

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

**TWENTIETH CONGRESS
First Regular Session**

House Bill No. 4313



BY REPRESENTATIVE REBECCA MARIA "MIA" A. YNARES

EXPLANATORY NOTE

The Philippines has vast mineral resources. It is the fifth-most mineralized country in the world. About nine (9) million hectares out of the 30 million hectares of land of the Philippines have a high mineral potential. An approximate worth of one trillion dollars US\$1,000,000,000.00 of mineral reserves such as copper, gold, nickel, zinc, and silver are waiting to be tapped.

The Constitution, Article XII, Section 2 provides that "[a]ll lands of the public domain, waters, minerals, coal, petroleum, and other mineral oils, all forces of potential energy, fisheries, forests or timber, wildlife, flora and fauna, and other natural resources are owned by the State" and except agricultural lands, "all other natural resources shall not be alienated," and the "exploration, development, and utilization of natural resources shall be under the full control and supervision of the State." "The State may directly undertake such activities, or it may enter into co-production, joint venture, or production-sharing agreements with Filipino citizens or corporations or associations at least sixty *per centum* of whose capital is owned by such citizens."

The nationalization, conservation and development of the national patrimony have always been the underlying principles of the 1935, 1973, and the current Constitution. The drafters of the Philippine Constitution view the national patrimony as the exclusive heritage of the nation to be used by Filipinos as their inheritance for their collective benefit and prosperity which they should preserve and pass on to the next and succeeding generations.

Mining contributes to 70% to the gross domestic product of the Philippines and the 59 metallic mines operating in the country provides livelihood to about 212,000 people in 2023 according to the Philippine Mines and Geosciences Bureau (MGB). Exports of mineral amounted to almost US\$7.32 million or Php413.58 million according to the MGB in 2023.

But mining is an extractive industry which poses a grave threat to the fragile environment of the Philippines and have often resulted to devastating effects to communities where these mines are located especially during the rainy season. This is because mining changes the land and typology of the earth, erodes the soil, strips away vegetation, denudes forests, disrupts if not destroys habitat, wildlife and ecosystems, contaminates water resources, and impacts heavily on the community where the mine is located. Local government units (LGUs) which host these mines suffer greatly and many of them such as

those in Rizal, South Cotabato, Palawan, Davao, Capiz, Marinduque, Romblon, Negros Occidental, Eastern Samar, to name a few passed ordinances banning mining operations and/or imposed a moratorium on mining applications to protect and preserve their environment and safeguard their people's welfare. The LGUs and their people are the ones directly affected by the ill effects of the extractive industry and it is imperative that the national government respect and give importance to the plans and actions on LGUs on how they chart their development including the mining industry while preserving the people's welfare and posterity.

To enable LGUs attain their fullest development as self-reliant communities and make them more effective partners of the national government in the attainment of national goals, the State shall provide for a more responsive and accountable local government structure instituted through a system of decentralization whereby local government units shall be given more powers, authority, responsibilities, and resources. (Republic Act No. 7610 or The Local Government Code, Section 2). Further, Section 3(d) of the same law provides that LGUs "shall be accompanied with provision for reasonably adequate resources to discharge their powers and effectively carry out their functions; hence, they shall have the power to create and broaden their own sources of revenue and the right to a just share in national taxes and an equitable share in the proceeds of the utilization and development of the national wealth within their respective areas" while Section 3(i) stipulates that "LGUs shall share with the national government the responsibility in the management and maintenance of ecological balance within their territorial jurisdiction, subject to the provisions of this Code and national policies."

R.A. No. 7942 or the Philippine Mining Act of 1995 sought under Section 2 thereof "to promote their rational exploration, development, utilization and conservation through the combined efforts of government and the private sector in order to enhance national growth in a way that effectively safeguards the environment and protect the rights of affected communities." Unfortunately, the State needs to do more to ensure that LGUs are truly their partner in national development by recognizing their rights to chart their own path to sustainable progress by allowing them and their constituents to participate in the decision on how sustainable development can be achieved in their area of jurisdiction. This can be done by safeguarding the role of LGUs as they serve the basic rights of their constituents to a clean and healthy environment and preserve the national patrimony for the present and future generations.

In view of the foregoing, immediate passage of this bill is sought.


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AN ACT DECLARING THE PROVINCE OF RIZAL A MINING-FREE ZONE

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

SECTION 1. The Province of Rizal is hereby declared a mining-free zone, and all mining operations therein shall be prohibited.

For the purpose of this Act, **mining** shall refer to the extraction of valuable minerals or other geological materials from the earth and shall include such mining activities as exploration, feasibility, development, utilization and processing as well as quarry operations involving cement raw materials, marble, granite, sand and gravel construction aggregates, whether large-scale or small-scale operation: *Provided*, That the quarrying of gravel and sand for projects directly undertaken by agencies of the national government or by the provincial government for basic services such as roads and bridges, school buildings, water and energy utilities and similar public works is exempted from the coverage of this Act, subject, however, to the requirements of existing mining and environmental laws: *Provided, further*, That when the national interest so requires, the President of the Republic of the Philippines may establish a mineral reservation in the province of Rizal upon the recommendation of the Secretary of Department of Environment and Natural Resources after consulting with, and obtaining the consent of the concerned local government units before such mineral exploration can be conducted in any part of the province to determine the presence and availability of strategic raw materials for industries critical to national development or for scientific, cultural or ecological value.

SEC. 2. Any person, employee or employment agency who shall violate 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 three hundred thousand pesos (P300,000.00) but not more than one million pesos (P1,000,000.00). If the violator is a corporation or association, the president and the manager/s of said corporation or association, or its agent or representative in the Philippines, in case of a foreign corporation or association, shall be held liable.

SEC. 3. Within sixty (60) days following the effectivity of this Act, the Secretary of the Department of Environment and Natural Resources shall promulgate the necessary rules and regulations to carry out the purposes of this Act.

SEC. 4. *Repealing Clause.* - Any law, decree, rules or regulations, executive orders or parts thereof inconsistent with this Act are hereby repealed or modified accordingly.

SEC. 5. *Effectivity Clause.* - This Act shall take effect upon its publication in at least two (2) national newspapers of general circulation.

Approved,