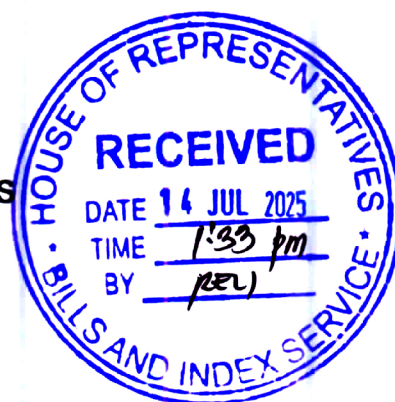


Republic of the Philippines  
**HOUSE OF REPRESENTATIVES**  
Quezon City, Metro Manila

**TWENTIETH CONGRESS**  
First Regular Session

HOUSE BILL NO. 1843



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Introduced by Representative **LEILA M. DE LIMA**

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**AN ACT**  
**PROHIBITING BLACK SAND MINING IN THE PHILIPPINES, PROVIDING**  
**PENALTIES THEREFOR, AND FOR OTHER PURPOSES**

**EXPLANATORY NOTE**

Black sand or magnetite is defined by the Mines and Geosciences Bureau (MGB) as dark, often glossy mixture of sand materials which originate from the weathering of dark rocks situated near shore or transported from inland through natural drainage mostly deposited in beaches and river deltas. It is an important mineral that keeps sand particles heavier and more compressed, thus serving as a natural barrier of land surfaces and fresh water deposits from seawater and ensures that seawater is at a level lower than land surface area. Black sand is popularly used as an additive in the manufacture of concrete and steel products, magnets, paints, ink, paper, jewelry and cosmetics. It is a very lucrative commodity in foreign markets such as in China, Taiwan and Korea.

Studies by environmental groups in areas with black sand mining showed that black sand mining operations contributed to the depletion of fisheries, erosion of land and severe flooding in coastal and riverside communities.<sup>1</sup> It is even predicted that areas mined for magnetite or black sand could sink and be underwater within 30 to 70 years as rapid subsidence will highly expose the said areas to flooding and seasonal typhoon.<sup>2</sup>

In Cagayan, for example, residents have expressed alarm at the effects of black sand mining activities. In a press conference in September 2013, Ofelia Fuentes of *Samahan ng Kababaihan sa Buguey at Sta. Teresita* said that due to black sand mining in Cagayan River and coastline, houses are crumbling because the sand underneath it are getting eroded, rice fields are shrinking and harvests are

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<sup>1</sup> De Guzman, S.S. (8 December 2014). Black sand mining in the Philippines. The Philippine Star. Retrieved from <https://www.philstar.com/opinion/2014/12/08/1400262/black-sand-mining-philippines>.

<sup>2</sup> Quitasol, A. (2 March 2016). Mines and Geosciences Bureau. Retrieved from <https://mgb.gov.ph/2015-05-13-02-02-11/news-articles/225-study-predicts-black-sand-mining-could-sink-areas-in-northern-luzon>.

becoming less as the fields are inundated by saltwater, and fisherfolk are reporting reduced catch.<sup>3</sup> Moreover, the Advocates for Community Health conducted a medical mission in 2013 in one of the areas affected by black sand mining operations, and found a growing number of cases of skin and lung diseases attributed to black sand mining and noted other related diseases, such as severe eye irritation and hernia.<sup>4</sup>

Notwithstanding the alarming adverse effects of exploration and extraction of black sand or magnetite on the environment and human life, and despite government efforts to curb illegal activities relative thereto, black sand mining operations have proliferated in different parts of the county. There are reports that unscrupulous mining operators, mostly foreign nationals, are conniving with some local government officials who allow them to operate despite vehement opposition from residents of the affected areas.

For instance, the Department of Justice (DOJ) has recommended the filing of criminal charges against 23 Chinese nationals in 2014 for alleged illegal extraction of black sand along the coastline of Aparri, Cagayan,<sup>5</sup> while 14 Chinese nationals were also apprehended in 2012 for illegal black sand mining.<sup>6</sup>

As former Senator, this Representation filed Senate Resolution No. (SRN) 687 during the 18<sup>th</sup> Congress to investigate the Cagayan Offshore Magnetite Mining project due to its reported negative environmental and social impacts to local communities and ecosystems in the province of Cagayan.

Residents of Zambales have also been complaining about the large-scale black sand mining allegedly by Chinese nationals. Several environmental and militant groups have raised the alarm that earth materials from dredging and mining in parts of the country, including Zambales, were being used in China's WPS reclamation and military infrastructure.<sup>7</sup> In May 2021, this Representation also filed SRN 720 urging the Congress to investigate the reported illegal mining operations in Candelaria, Zambales and its alleged links to the illegal construction of Chinese infrastructure and reclamation projects in the WPS.

In November 2024, Philippine Navy Spokesperson for the WPS Rear Admiral Roy Vincent Trinidad revealed that they received reports of ongoing black sand

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<sup>3</sup> Salamat, M. (18 September 2013). Black sand mining: eroding livelihoods, destroying communities. *Bulatlat*. Retrieved from <https://www.bulatlat.com/2013/09/18/black-sand-mining-eroding-livelihoods-destroying-communities/>.

<sup>4</sup> De Guzman. (2014). Black sand mining in the Philippines.

<sup>5</sup> Lagasca, C. (26 January 2014). 23 Chinese face charges for black sand mining. *The Philippine Star*. Retrieved from <https://www.philstar.com/nation/2014/01/26/1282989/23-chinese-face-charges-black-sand-mining>.

<sup>6</sup> National Bureau of Investigation. (24 October 2012). Firm in black sand mining raided. Retrieved from [https://nbi.gov.ph/press\\_releases/2012/10242012/1342/](https://nbi.gov.ph/press_releases/2012/10242012/1342/).

<sup>7</sup> Aglibot, J.R. (9 April 2021). China using PH soil to build islands in WPS; probe sought – group. *Philippine Daily Inquirer*. Retrieved from <https://globalnation.inquirer.net/195040/probe-sought-of-reports-china-using-ph-soil-to-build-military-bases-in-west-philippine-sea>.

mining in areas near the WPS and expressed serious concern on its potential environmental and security implications.<sup>8</sup>

In May 2025, President Ferdinand “Bongbong” Marcos Jr. ordered a thorough investigation into the dredging and reclamation activities in Philippine waters after the National Intelligence Coordinating Agency (NICA) disclosed that sand from the country’s coastal areas was being used in China’s reclamation activities in the WPS.<sup>9</sup>

Under Republic Act (RA) No. 7942, or the “Philippine Mining Act of 1995”, mining is prohibited in areas such as offshore areas within five hundred (500) meters from the mean low tide level and onshore areas within two hundred (200) meters from the mean low tide along the coast. On the other hand, Batas Pambansa (BP) Blg. 265 prohibits the extraction of gravel and sand and other activities that would erode and diminish the natural beauty of beaches.

In 2012, then President Benigno S. Aquino III issued Executive Order No. 79 to institutionalize and implement reforms in the mining sector. This suspended the issuance of new mineral permits and agreements, including those covering black sand mining operations, until favorable revenue-sharing schemes and mechanisms have taken effect.<sup>10</sup> However, Aquino’s successor, President Rodrigo Duterte lifted the moratorium in 2019, arguing that the mining industry could “usher significant economic benefits to the country” and support government projects and programs.<sup>11</sup>

Stated differently, there is no law which directly prohibits black sand mining. Black sand mining is not illegal *per se* as long as the mining companies comply with the requirements and the area intended to be mined is not within the prohibited areas. Moreover, the penalty imposed under the existing laws is not proportionate to the damage caused to the environment and human life.

An environmental compliance certificate (ECC) issued by the Department of Environment and Natural Resources (DENR) for dredging projects cannot be used in the extraction of mineral resources, more so in transporting the extracted materials to a designated area. However, in practice, a lot of mining firms conduct black sand mining under the cover of dredging permits. Safeguards must be put in place to prevent this abuse.

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<sup>8</sup> Kabagani, L.J. (26 November 2024). Phi military ‘seriously concerned’ about WPS black sand mining. Tribune. Retrieved from <https://tribune.net.ph/2024/11/26/phi-military-seriously-concerned-about-wps-black-sand-mining>.

<sup>9</sup> Gita-Carlos, R.A. (7 May 2025) Marcos orders probe into dredging, reclamation in PH waters. Philippine Daily Inquirer. Retrieved from <https://globalnation.inquirer.net/276061/marcos-orders-probe-into-dredging-reclamation-in-ph-waters>.

<sup>10</sup> Lapniten, K. (27 April 2023). In Ilocos Sur where illegal sand mining ran unabated, fisherfolk pay the price. Philippine Center for Investigative Journalism. Retrieved from <https://pcij.org/2023/04/27/in-ilocos-sur-where-illegal-sand-mining-ran-unabated-fisherfolk-pay-the-price-2/>.

<sup>11</sup> Ibid.

The danger to the lives and property of residents, massive residential displacement, flooding, landslides weakening or destroying the natural defense and barriers of coastal communities, and loss of fishing livelihood due to exploration and mining operations necessitate the passage of a law that completely stops black sand mining in the Philippines and imposes stiff penalties for violation thereof.

As then Senator, this Representation filed a similar measure prohibiting black sand mining in the country during the 17<sup>th</sup> and 18<sup>th</sup> Congresses. During the 18<sup>th</sup> Congress, Rep. Jose "Bonito" Singson Jr. filed a bill prohibiting the exportation of black sand and its derivatives in its raw form to other countries.

Clearly, the State should uphold environmental justice in implementing and strengthening environmental laws and policies. It should "protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature."<sup>12</sup> Hence, the passage of this bill is earnestly requested.

  
**LEILA M. DE LIMA**

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<sup>12</sup> Art. II, Sec. 16, 1987 Constitution.

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**PENALTIES THEREFOR, AND FOR OTHER PURPOSES**

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

**CHAPTER I**  
**PRELIMINARY PROVISIONS**

1           SECTION 1. *Short Title.* – This Act shall be known as the “*Anti-Black Sand*  
2 *Mining Act.*”  
3

4           SEC. 2. *Declaration of Policy.* – Article XII, Section 2 of the 1987 Constitution  
5 states that “[A]ll lands of the public domain, waters, minerals, coal, petroleum, and  
6 other mineral oils, all forces of potential energy, fisheries, forests or timber, wildlife,  
7 flora and fauna, and other natural resources are owned by the State. With the  
8 exception of agricultural lands, all other natural resources shall not be alienated. The  
9 exploration, development, and utilization of natural resources shall be under the full  
10 control and supervision of the State.”  
11

12           Towards this end, the State shall put an end to all activities that negatively  
13 affect the environment. The State shall further ensure that processes and issuances  
14 of government permits will not be abused to circumvent the laws against illegal  
15 mining.  
16

17           SEC. 3. *Definition of Terms.* – The following terms are hereby defined, as  
18 follows:  
19

- 20           a) Black sand or magnetite - the mineral resource used in the production of  
21 steel, the generation of high-density concrete, in making ordinary ink or toner

1 for photocopy machines, for high-temperature coating for some steam boiler,  
2 magnets, paint, paper, jewelry and cosmetics;

- 3  
4 b) Black sand mining - the extraction of black sand or magnetite iron ores from  
5 riverbeds, seashores and other areas closed to mining, as well as other  
6 activation related thereto such as exploration, feasibility, development,  
7 utilization and processing; and  
8  
9 c) Dredged materials - include sand, gravel and other geological materials  
10 collected as a result of dredging activities. For purposes of this Act, non-  
11 biodegradable human solid waste is not considered as dredged material.  
12

13 **SEC. 4. *Disposal of Dredged Materials.*** – To prevent black sand mining under  
14 the guise of dredging, all dredging permits shall require that all dredged materials  
15 collected in sites where black sand or magnetites exist be disposed in government-  
16 controlled dredgefills. Dredging permits shall likewise require a prior certification from  
17 the Mining and Geosciences Bureau, Department of Environment and Natural  
18 Resources (DENR) on whether black sand or magnetites exist in the proposed  
19 mining sites.  
20

21 For the purpose of this Section, the DENR shall promulgate rules that would  
22 require provincial DENR offices to determine, designate, acquire, and operate  
23 dredgefills, either permanently or as necessary. Such rules shall also provide for  
24 rehabilitation of discontinued dredgefill sites.  
25

26 **SEC. 5. *Prohibited Acts.*** – It shall be unlawful for any person, natural or  
27 juridical, to engage in black sand or magnetite mining in the coastal areas and river  
28 deltas of the country.  
29

30 It shall also be unlawful for any person, natural or juridical, to appropriate any  
31 and all dredged materials collected in sites where black sand or magnetites exist.  
32 Failure to dispose of dredged materials as provided in Section 4 of this Act shall  
33 constitute illegal mining and shall be subject to the same penalty as black sand or  
34 magnetite mining.  
35

36 **SEC. 6. *Penalty*** – Any person who violates the provisions of this Act shall be  
37 punished with imprisonment of not less than six (6) years but not more than twelve  
38 (12) years and a fine of not less than One Million Pesos (P1,000,000.00) but not  
39 more than Ten Million Pesos (P10,000,000.00). *Provided*, that if the offender is a  
40 public officer or employee, the penalty shall be imposed in its maximum period and  
41 fine, and suffer perpetual absolute disqualification from holding any appointive or  
42 elective position in government or in any agency, entity, or instrumentality thereof.  
43

44 If the offender is a juridical person, the penalty shall be imposed upon the  
45 officers or directors responsible for the violation thereof.  
46

47 If the offender is an alien, after the service of sentence and payment of fine,  
48 he or she shall be deported immediately without further proceedings.

1           SEC. 7. *Implementing Rules.* – Within ninety (90) days following the effectivity  
2 of this Act, the DENR, in coordination with the Local Government Units (LGUs)  
3 concerned, shall promulgate the necessary rules and regulations for its effective  
4 implementation.

5  
6           SEC. 8. *Revocation of Existing Agreements.* – Upon approval of this Act, all  
7 contracts and agreements entered into by all existing mining operations involving  
8 black sand or magnetite shall be deemed cancelled or terminated and all permits  
9 allowing black sand extraction issued by the national government and local  
10 government shall be deemed revoked. Mining operations shall rehabilitate the  
11 excavated, mined-out, and other areas affected by mine tailings to the condition of  
12 environmental safety in accordance with existing laws, rules and regulations.

13  
14           SEC. 9 *Separability Cause.* – If any provision or part hereof, is held invalid or  
15 unconstitutional, the other parts or provisions of the law which are not affected shall  
16 remain and continue to be in full force and effect.

17  
18           SEC. 10. *Repealing Clause.* – All laws, decrees, executive orders, rules and  
19 regulations and other issuances contrary to or inconsistent with the provisions of this  
20 Act are hereby repealed, amended or modified accordingly.

21  
22           SEC. 11. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after  
23 its publication in the Official Gazette or in a newspaper of general circulation.

Approved,