARD.

THE APPROPRIATE REGIONAL OFFICE OF THE MGB AND THE EMB, IN CLOSE COORDINATION WITH EACH OTHER, SHALL BE THE TECHNICAL SUPPORT ARM OF THE BOARD AND HEREIN CONSTITUTED AS THE TECHNICAL SUPPORT COMMITTEE OF THE BOARD. ADDITIONALLY, THE BOARD SHALL CREATE AS MANY COMMITTEES DEEM NECESSARY TO CARRY OUT ITS FUNCTIONS. THE SECRETARIAT AND OTHER SUPPORT PERSONNEL SHALL BE PROVIDED BY THE LOCAL GOVERNMENT UNIT.

THE BOARD SHALL MEET REGULARLY AT AN INTERVAL IT MAY DEEM NECESSARY. IT SHALL GIVE NOTICE OF SUCH MEETING AND THE AGENDA, AT LEAST FIFTEEN (15) DAYS BEFORE THE INTENDED DATE, TO INFORM THE PUBLIC AND ALLOW THE FILING OF MANIFESTATION/APPLICATION, AMONG OTHERS.

SEC. 8. A new Section 9 is hereby provided to read as follows:

"SECTION 9. PANGASIWAANG LOKAL NG MINAHANG BAYAN (PLMB). THERE IS HEREBY ESTABLISHED, UNDER THE BOARD, A PANGASIWAANG LOKAL NG MINAHANG BAYAN (PLMB) TO GROUND MANAGE THE DAY-TO-DAY OPERATIONS OF THE MINAHANG BAYAN. IT SHALL BE ESTABLISHED BY THE HOST LGU OF MINAHANG BAYAN AND SHALL HOLD OFFICE THERETO. IT SHALL SUBMIT DAILY AND MONTHLY MONITORING REPORTS TO THE LGU AND THE BOARD.

AS MUCH AS PRACTICABLE, IT SHALL BE HEADED BY A GEOLOGIST OR A MINING ENGINEER, OR A GRADUATE AND/OR PRACTITIONER OF ANY RELATED FIELDS, WHO SHALL BE APPOINTED BY THE PROVINCIAL GOVERNOR OR CITY MAYOR. IT SHALL ALSO HAVE A RESEARCH, MONITORING, AND EVALUATION OFFICER (RMEO), IP COORDINATOR, COMMUNITY ORGANIZER, SANITARY AND HEALTH OFFICER, OCCUPATIONAL SAFETY AND HEALTH OFFICER, AND SECURITY AND SAFETY COORDINATOR.

IN CASE OF MULTIPLE MINAHANG BAYAN IN ONE PROVINCE OR CITY, THE COMPOSITION OR THE NUMBER OF PLMB SHALL ACCORDINGLY BE ADJUSTED, IF THE LGU REVENUES FROM MINING WOULD ALLOW.

ALL PMLB SHALL PERFORM THE FOLLOWING FUNCTIONS AND SUCH OTHER TASKS THAT THEREAFTER MAY BE REQUIRED FOR THE EFFECTIVE MANAGEMENT OF THE MINAHANG BAYAN AND OPERATIONS OF ARTISANAL AND SMALL-SCALE MINERS THEREIN:

- a) ENFORCEMENT OF THE RULES AND REGULATIONS ON A DAY-TO-DAY BASIS;**
- b) IMPLEMENT AND ENSURE DAY-TO-DAY OBSERVANCE OF OCCUPATIONAL SAFETY AND HEALTH AND SAFETY STANDARDS IN ACCORDANCE WITH EXISTING LAWS AND REGULATIONS;**
- c) SUBMIT A TRAINING PLAN TO THE BOARD COVERING OSH, ENVIRONMENTAL PROTECTION, SKILLS UPGRADING AND DOWNSTREAM LIVELIHOOD TRAINING;**

- d) FACILITATE THE CONDUCT OF TRAINING REQUIRED FOR LICENSING OF ARTISANAL AND SMALL-SCALE MINERS;**
- e) MAINTAIN PEACE AND ORDER IN THE MINAHANG BAYAN;**
- f) EXTEND TECHNICAL ASSISTANCE IN THE DEVELOPMENT OF THE FOLLOWING SUPPORTING REQUIREMENTS FOR PETITION AND/OR DECLARATION OF AN AREA AS MINAHANG BAYAN:**
 - 1) A FIVE-YEAR LIVELIHOOD DEVELOPMENT PROGRAM (LDP) WITH CLEAR OBJECTIVES, TRAINING PLAN AND ANNUAL OUTCOME INDICATORS CONTRIBUTING TO POVERTY REDUCTION IN THE COMMUNITIES SURROUNDING THE MINAHANG BAYAN. IT SHALL MOBILIZE RESOURCES FROM LIVELIHOOD PROGRAMS OF IAC-MINES AGENCIES.**
 - 2) POTENTIAL ENVIRONMENTAL IMPACT MANAGEMENT PLAN (PEIMP) FOR THE PETITIONED OR TO BE DECLARED MINAHANG BAYAN. IT SHALL DESCRIBE THE EXPECTED AND CONSIDERED ACCEPTABLE IMPACT AND SHALL SET UP MITIGATING STRATEGIES TO BE APPLIED BASED ON BEST PRACTICES IN ENVIRONMENTAL MANAGEMENT IN ARTISANAL OR SMALL-SCALE MINING OPERATION. IT SHALL BE BASED ON THE ENVIRONMENTAL COMPLIANCE CERTIFICATE AND SHALL BE INCORPORATED IN THE WORK PROGRAM.**
 - 3) A FIVE-YEAR SAFETY AND HEALTH PROGRAM (SHP) WITH ANNUAL OUTCOME INDICATORS COVERING THE AREA OF OPERATIONS. THE SHP SHALL COMPLY WITH THE MGB AND DOLE OSH STANDARDS PURSUANT TO REPUBLIC ACT NO. 11058 OR THE OCCUPATIONAL SAFETY AND HEALTH LAW OF 2018 AND THE SMALL-SCALE MINING SAFETY RULES AND REGULATIONS.**
- g) PROTECT IP RIGHTS AND PROMOTE THEIR GENERAL WELFARE AND PRESERVATION OF THEIR CULTURE AND TRADITION IN CERTIFICATE OF ANCESTRAL DOMAIN TITLE (CADT) AREAS HOSTING THE MINAHANG BAYAN; AND**
- h) CONDUCT VERIFICATION OF MINERALS FOR SMALL-SCALE MINING OPERATION IF WITH AUTHORITY TO VERIFY**

MINERALS IS GRANTED BY THE CONCERNED MGB REGIONAL OFFICE.

ALL SMALL-SCALE MINING CONTRACTORS SHALL BE REQUIRED, PRIOR TO APPROVAL OF APPLICATION FOR DECLARATION OF A MINAHANG BAYAN OR PERMIT TO OPERATE, TO CONSTITUTE THEIR RESPECTIVE PLMB COORDINATOR THAT ENSURES OPERATIONAL COMPLIANCE WITH ALL THE REQUIREMENTS AND RESPONSIBILITIES IMPOSED UNDER THIS ACT AND ITS IMPLEMENTING RULES AND REGULATIONS. THE CONTRACTOR'S PLMB COORDINATOR MUST BE APPROVED AND ACCREDITED BY THE BOARD FOR CAPACITY BUILDING AND PROPER ORIENTATION ON THEIR ROLES AND FUNCTIONS AT THE MINAHANG BAYAN."

SEC. 9. A new Section 10 is hereby provided as follows:

"SECTION 10. COMMUNITY DEVELOPMENT; DEVELOPMENT OF DOWNSTREAM LIVELIHOOD. THE PLMB, WITH THE DTI, DOLE, DOST, TESDA, AND DSWD, SHALL ENSURE THE DEVELOPMENT OF THE SURROUNDING COMMUNITIES OF THE MINAHANG BAYAN. THE OFFICE SHALL, AMONG OTHERS, TRAIN AND DEVELOP CAPACITY FROM AMONG THE MINERS, THEIR HOUSEHOLD MEMBERS, AND/OR RESIDENTS FROM SURROUNDING COMMUNITIES ON SUPPORT SERVICES OR SUSTAINABLE DOWNSTREAM LIVELIHOOD SUCH AS JEWELRY-MAKING OR ORNAMENT-CRAFTING. SUBJECT TO APPROVAL BY THE BSP, PLMB DOWNSTREAM LIVELIHOOD MAY BE ALLOWED TO UTILIZE TWENTY PER CENT (20%) OF GOLD PRODUCED BY THE MINAHANG BAYAN FOR THE PURPOSE."

SEC. 10. A new Section 11 is hereby provided as follows:

"SECTION 11. MINES OCCUPATIONAL SAFETY AND HEALTH IMPLEMENTATION AND MONITORING.

a) THE PLMB, IN COLLABORATION WITH THE MGB AND DOLE, SHALL ENSURE THE PROVISION OF TRAINING AND TECHNICAL ASSISTANCE TO ARTISANAL, SMALL-SCALE MINERS, CONTRACTORS AND PROCESSORS ON OCCUPATIONAL SAFETY AND HEALTH STANDARDS IN THE MINES CONSISTENT WITH THE PROVISIONS OF REPUBLIC ACT NO. 111058, OR THE OSH LAW.

b) THE MGB AND DOLE, IN COORDINATION WITH THE HOST LGU, SHALL SECURE HIGHER LEVEL OF COMPLIANCE BY ALL MINAHANG BAYAN WITH LABOR LAWS AND MOSH, AND DEVELOP AN INCENTIVE SCHEME TO ENCOURAGE ROBUST AND SUSTAINED COMPLIANCE."

SEC. 11. Section 5 of R.A. 7076 is hereby renumbered and amended as follows:

"SECTION 12[5]. Declaration of MINAHANG BAYAN [People's Small-Scale Mining Areas]. The SECRETARY, THROUGH THE Board, is [hereby] authorized to declare and set aside MINAHANG BAYAN [people's small-scale mining] areas in sites onshore DETERMINED BY THE BOARD'S TECHNICAL SUPPORT COMMITTEE TO BE TECHNICALLY SUITABLE, ENVIRONMENTALLY SUSTAINABLE AND COMMERCIALY VIABLE [suitable] for ARTISANAL AND/OR small-scale mining.

A MINAHANG BAYAN MAY BE ESTABLISHED AND MANAGE BY THE LOCAL GOVERNMENT UNIT (LGU), MOTU PROPRIO, OR DECLARED BY THE BOARD UPON A PETITION OF A DULY REGISTERED SMALL-SCALE MINING ASSOCIATION OR COOPERATIVE. IN BOTH SITUATION, THE OPERATION OF THE MINAHANG BAYAN MUST BE IN COMPLIANCE WITH THE PROVISIONS OF THIS ACT AND SUBJECT TO CONTROL AND SUPERVISION OF THE SECRETARY, THROUGH THE BOARD. [, subject to review by the Secretary, immediately giving priority to areas already occupied and actively mined by small-scale miners before August 1, 1987: *Provided*, that such areas are not considered as active mining areas: *Provided, further*, that the minerals found therein are technically and commercially suitable for small-scale mining activities: *Provided, finally*, that the areas are not covered by existing forest rights or reservations and have not been declared as tourist or marine reserved, parks and wildlife reservations, unless their status as such is withdrawn by competent authority.]

SEC. 12. A new Section 13 is hereby provided to read as follows:

"SECTION 13. CONVERSION OF PRE-EXISTING ARTISANAL OR SMALL-SCALE MINING AREAS. AREAS ALREADY OCCUPIED AND ACTIVELY MINED BY ARTISANAL OR SMALL-SCALE MINERS BEFORE AUGUST 1, 1987, AS DETERMINED BY THE BOARD, SHALL BE PRIORITY FOR CONVERSION INTO A MINAHANG BAYAN: *PROVIDED*, THAT SUCH AREAS ARE NOT CONSIDERED AS ACTIVE MINING AREAS: *PROVIDED*, FURTHER, THAT THE MINERALS FOUND THEREIN ARE TECHNICALLY AND COMMERCIALY SUITABLE FOR SMALL-SCALE MINING ACTIVITIES: *PROVIDED, FINALLY*, THAT IF THE AREAS ARE COVERED BY EXISTING FOREST RIGHTS OR RESERVATIONS AND HAVE BEEN DECLARED AS TOURIST OR MARINE PARKS AND WILDLIFE RESERVATIONS, CLEARANCE OR CONSENT OR WITHDRAWAL OF SUCH STATUS BY COMPETENT AUTHORITY SHALL FIRST BE OBTAINED BEFORE THE AREA CAN BE DECLARED AS A MINAHANG BAYAN. ARTISANAL OR SMALL-SCALE MINERS WHO HAVE BEEN IN ACTUAL OPERATION OF SAID MINERAL LANDS

SHALL NOT BE DISPOSSESSED, EJECTED OR REMOVED FROM SAID AREAS: PROVIDED, THEY COMPLY WITH THE PROVISIONS OF THIS ACT."

SEC. 13. A new Section 14 is hereby provided to read as follows:

"SECTION 14. PROHIBITIONS. OWING TO THE NATURE OF MINING AND THE HAZARDS IT POSES TO PEOPLE, COMMUNITIES, AND THE ENVIRONMENT, NO ARTISANAL OR SMALL-SCALE MINING SHALL BE ALLOWED OUTSIDE OF THE MINAHANG BAYAN AND NO ENTITY SHALL ENGAGE IN SMALL-SCALE MINING ACTIVITY WITHOUT A CONTRACT. LIKEWISE, NO PERSON SHALL WORK OR BE HIRED TO WORK IN SMALL-SCALE MINING AND OTHER SIMILAR OPERATIONS, INCLUDING FINANCING ACTIVITIES, UNLESS LICENSED BY THE BOARD."

SEC. 14. Section 6 of R.A. 7076 is hereby renumbered as follows:

"SECTION 15[6]. Future MINAHANG BAYAN [People's Small-Scale Mining] Areas. The following lands, when suitable for **ARTISANAL AND/OR** small-scale mining, may be declared by the **SECRETARY, THROUGH THE** Board, as **MINAHANG BAYAN [People's Small-Scale Mining]** areas:

- a) Public lands not subject to any existing right;
- b) Public lands covered by existing mining rights [which are not active mining areas] **BUT WITH CONSENT FROM APPROVED MINING TENEMENT HOLDERS; PROVIDED, THAT EXPLORATION PERMITS (EP) WITH NO DECLARATION OF MINING PROJECT FEASIBILITY (DMPF) FILED WITHIN THE LAST TERM THEREOF SHALL BE OPEN TO ARTISANAL AND/OR SMALL-SCALE MINING; and**
- c) **PUBLIC LANDS COVERED BY MINING APPLICATIONS SUCH AS:**
 - 1) **AREAS COVERED BY EXPLORATION PERMIT APPLICATIONS: PROVIDED, THAT THE TOTAL PROPOSED AREA FOR MINAHANG BAYAN IS WITHIN THE APPLIED EXPLORATION PERMIT AREA AND DOES NOT EXCEED TWO (2) MERIDIONAL BLOCKS: PROVIDED, FURTHER THAT UPON FILING OF THE PETITION AND DUE NOTICE, THE AREA SHALL BE EXCISED FROM THE COVERAGE OF THE EXPLORATION PERMIT APPLICATION: PROVIDED, FINALLY, THAT IF SUCH PETITION IS DENIED, THE AREA SHALL BE REVERTED**

TO THE AFFECTED EXPLORATION PERMIT APPLICATION: OR

- 2) AREAS COVERED BY DENIED APPLICATIONS FOR MINERAL AGREEMENTS BUT WITH PENDING APPEAL WITH THE BUREAU OR DEPARTMENT CENTRAL OFFICE: *PROVIDED*, THAT THE PROPOSED AREA FOR MINAHANG BAYAN IS WITHIN THE APPLIED AREA FOR MINERAL AGREEMENT AND DOES NOT EXCEED TWO (2) MERIDIONAL BLOCKS: *PROVIDED*, FURTHER, THAT UPON DECLARATION OF THE MINAHANG BAYAN, THE AREA SHALL BE EXCISED FROM THE COVERAGE OF THE APPEALED DENIAL; OR
 - 3) PUBLIC LANDS COVERED BY CANCELLED MINING TENEMENTS: *PROVIDED*, THAT THE SAID TENEMENTS WERE CANCELLED ON GROUNDS OF NON-RENEWAL OF EXPLORATION PERIOD FOR FIVE YEARS; OR NO APPROVED EXPLORATION WORK PROGRAM/ EXPLORATION PERIOD: *PROVIDED*, FURTHER, THAT THE CANCELLED TENEMENTS ARE NOT SUBJECT OF ANY GOVERNMENT DISPOSITION.
- d) Private lands, subject to certain rights and conditions, except those with substantial improvements or in bona fide and regular use as a yard, stackyard, garden, plant nursery, plantation, cemetery, or burial site, of land situated within one hundred meters (100 m.) from such cemetery or burial site, water reservoir or a separate parcel of land with an area of ten thousand square meters (10,000 sq. m.) or less;
- e) AND PUBLIC LANDS WITHIN PROCLAIMED ONSHORE MINERAL RESERVATION; *PROVIDED*, THAT A SMALL-SCALE MINING COOPERATIVE SHALL BE GIVEN PREFERENTIAL RIGHT TO & MAXIMUM AGGREGATE AREA OF TWENTY-FIVE PER CENT (25%) OF SUCH MINERAL RESERVATION, SUBJECT TO VALID EXISTING MINING/QUARRYING RIGHTS."

SEC. 15. A new Section 16 is hereby provided to read as follows:

"SECTION 16, AREAS CLOSED TO ARTISANAL AND SMALL-SCALE MINING. NO MINAHANG BAYAN SHALL BE DECLARED OR ANY ARTISANAL OR SMALL-SCALE MINING SHALL BE ALLOWED IN THE FOLLOWING:

- a) IN MILITARY AND OTHER GOVERNMENT RESERVATIONS, EXCEPT UPON PRIOR WRITTEN CLEARANCE BY THE GOVERNMENT AGENCY CONCERNED

- b) NEAR OR UNDER PUBLIC OR PRIVATE BUILDINGS, CEMETERIES, ARCHAEOLOGICAL AND HISTORIC SITES, BRIDGES, HIGHWAYS, WATERWAYS, RAILROADS, RESERVOIRS, DAMS OR OTHER INFRASTRUCTURE PROJECTS, PUBLIC OR PRIVATE WORKS INCLUDING PLANTATIONS OR VALUABLE CROPS, EXCEPT UPON WRITTEN CONSENT OF THE GOVERNMENT AGENCY OR PRIVATE ENTITY CONCERNED;
- c) IN AREAS COVERED BY VALID AND EXISTING MINING RIGHTS:
- d) IN AREAS EXPRESSLY PROHIBITED BY LAW: AND
- e) OLD GROWTH OR VIRGIN FORESTS, PROCLAIMED WATERSHED, FOREST RESERVES, WILDERNESS AREA, MANGROVE FORESTS, MOSSY FORESTS, NATIONAL PARKS, PROVINCIAL MUNICIPAL FORESTS, PARKS, GREENBELTS, GAME REFUGE AND BIRD SANCTUARIES AS DEINED BY LAW AND IN AREAS EXPRESSLY PROHIBITED UNDER THE NATIONAL INTEGRATED PROTECTED AREA SYSTEM (NIFAS) UNDER REPUBLIC ACT NO, 7866 AND OTHER LAWS."

SEC. 16. Section 7 of R.A, 7076 is hereby renumbered and amended as follows:

"SECTION 17[7]. Ancestral Lands. No ancestral land WITH A CERTIFICATE OF ANCESTRAL DOMAIN (CADT) may be declared as a [people's small-scale mining] MINAHANG BAYAN area without [the] prior [consent of] CONSULTATION WITH the cultural communities concerned: *Provided*, that, if ancestral lands are declared as MINAHANG BAYAN [People's Small-Scale Mining areas], the members of the cultural communities therein shall be given priority in the awarding of small-scale mining contracts: **PROVIDED, FURTHER, THAT REPRESENTATIVES OF THE AFFECTED INDIGENOUS CULTURAL COMMUNITIES (ICC) / INDIGENOUS PEOPLES (IP) SHALL BE INVOLVED IN THE AREA STATUS AND EVALUATION ASSESSMENT CONDUCTED BY THE DEPARTMENT AS PART OF THE FIELD BASED INVESTIGATION; PROVIDED, FINALLY, THAT THE ICG/IP SHALL BE ENTITLED TO A ROYALTY FEE OF MINIMUM OF ONE PER CENT (1%) OF GROSS PRODUCTION."**

SEC. 17. Section 6 of RA. 7076 is hereby renumbered and amended as follows:

"SECTION 18[8]. [Registration] LICENSING of ARTISANAL AND Small- Scale Miners. All persons undertaking ARTISANAL OR small-scale mining activities shall [register] **APPLY FOR & LICENSE WITH THE** Board [and may organize themselves into cooperatives in order to qualify for the awarding of a people's small-scale mining contract] **TO WORK IN THE**

MINAHANG BAYAN. A LICENSE SHALL BE ISSUED TO THE APPLICANT FREE OF CHARGE UPON COMPLETION OF THE MANDATORY 8-HOUR OCCUPATIONAL SAFETY AND HEALTH ORIENTATION AND BASIC TRAINING ON ENVIRONMENTALLY SUSTAINABLE MINING PRACTICES. SUCH LICENSE SHALL BE VALID FOR AT LEAST THREE (3) YEARS, UNLESS SOONER REVOKED FOR VIOLATION OF THIS ACT, AND RENEWABLE FOR THE SAME PERIOD AFTER COMPLETION OF THE ORIENTATION OR TRAINING REQUIREMENTS."

SEC. 18. A new Section 19 is hereby provided to read as follows:

"SECTION 19. ARTISANAL MINING PERMIT; REQUIREMENTS AND VALIDITY. ALL DULY LICENSED ARTISANAL MINER, WHETHER AS INDIVIDUAL OR IN GROUP, SHALL SECURE FROM THE BOARD A PERMIT TO UNDERTAKE ARTISANAL MINING. SUCH PERMIT SHALL BE ISSUED UPON COMPLIANCE WITH THE REQUIREMENTS SET BY THE BOARD AND CO-TERMINUS WITH THE ARTISANAL LICENSE, WHICH IS FOR A PERIOD OF AT LEAST THREE (3) YEARS AND RENEWABLE FOR THE SAME PERIOD UPON VERIFICATION OF COMPLIANCE BY THE PLMB AND THE MMT. THE PERMIT SHALL SPECIFY THE AREA COVERED FOR THE ACTIVITIES, THE METES AND BOUNDS, AND THE CONDITIONS FOR THE GRANT. WHICH INCLUDE A PROHIBITION ON THE USE OF MERCURY, CHILD LABOR, BLASTING, AND A POST MINING REHABILITATION AND RESTORATION OF THE MINED AREAS. VIOLATION OF ANY OF THE CONDITIONS OF THE PERMIT SHALL RESULT TO IMPOSITION OF PENALTIES FROM FINES TO BLACKLISTING FROM ENGAGING IN ANY FORM OF MINING ACTIVITIES."

SEC. 19. A new Section 20 is hereby provided to read as follows:

"SECTION 20. CONVERSION OF ARTISANAL MINING PERMIT TO SMALL-SCALE MINING CONTRACT. ARTISANAL MINERS MAY CONVERT THEIR MINING PERMIT TO SMALL-SCALE MINING CONTRACT, SUBJECT TO COMPLIANCE WITH THE REQUIREMENTS, FOR SMALL-SCALE MINING UNDERTAKINGS."

SEC. 20. Section 9 of R.A. 7076 is hereby renumbered and amended as follows:

"SECTION 21[9]. Award of [People's] Small-Scale Mining Contracts. [people's] Small-scale mining contract may be awarded by the Board to small-scale miners who have voluntarily organized and [have] duly registered with the appropriate government agency as [an individual miner] ASSOCIATION cooperative: Provided, that THE ASSOCIATION OR, COOPERATIVE IS ALSO REGISTERED WITH THE BOARD AND ALL MEMBERS ARE DULY LICENSED SMALL-SCALE MINERS.

Only one (1) [people's] small-scale mining contract [may] **SHALL** be awarded at any one time to **AN ASSOCIATION OR COOPERATIVE** [a small-scale mining operations within one (1) year from the date of award. *Provided, further, that priority*). **SUCH CONTRACT** shall **ONLY** be given to **ASSOCIATION OR COOPERATIVE OF** small-scale miners residing in the province or city where the small-scale mining] is located

Applications for a contract shall be subject to a reasonable fee to be paid to the Department's [of Environment and Natural Resources] regional office having jurisdiction over the area. **IN NO CASE, HOWEVER, SHALL THE FEE AND COMPLIANCE REQUIREMENTS BE EQUAL TO OR HIGHER THAN THOSE REQUIRED FROM LARGE-SCALE MINING. ALL AGENCIES INVOLVED IN REGULATING SMALL-SCALE MINING OPERATION SHALL BE STREAMLINED WITH THE BOARD'S OFFICE SERVING AS ONE-STOP-SHOP TO FACILITATE THE FORMALIZATION OF SMALL-SCALE MINING OPERATIONS, INCLUDING EASE IN ENSURING ENVIRONMENTAL PROTECTION, DECENT WORK AND OCCUPATIONAL SAFETY AND HEALTH. THE CONTRACT SHALL BE FOR A PERIOD OF FIVE (5) YEARS AND RENEWABLE FOR THE SAME, PERIOD UPON VERIFICATION OF COMPLIANCE AND RECOMMENDATION BY THE BOARD'S TECHNICAL COMMITTEE."**

SEC. 21. Section 13 of RA. 7078 is hereby renumbered as follows:

"SECTION 22[13]. Terms and Conditions of the SMALL-SCALE MINING Contract. A contract shall have a term of [two (2)] **FIVE (5) years AND renewable FOR THE SAME PERIOD** [subject for verification by the Board for like periods as long as the contractor], **UPON VERIFICATION AND RECOMMENDATION BY THE BOARD'S TECHNICAL COMMITTEE** [complies with the provisions set forth in this Act. [and]. **THE CONTRACT** confers upon the contract[or] **HOLDER** the right to mine within the **MINAHANG BAYAN** [contract area: provided, that the holder of a small-scale mining contract shall have] **AND IN ADDITION TO SECTIONS --- AND--, SHALL OBSERVE** the following duties and obligations:

- a) Undertake mining activities only in accordance with **THE DULY APPROVED FIVE-YEAR WORK PROGRAM** [a mining plan duly approved by the Band];
- b) Abide by the Mines and Geosciences Bureau and the small-scale Mining Safety Rules and Regulations;
- c) **NOT UNDERTAKE HYDRAULICKING OR COMPRESSOR MINING AT ANY STAGE OF THE SMALL-SCALE MINING;**

- d) **NOT USE MERCURY IN ANY PHASE OF SMALL-SCALE MINING;**
- e) Comply with [his] obligations to the holder of an existing mining right;
 - f) Pay all taxes, royalties or government production share as may hereafter be provided by law;
 - g) Comply with pertinent rules and regulations an environmental protection and conservation, particularly those on tree-cutting mineral-processing and pollution control
- h) File under oath at the end of each month a detailed production and financial report at the Board; [and]
- i) Assume responsibility [for] **IN ENSURING [the _ safety] OCCUPATIONAL SAFETY AND HEALTH, AND SOCIAL WELFARE BENEFITS** of persons working in the mines, **INCLUDING A FAIR AND EQUITABLE SHARE IN CASE OF SHARING COMPENSATION SCHEME WITH FINANCIER;**
- j) **USE OF ECO-FRIENDLY LEACHING REAGENT IN MINERAL PROCESSING SUBJECT TO LICENSING BY THE ENVIRONMENT MANAGEMENT BUREAU FOR THE USE OF REAGENTS;**
- k) **ENGAGE ONLY AUTHORIZED AND BOARD ACCREDITED PNP BLASTER OR CONTRACTOR: AND,**
- l) **ENSURE NON-ENGAGEMENT OF CHILD LABOR IN THE MINING ACTIVITIES.**

SEC. 22. Section 10 of RA. 7076 is hereby renumbered and amended as follows:

“SECTION 23[10]. Extent of Contract Area. The Board shall determine the reasonable size and shape of the contract area following the meridional block system established under [Presidential Decree No. 483. as amended, otherwise known as the Mineral Resources Development Decree of 1974,] **REPUBLIC ACT NO. 7942** but in no case shall the area exceed twenty hectares (20 has.) per contractor and the depth or length of the tunnel or adit not exceeding that recommended by the [director] **MGB TECHNICAL TEAM** taking into account the following circumstances:

- a) Size of membership and capitalization of the cooperative of association;
- b) Size of mineralized area;
- c) Quantity of mineral deposits;
- d) Safety of miners:

- e) Environmental impact [and other considerations]; and
- f) Other related circumstances”

SEC. 23. A new Section 24 is hereby provided to read as follows

“SECTION 24. EXEMPTION OF ARTISANAL AND SMALL-SCALE MINING OPERATIONS FROM EXCISE TAX. THE SALE TO THE BSP OF GOLD SOURCED FROM ARTISANAL AND SMALL-SCALE MINING SHALL BE EXEMPT FROM EXCISE TAG IN ACCORDANCE WITH ‘SECTION 26 AND 3 OF REPUBLIC ACT NO. 11256.”

SEC. 24. A new Section 25 is hereby provided to read as follows:

"SECTION 25. SALE OF GOLD. ALL GOLD PRODUCED BY ARTISANAL AND SMALL-SCALE MINERS SHALL BE SOLD TO THE BANGKO SENTRAL NG PILIPINAS (SP), OR TO ANY OF ITS DULY AUTHORIZED REPRESENTATIVE OR BUYING STATION, WHICH SHALL BUY AT COMPETITIVE PRICES WITH THOSE PREVAILING IN THE WORLD MARKET REGARDLESS OF VOLUME OR WEIGHT, FOR THIS PURPOSE, THE BSP SHALL ESTABLISH AS MANY BUYING STATION AS POSSIBLE, AND AT ITS DISCRETION, MAY ACCREDIT TRADERS OR ALLOW SALE OF GOLD TO BSP LICENSED BUYERS TO FULLY SERVICE THE REQUIREMENTS OF MINERS."

SEC. 25. Section 12 of RA. 7076 is hereby renumbered and amended, as follows:

“SECTION 26[12]. Rights Under a [People's] Small-Scale Mining Contract. A [people's] small-scale mining contract entitles the small-scale mining contractor [to] the right to mine **GOLD, SILVER, CHROMITE AND SUCH OTHER METALLIC MINERALS LIKE ZINC, NICKEL, IRON, COPPER AND MANGANESE**, extract, and dispose of ALL mineral ores for commercial purposes **ON CONDITION THAT GOLD SHALL BE SOLD PURSUANT TO SECTION __ OF THIS ACT. FURTHER**, in no case shall a small-scale mining contract be subcontracted, assigned, or [otherwise] transferred, **OR THE EXTRACTED GOLD BE SOLD TO UNAUTHORIZED BUYERS OR IN THE BLACK MARKET."**

SEC. 26. Section 11 of LA. 7076 is hereby renumbered and amended.as follows:

“SECTION 27[11]. Easement Rights. Upon the declaration of a **MINAHANG BAYAN**, [people's small-scale mining area, the director **THE. BOARD**, in consultation with the operator, **APPROVED MINING TENEMENT HOLDER**, [claim owner] landowner or lessor of an affected area, shall determine the right of the small-scale miners to existing facilities such as mining and logging mads, private roads, port and communication facilities, processing plants, which are necessary for the effective **OPERATION OF THE MINAHANG BAYAN.** [implementation of the

People Small-Scale Mining Program, subject to] **THE SMALL-SCALE MINERS, UPON PAYMENT OF JUST COMPENSATION SHALL BE ENTITLED TO ENTER AND OCCUPY SAID MINING AREAS OR LANDS.**" [reasonable to the operator, claim-owner, landowner, or lessor.]

SEC. 27. Section 14 of R.A. 7076 is hereby renumbered as follows:

"SECTION 28[14]. Rights of Claim-owners. In case a site declared and set aside as a [people's-scale mining area] **MINAHANG BAYAN** is covered by an existing mining right, the claim-owner and the small-scale miners therein are encouraged to enter into a voluntary and acceptable contractual agreement with respect to the small-scale utilization of the mineral values from the area under claim. In case of disagreement, the claim-owner shall be entitled to the following rights and privileges:

- a. Exemption from the performance of annual work obligations and payment of occupation fees, rental, and real property taxes;
- b. Subject to the approval of the Board, free access to the contract area conducts metallurgical tests, explorations, and other activities, provided such activities do not unduly interfere with the operations of the small-scale miners, and
- c. Royalty equivalent to one end one half percent (1 1/2%) of the gross value of the metallic mineral output or one percent (1%) of the gross value of the nonmetallic mineral output to be paid to the claim owner: *Provided*, that such rights and privileges shall be available only if [he] **THE CLAIM OWNER** is not delinquent [and other performance of his] **WITH THE** annual work obligations and other requirements for the last two (2) years prior to the effectivity of this Act."

SEC. 28. Section 15 of R.A. 7071 is hereby renumbered as follows:

"SECTION 29[15]. Rights of Private Landowners." The private landowner or lawful possessor shall be notified of any plan or petition to declare [his] **THE land OR PART THEREOF** as a [people's small-scale mining area] **MINAHANG BAYAN**. Said landowner may oppose such plan or petition in an appropriate proceeding and hearing conducted before the Board.

If a private land **OR PART THEREOF** is declared as a [people's small-scale area] **MINAHANG BAYAN** area, the owner and the small-scale mining contactor are encouraged to enter into a voluntary and acceptable contractual agreement for the small-scale utilization of the mineral values from the private land: *Provided*, that the owner shall in all cases be entitled to the payment of actual damages [which he may suffer] as a result of such declaration: *Provided*, further, that royalties paid to the owner shall in no

case exceed one percent (1%) of the gross value of the minerals recovered.”
[as royalty.]

SEC. 29. Section 16 of RA. 7076 is hereby renumbered as follows:

“SECTION 30[16]. Ownership of [Millings] MILL TAILINGS. The small-scale mining contractor shall be the owner of all millings] **TAILINGS**, produced from the contract area. He may sell millings or have them processed in any custom mill the area; Provided, that, if the small-scale mining contractor decide to sell millings, the claim owner shall have a preemptive right to purchase said millings at the prevailing market price.”

SEC. 30. A new Section 31 is hereby provided as follows:

“SECTION 31. TRANSPORT OF ORE BEARING MATERIALS AND MILL TAILINGS. THE DEPARTMENT SHALL PROMULGATE GUIDELINES FOR THE TRANSPORT OF ORE EXTRACTED FROM AN ISSUED SMALL-SCALE MINING CONTRACT WITHIN A DECLARED MINAHANG BAYAN AREA AND MILL TAILINGS PRODUCED MINERAL PROCESSING ZONE.”

SEC. 31. A new Section 32 is hereby provided as follows:

“SECTION 32. MINE WASTE AND TAILINGS FEE. MINE WASTE TAILINGS (MWT) FEE SHALL BE COLLECTED ANNUALLY FROM EACH CONTRACTOR/LICENSEE. THE MWT FEE SHALL ACCRUE TO THE MWT RESERVED FUND EXCLUSIVELY FOR PAYMENT OF DAMAGES TO:

- a) LIVES AND PERSONAL SAFETY;**
- b) LANDS, AGRICULTURAL CROPS AND FOREST PRODUCTS, MARINE LIFE AND AQUATIC RESOURCES, CULTURAL RESOURCES; AND.**
- c) INFRASTRUCTURE AND THE REVEGETATION AND REHABILITATION OF SILTED FARMLANDS AND OTHER AREAS DEVOTED TO AGRICULTURE AND FISHING CAUSED BY SMALL-SCALE MINING POLLUTION.”**

SEC. 32. Section 21 of R.A. 7076 is hereby renumbered as follows:

“SECTION 33[21]. Rescission of Contracts and Administrative Fines. The non-compliance with the terms and conditions of the contract or violation of the rules and regulations issued by the Secretary pursuant to this Act, as well as the abandonment of the mining site by the contractor, shall constitute a ground for the cancellation of the contract and the ejectment from the [people's small-scale mining] **MINAHANG BAYAN** area of the contractor.

In addition, the Secretary may impose fines against the violator in an amount of 'not less than [Twenty Thousand Pesos (P20,000.00)] **FIFTY THOUSAND PESOS** (P50,000.00) and not more than One Hundred Thousand Pesos (P100,000.00). Non-payment of the fine imposed shall render the small-scale mining contractor **PERPETUALLY** ineligible for **ANY** [other small-scale] mining contracts."

SEC. 33. Section 22 of R.A. 7076 is hereby renumbered as follows:

"SECTION 24[22]. Reversion of MINAHANG BAYAN [People's Small-Scale] Mining Areas. The Secretary, upon recommendation of the Director **AND CONSULTATION WITH THE WOULD-BE AFFECTED STAKEHOLDERS**, shall withdraw the status OR DECLARATION of [the people's small-scale mining] **MINAHANG BAYAN** area when it can no longer feasibly BE operated on a small-scale mining basis or when the safety, health and environmental conditions warrant hat the same shall revert to the State for proper disposition."

SEC. 34. Section 18 of RA 7076 is hereby renumbered as follows:

"SECTION 35[18]. MINERAL PROCESSING [Custom Mills]. The establishment and operation of safe and efficient customs mills to process minerals or ore-bearing materials shall be limited to mineral processing zones duly designated by the local government unit concerned upon recommendation of the Board,

In mining areas where the private sectors unable to establish custom mils, the **DEPARTMENT OF TRADE AND INDUSTRY (DTI)** [Government] shall construct such custom mills **AS A SHARED FACILITY** upon the recommendation of the Board based on the viability of the project.

The Board shall issue licenses for the operation of custom mills and other processing plants subject to pollution control and safety standards.

"The Department shall establish assay laboratories to cross-check the integrity of custom mils and to render metallurgical and laboratory services to miners.

[Custom mills] **MINERAL PROCESSOR'S LICENSEES** shall be constituted as withholding agents for the royalties, production share or other taxes due the Government."

SEC. 35. Section 19 of R.A. 7076 is hereby renumbered as follows:

"SECTION 36[19]. Government Share and Allotment. The revenue to be derived by the Government from the operation of the mining program herein established shall be subject to the sharing provided in the Local Government Code."

SEC. 36. Section 20 of R.A. 7076 is hereby renumbered as follows:

"SECTION 37[20]. (People's) ARTISANAL AND Small-Scale Mining [Protection] SOCIAL AMELIORATION Fund. There is hereby created a [People's] ARTISANAL AND Small-scale Mining SOCIAL AMELIORATION [Protection] Fund which shall be fifteen percent (15%) of the national government's share [due the Government which shall] **TO** be used primarily for **ARTISANAL AND SMALL-SCALE MINERS ON:**

- a. Information dissemination **ON GOOD MINING PRACTICES;**
- b. Training, including benchmarking, [of small-scale miners] on safety, health and environmental protection, **AND MODERN METHODS ON MINERAL EXTRACTION;**
- c. Establishment of mine rescue and recovery teams including the procurement of rescue equipment necessary in cases of emergencies such as landslides, tunnel collapse, or the like;
- d. **ESTABLISHMENT OF ARTISANAL AND SMALL-SCALE MINING SHARED FACILITIES IN MINING AREA DETERMINED TO BE APPROPRIATE;**
- e. **IMPLEMENTATION OF SOCIAL AND ECONOMIC PROGRAMS FOR THE ARTISANAL AND SMALL-SCALE MINERS; AND**
- f. [The fund shall also be made available to address the needs of the] **FINANCIAL AID TO** artisanal and small-scale miners [brought about] **AFFECTED** by accidents and/or fortuitous events, **AS MAY BE RECOMMENDED BY THE ASM TRIPARTITE COMMITTEE (ASM-TC), AS CREATED HEREIN.**

FOR THIS PURPOSE, AN ASM INDUSTRY TRIPARTITE COMMITTEE (ASM-TC) IS HEREBY CREATED TO ACT AS THE ADVISORY BODY ON THE USE OF THE ASM SOCIAL AMELIORATION FUND. REPRESENTATIVES OF THE DEPARTMENT AND DOLE SHALL BE EX-OFFICIO PRESIDING HEADS OF THE COMMITTEE WITH MEMBERS FROM THE ARTISANAL MINERS AND SMALL-SCALE MINERS, ENVIRONMENTAL NGO AND LGU, BUT IN NO CASE SHALL THAT THE TOTAL MEMBERSHIP SHALL EXCEED TEN (10)."

SEC. 37. Section 23 of RA. 7076 is hereby deleted and its provision is fused with Section 13:

[Section 28. Actual Occupation by Small-Scale Miners. Small-scale miners who have been in actual operation of mineral lands on or before August 4, 1987 as determined by the Board shall not be dispossessed, ejected, or removed from said areas: provided, that they comply with the provisions of this Act]

SEC. 38. Section 24 of R.A. 7076 is hereby deleted and its provision transposed as Section 6

[Section 24. Provincial/City Mining Regulatory Board. There is hereby created under the direct supervision and control of the Secretary a provincial/city mining regulatory board, herein called the Board, which shall be the implementing agency of the Department, and shall exercise the following powers and functions, subject to review by the Secretary:

- a. Declare and segregate existing gold-rush areas for small scale mining;
- b. Reserve future gold and other mining areas for small-scale mining:
Award contracts to small-scale miners;
- c. Formulate and implement rules and regulations related to small-scale mining;
- d. Settle disputes, conflicts, or litigations over conflicting claims within people's small-scale mining area, an area that is declared a small-mining; and
- e. Perform such other functions as may be necessary to achieve the goals and objectives of this Act.]

SEC. 39. Section 25 of RA. 7076 is hereby deleted and its provision transposed as Section 7.

[Section 25. Composition of the Provincial/City Mining Regulatory Board. The Board shall be composed of the Department of Environment and Natural Resources representative as Chairman; and the representative of the governor or city mayor, as the representative of the governor or city mayor, as the case may be, one (1) small scale mining representative, one (1) big-scale mining representative, and the representative from a government organization who shall come from an environmental group, as members.

The representatives from the private sector shall be nominated by their respective organizations and appointed by the Department regional director. The Department shall provide the staff support to the Board.]

SEC. 40. Section 26 RA 7076 is hereby fused with Sections 6 and 27.

[Section 26. Administrative Supervision over the People's Small-scale Mining Program. – The Secretary through his representative shall exercise direct supervision and control over the program and activities of the small-scale miners within the people's small-scale mining area.

The Secretary shall within ninety (90) days from the effectivity of this Act promulgate rules and regulations to effectively implement the provisions of the same. Priority shall be given to such rules and regulations that will ensure the least disruption in the operations of the small-scale miners.]

SEC. 41. Section 27 is hereby amended and renumbered as follows:

“SECTION 37 [27]. Penal Sanctions. Violations of the provisions of this Act of the rules and regulations issued pursuant hereto shall be **FINED OF NOT LESS THAN FIFTY THOUSAND PESOS (P50,000.00) BUT NOT MORE THAN FIVE MILLION PESOS (P5,000,000.00) AND/OR** penalized with imprisonment of not less than six (6) months nor more than six (6) years, **OR BOTH SUCH FINE AND IMPRISONMENT, AT THE DISCRETION OF THE COURT,** and shall include the confiscation and seizure of equipment, tools, and instruments. **IN ADDITION, DAMAGES AND COMPENSATION FOR THE MINERALS REMOVED AND EXTRACTED, AND THE REHABILITATION OF THE DISTURBED AREA'S SHALL BE IMPOSED,**

IN CASE OF ASSOCIATION, COOPERATIVE, CORPORATION OR PARTNERSHIP, THE PRESIDENT, GENERAL MANAGER OF THE COOPERATIVE AND/OR ASSOCIATION, AND THE BOARD OF DIRECTORS SHALL BE SOLIDARY LIABLE FOR THE OFFENSE COMMITTED WHETHER PUNISHABLE WITH A FINE OR IMPRISONMENT.

FOREIGN NATIONALS WHO VIOLATE THE PROVISIONS OF THIS ACT SHALL, UPON PAYMENT OF IMPOSABLE FINES AND DAMAGES, BE SUBJECT TO SUMMARY DEPORTATION PROCEEDINGS BY THE BUREAU OF IMMIGRATION AND SHALL BE PERMANENTLY BARRED FROM RE-ENTERING THE COUNTRY.

FOR THIS PURPOSE, THE IAC-MINES SHALL ISSUE A LIST OF PROHIBITED ACTS WITH CORRESPONDING ADMINISTRATIVE FINES AND/OR IMPRISONMENT DEPENDING ON THE SEVERITY AND DAMAGE CAUSED TO THE ENVIRONMENT AND THE COMMUNITY, WITHOUT PREJUDICE TO THE APPLICATION OF RELEVANT LAWS PENALIZING CRIMES AGAINST THE ENVIRONMENT.”

SEC. 42. A new Section 38 is hereby provided:

“SECTION 38. SUBMISSION OF ANNUAL REPORT. THE DEPARTMENT SHALL SUBMIT AN ANNUAL REPORT TO CONGRESS, WITHIN THIRTY (30) DAYS FROM END OF EACH CALENDAR YEAR, DETAILING THE NUMBER OF ARTISANAL AND SMALL-SCALE MINERS

NATIONWIDE, NUMBER OF EXISTING MINAHANG BAYAN, ISSUES AN CONCERNS ON COMPLIANCE WITH OCCUPATIONAL SAFETY AND HEALTH IN THE MINES, DECENT WORK OBSERVANCE, SOCIO - ECONOMIC AND ENVIRONMENTAL IMPROVEMENTS – AND ACCOMPLISHMENTS AND PLANS OF THE IAC-MINES.”

SEC. 43. *Implementing Rules and Regulations.* The Secretary shall, in consultation with the DILG, DOLE, DTI and small-scale mining stakeholders, promulgate the rules and regulations to effectively implement the provisions within ninety (90) days from the effectivity of this Act. Priority shall be given to such rules and regulations of the small-scale miners.

SEC. 44. *Repeating Clause.* All laws, decrees **INCLUDING PRESIDENTIAL DEGREE NO. 1898, AMONG OTHERS**, letters of instruction, executive orders, rules and regulations, and other issuances, of parts thereof, in conflict or inconsistent with this Act are hereby repealed or modified accordingly.

SEC. 45. *Separability Clause.* Any section or provision of this Act which may be declared unconstitutional shall not affect the other sections or provisions hereof.

SEC. 46. *Effectivity.* This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a national newspaper of general circulation.

Approved,