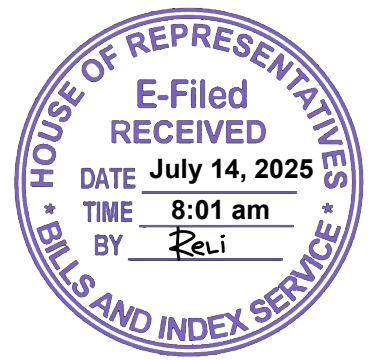


TWENTIETH CONGRESS)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



HOUSE OF REPRESENTATIVES

*Introduced by Representative Rufus B. Rodriguez and
Representative Maximo B. Rodriguez, Jr.*

House Bill No. **1801**

EXPLANATORY NOTE

Mining has adverse effects both to humans and the environment. Aside from adding toxic chemicals to the ore, it strips-off large areas of top soil of all flora and fauna. Just recently, Cagayan de Oro City has suffered flash floods and mining operations in barangays Dansolihon, Mambuaya, Taglimao, Tagpangi, Tuburan and Tumpago are blamed for such flashfloods. The flashfloods destroyed not just properties but agricultural areas and farm-to-market roads as well. Based on the Progress Reports of the Regional Disaster Coordinating Council of Region 10 based in Cagayan de Oro City, the flashfloods of January 3, 2009 has affected 21,605 persons or 5,223 families in the city. It has also totally damaged 141 houses and partially damaged 1,410 house amounting to an estimated cost of 1.9 million as of January 8, 2009 only.

In the January 11, 2009 floods that befell Cagayan de Oro City, 37,086 persons or 7,410 families were affected with 94 houses totally damaged and 71 partially damaged.

Further, typhoon Sendong brought about the worst destruction in the history of Cagayan de Oro City.

To prevent flashfloods from recurring, mining operations in Cagayan de Oro City must be totally prohibited. Hence this bill, which seeks to declare the City of Cagayan de Oro a mining-free zone.

In view thereof, immediate approval of this Bill is sought.


RUFUS B. RODRIGUEZ


MAXIMO B. RODRIGUEZ, JR.

HOUSE OF REPRESENTATIVES

*Introduced by Representative Rufus B. Rodriguez and
Representative Maximo B. Rodriguez, Jr.*

House Bill No. **1801**

AN ACT

**DECLARING THE CITY OF CAGAYAN DE ORO A MINING-FREE ZONE AND PROVIDING
PENALTIES FOR VIOLATIONS THEREOF**

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

SECTION. 1. *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 the City of Cagayan de Oro from the adverse effects of mining.

SEC. 2. *Declaration of the City of Cagayan de Oro as a Mining-Free Zone.* – The City of Cagayan de Oro is hereby declared a mining-free zone. All forms of mining operations and activities, whether large-scale or small-scale, within the jurisdiction of the City of Cagayan de Oro are hereby prohibited. The provisions of Republic Act No. 7942, or the “Philippine Mining Act of 1995”, Republic Act No. 7076, or the “People’s Small-Scale Mining Act”, and other laws, rules and regulations on mining that are inconsistent with this Act shall have no application within the territorial jurisdiction of the locality.

SEC. 3. *Coverage.* – This Act covers all mining operations and activities, including quarrying, within the territorial jurisdiction of the City of Cagayan de Oro: *Provided, however,* That the quarrying of gravel and sand for projects directly undertaken by the agencies of the National Government or by the City Government for basic services such as roads, bridges, school buildings, water and energy utilities, and similar public works, is exempted from the coverage of this Act, subject to the requirements of existing mining and environment laws: *Provided, further,* That the National Government may pursue mineral resource development in any part of the City when the national interest so requires, such as in the case of strategic raw minerals for industries critical to national development for scientific, cultural and ecological values.

SEC. 4. *Recognition of Existing Mining Contracts, Agreements and Permits.* – All valid and existing mining contracts, exploration permits, licenses, technical and financial agreements and mineral production sharing agreements in accordance with Republic Act No. 7942, covering any area within the City of Cagayan de Oro at the date of effectivity of this Act, shall be recognized by the Government and shall remain valid until the expiration or termination thereof. Thereafter, no further extension or renewal of the contract, permit, license or agreement shall be granted. Moreover, the Government shall not issue new exploration permits nor enter into new mineral agreements or similar other agreements covering lands within the jurisdiction of the City.

SEC. 5. *Non-renewal of Small-scale Mining Contracts.* – All small-scale mining contracts covering any area within the City of Cagayan de Oro shall not be renewed upon the effectivity of this Act.

SEC. 6. *Quarry Operations.* – Existing quarry permits issued by the City Government at the time of the approval of this Act shall be recognized and shall remain valid until the expiration or termination thereof. Thereafter, issuance of quarry permits in the mining-free zone for instances provided in Section 4 hereof, shall be under the direct supervision of the Department of Environment and Natural Resources (DENR). The maximum area which a qualified person may hold for quarrying purposes at any time within the territorial jurisdiction of the City of Cagayan de Oro shall be five (5) hectares. The DENR shall impose strict regulations in ensuring that no more than one (1) quarry permit is granted to the same person, corporation or its affiliate or subsidiary, or any entity that has essentially the same legal personality as the applicant or holder of an existing quarry permit in the City.

A quarry permit shall immediately be canceled by the DENR, upon finding after investigation that in the guise of quarrying activities, the holder of a quarry permit engages in activities that are properly authorized by exploration permits, mineral agreements, or mining contracts.

SEC. 7. *Penal Provision.* – Any person, natural or juridical, or any public officer, who violates 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 pesos (P500,000.00).

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 board of trustees who authorized the violations therein shall suffer the penalty imposed under this Act.

SEC. 8. *Implementing Rules and Regulations.* – Within ninety (90) days from the effectivity of this Act, the DENR Secretary shall issue rules and regulations for the effective implementation of this Act.

SEC. 9. *Separability Clause.* – If any section or provision of this Act is held unconstitutional or invalid, the remaining sections or provisions not affected thereby shall continue to be in full force and effect.

SEC. 10. *Repealing Clause.* – All laws, presidential decrees, executive orders, rules and regulations, and other issuances or parts thereof inconsistent with the provisions of this Act are hereby repealed, amended or modified accordingly.

SEC. 11. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,