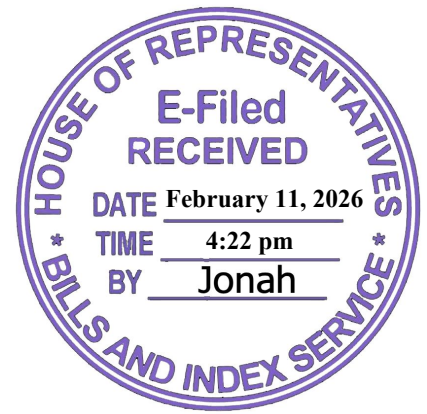


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

TWENTIETH CONGRESS
First Regular Session

House Bill No. 7761



Introduced by Representative ERIC G. YAP

EXPLANATORY NOTE

This bill seeks to institutionalize responsible mining standards to ensure that mining is pursued in a responsible and accountable manner. It affirms that development should not be pursued at the expense of communities, workers, and natural resources. It ensures that mineral development contributes meaningfully to national progress while safeguarding the environment and the welfare of present and future generations.

The legislative proposal recognizes the mining industry as a significant contributor to the Philippine economy, particularly as the country positions itself for sustained and dynamic growth. However, it emphasizes that mining must be conducted responsibly, with clear standards that balance resource extraction with environmental protection. Mining companies are expected to adopt practices that minimize ecological harm, protect surrounding ecosystems, and ensure that economic benefits do not undermine environmental sustainability. Responsible mining is therefore framed not merely as an option, but as a necessary condition for industry participation.

This proposed measure draws from the Initiative for Responsible Mining Assurance (IRMA)'s second (2nd) draft on responsible mining standards. It aligns that Philippine mining operations meet global benchmarks on environmental care, community engagement, and operational accountability. In doing so, this vital piece of legislation shall improve industry credibility as well as raise public confidence in the mining sector.

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



HON. ERIC G. YAP

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House Bill No. 7761

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AN ACT
PRESCRIBING STANDARDS FOR RESPONSIBLE MINING

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

CHAPTER 1
TITLE AND DECLARATION OF POLICY

Section 1. *Short Title.* — This Act shall be known as the “*Responsible Mining Act*”.

SEC. 2. *Declaration of Policy.* — It is hereby declared the policy of the State that mining should be carried out in a responsible and sustainable manner that respects the human rights, welfare, and aspirations of affected communities, particularly Indigenous Peoples and local populations, by ensuring their meaningful participation and protecting their social, cultural, and economic interests. Mining operations must provide safe, healthy, and respectful workplaces that uphold labor standards, protect workers’ well-being, and promote dignity and fairness in employment.

The State likewise affirms that mining should avoid, prevent, or minimize harm to the environment through the prudent use of natural resources, strict environmental safeguards, and effective rehabilitation and restoration measures. Ultimately, mining activities should leave positive and enduring legacies by contributing to inclusive development, strengthening local economies, supporting community resilience, and ensuring that the benefits of mineral resources extend to both present and future generations.

SEC. 3. *Scope.* — This Act shall prescribe standards of responsible mining, including business integrity, social responsibility, environmental responsibility, reclamation and closure, and management systems.

SEC. 4. *Definition of Terms.* — As used in this Act:

a. Biological diversity or biodiversity refers to the variability among living organisms from all sources including, inter alia, terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are a part; this includes diversity within species, between species and of ecosystems;

b. Conflict-affected areas refer to areas identified by the presence of armed conflict, widespread violence, including violence generated by criminal networks, or other risks of serious and widespread harm to people. Armed conflict may take a variety of forms, such as a conflict of international or noninternational character, which may involve two or more states, or may consist of wars of liberation, or insurgencies, civil wars.

“High-risk areas” are those where there is a high risk of conflict or of widespread or serious abuses;

c. Consultation involves an exchange of information between stakeholders, which provides an opportunity for stakeholders to raise concerns and comment on the impacts and merits of a proposal or activity before a decision is made. In principle the company should take into account the concerns and views expressed by stakeholders in the final decision;

d. Cultural heritage is the legacy of physical structures, landscapes and artifacts, as well as intangible attributes of a group or society, such as activities or knowledge that has cultural, scientific, spiritual or religious value;

e. Cyanide is an industrial chemical used in the processing of gold and silver at many mine sites and as a minor processing reagent at some base metal mines;

f. Free, Prior and Informed Consent refers to consent based on: engagement that is free from external manipulation, coercion and intimidation; notification, sufficiently in advance of commencement of any activities, that consent will be sought; full disclosure of information regarding all aspects of a proposed project or activity in a manner that is accessible and understandable to the people whose consent is being sought; acknowledgment that the people whose consent is being sought can approve or reject a project or activity, and that the entities seeking consent will abide by the decision;

g. Grievance Mechanism refers to any routinized, State-based or non-State-based, judicial or non-judicial process through which grievances concerning business-related human rights abuses can be raised and remedy can be sought;

h. Indigenous Peoples refers to peoples who: identify themselves and are recognized and accepted by their community as indigenous; demonstrate historical continuity with pre-colonial and/or pre-settler societies; have strong

links to territories and surrounding natural resources; have distinct social, economic or political systems; maintain distinct languages, cultures and beliefs; form non-dominant groups of society; and resolve to maintain and reproduce their ancestral environments and systems as distinctive peoples and communities. In some regions, there may be a preference to use other terms such as: tribes, first peoples/nations, aboriginals, ethnic groups, adivasi and janajati. All such terms fall within this modern understanding of "indigenous";

i. Mercury metal is a byproduct of some mining operations, due to the presence of mercury minerals in ore bodies such as gold, silver, copper and zinc deposits;

j. Monitoring is an iterative and cyclical process that leads to a re-assessment of relevant environmental, social and health management plans, as part of an adaptive project management process;

k. Mining Project refers to any set of activities undertaken for the purposes of extracting mineral resources. Mining projects may include exploration, mine construction, mining, mine closure and related activities either as separately or in combination;

l. Occupational health impacts related to the mining industry may include physical injuries; musculoskeletal disorders; noise-induced hearing loss; hand/arm vibration syndrome; skin cancer; dermatitis; heat exhaustion; hypothermia; eye disorders related to radiation exposure; asphyxiation; pneumonia; respiratory disorders; damage to internal organs and other effects related to chemical/metal exposures; decreased mental health and wellbeing; and others;

m. Operating Company refers to the legal entity that is responsible for the implementation of a mining project;

n. Protected Area refers to a clearly defined geographical space, recognized, dedicated and managed, through legal or other effective means, to achieve the long-term conservation of nature with associated ecosystem services and cultural values;

o. Reclamation refers to the process of reconvertng disturbed land to its former or other productive uses. Closure refers to the activities which are required to maintain compliance with environmental regulations during and following completion of reclamation;

p. Resettlement refers to voluntary resettlement or involuntary resettlement. Voluntary resettlement refers to voluntary land transactions (i.e., market transactions in which the seller is not obliged to sell and the buyer cannot resort to expropriation or other compulsory procedures sanctioned by the legal system of the host country if negotiations fail).

Involuntary resettlement refers to physical displacement (relocation or loss of shelter) and to economic displacement (loss of assets or access to assets that leads to loss of income sources or other means of livelihood) as a result of project-related land acquisition and/or restrictions on land use.

Resettlement is considered involuntary when affected persons or communities do not have the right to refuse land acquisition or restrictions on land use that result in physical or economic displacement. This occurs in cases of lawful expropriation or temporary or permanent restrictions on land use and negotiated settlements in which the buyer can resort to expropriation or impose legal restrictions on land use if negotiations with the seller fail.

CHAPTER 2 BUSINESS INTEGRITY

SEC. 5. *Legal Compliance.* — All mining operating companies in the Philippines shall comply with all laws of the Republic applicable to mining.

SEC. 6. *Revenue and Payments Transparency.* — All mining companies shall provide communities and the general public with the information they need to understand and assess the fairness of financial arrangements, such as revenue and payments, related to mining operations.

CHAPTER 3 SOCIAL RESPONSIBILITY

SEC. 7. *Fair Labor and Working Conditions.* — Mining companies shall protect the basic rights of workers they employ directly and those that are employed by their contractors and suppliers.

SEC. 8. *Occupational Health and Safety.* — Any mining company operating in the Philippines shall provide a safe and healthy environment that protects and promotes workers' health and their working capacity. This shall be accomplished through consultation and cooperation with workers and/or their representatives to identify workplace hazards and risks, implement measures to eliminate or minimize workplace hazards and risks, and develop and provide information and training programs to promote workplace safety and health.

SEC. 9. *Emergency Preparedness and Response.* — Mining companies shall identify, plan for and are prepared to respond effectively to potential emergency situations, in close cooperation with workers, trade unions, local communities, local authorities, environmental organizations and other stakeholders, thereby reducing the likelihood of accidents and emergencies and minimizing loss of life, injuries and damage to property, environment, health and social well-being if they occur.

SEC. 10. *Human Rights Due Diligence and Compliance.* — Companies involved in mining projects shall fulfill their responsibilities to respect human rights.

SEC. 11. *Mining and Conflict-Affected or High-Risk Areas.* — Mining companies in conflict-affected or high-risk areas shall ensure that they do not intentionally or unintentionally cause, contribute to, or benefit from human rights abuses or armed conflict.

SEC. 12. *Security and Human Rights.* — Security for mining projects shall be managed in a manner that respects, protects and promotes human rights and fundamental freedoms.

SEC. 13. *HIV/AIDS, Tuberculosis and Malaria.* — Mining projects shall ensure that effective measures are taken to mitigate the spread and the impacts of HIV/AIDS, tuberculosis and malaria.

SEC. 14. *Community and Stakeholder Engagement.* — Mining projects shall carry out effective stakeholder engagement that enables communities to play a meaningful role in mining-related decisions that affect their health, wellbeing, safety, livelihoods and futures, in order to achieve broad community support.

SEC. 15. *Obtaining Community Support and Delivering Benefits.* — Companies engaging in mining shall demonstrate that they have broad community support, and are able to provide tangible benefits that meet the needs of communities.

SEC. 16. *Free, Prior and Informed Consent.* — In complying with Philippine laws on free, prior and informed consent of indigenous peoples in cases where development projects may affect them, mining companies shall respect the rights, dignity, aspirations, culture and livelihoods of indigenous peoples.

SEC. 17. *Cultural Heritage.* — Wherever and whenever mining development occurs, it shall proceed in a manner that respects and protects the cultural heritage of communities.

SEC. 18. *Resettlement.* — If resettlement associated with a mining project is unavoidable, the mining company involved shall ensure that affected people are: meaningfully involved in resettlement decisions; compensated equitably; and have the opportunity to improve their living standards and income-earning capacity over preresettlement levels.

CHAPTER 4

ENVIRONMENTAL RESPONSIBILITY

SEC. 19. *Water Quality.* — Mining projects shall minimize the pollution of ground and surface water, and achieve the quality specifications listed in criteria prescribed by international environmental coalitions for fresh and ground water.

SEC. 20. *Water Quantity.* — Mining projects minimize their consumptive use of water and the impacts caused by their dewatering operations: *Provided,* That the amount and timing of project water use shall ensure that the detrimental impact of

dewatering on the environmental flows of affected streams and springs is minimized.

SEC. 21. *Mine Waste Management.* — Mine waste such as, but are not limited to, tailings, waste rock, and overburden; and mine facilities, such as, but not limited to, waste rock piles, tailings impoundments, open pits, and underground workings, shall be managed in a manner that eliminates offsite contamination, and leaves remaining mine features in a condition that brings about the least environmental and financial risk, and the most potentially useful land use, to future users.

SEC. 22. *Air Quality.* — Pre-mine air quality conditions shall be protected and maintained through the reduction and control of physical and chemical emissions into the air.

SEC. 23. *Noise.* — Pre-mine aural conditions shall be protected and maintained through the reduction and control of noise pollution.

SEC. 24. *Greenhouse Gas Emissions.* — Energy efficiency in the mining sector shall be promoted and maintained and the sector's impacts on climate change shall be reduced through the increase of energy efficiency, reduction of energy consumption, and reduction of mines' emissions of greenhouse gases.

SEC. 25. *Protected Areas.* — In protected areas where even if all technically and economically feasible steps to reduce adverse impacts on the objectives for which the areas have been designated for protection were to be implemented, mining would jeopardize those values, mining should not take place: *Provided,* That if in cases where responsible exploration and mining development in or adjacent to such protected areas may be compatible with the objectives for which the areas have been designated for protection, mining and related activities shall respect, support and strengthen the effectiveness of such legally designated protected areas in the country.

SEC. 26. *Biodiversity Outside Officially Protected Areas.* — Even outside officially protected areas, mining and related activities shall not contribute to the global loss of biodiversity: *Provided,* That biodiversity losses shall be minimized but that, where they occur, they shall be compensated for by verified gains in other locations and through long-term requirements for restoration where possible.

SEC. 27. *Cyanide.* — Human health and the environment shall be protected by the responsible management of cyanide, consistent with the International Cyanide Management Code for all mines that store bulk quantities of cyanide, or that use cyanide in a mill process.

SEC. 28. *Mercury Management.* — Human health and the environment shall be protected by encouraging the responsible management of mercury: *Provided,* That scientific understanding of the issues and the technology to monitor and control mercury emissions shall be improved.

CHAPTER 5

RECLAMATION AND CLOSURE

SEC. 29. *Reclamation and Closure.* — Consideration of the long-term environmental and social potential of a mine site after mining operations have ceased shall be integrated into mining project management throughout the mine life cycle, from its beginning to its end: *Provided,* That the full costs of site reclamation and closure shall be borne by the mine's financial beneficiaries, and shall not be passed on to the public.

CHAPTER 6

MANAGEMENT SYSTEMS

SEC. 30. *Environmental and Social Impact Assessment.* — Environmental and social impacts of any mining project shall be evaluated in a comprehensive and integrated manner; *Provided,* That the concerns of stakeholders and affected communities shall be explicitly identified, addressed and incorporated into planning and decisions-making in order to anticipate, avoid, and when that is not possible, minimize and compensate for impacts on affected communities, workers and the environment.

SEC. 31. *Environmental and Social Impact Monitoring.* — The environmental and social impacts of a mining project shall be effectively monitored over time, in a comprehensive and integrated manner; *Provided,* That the monitoring program shall address the concerns of stakeholders and affected communities; *Provided, further,* That systems shall be in place to respond to and where possible address adverse impacts that are identified in an effective and timely manner.

SEC. 32. *Grievance Mechanism and Access to Other Remedies.* — Affected communities and individuals shall have access to an effective mechanism for raising concerns and grievances related to operating company activities, without limiting individuals' ability to seek remedy for the same complaints through other nonjudicial or judicial mechanisms.

CHAPTER 7

FINAL PROVISIONS

SEC. 33. *Implementing Rules and Regulations.* — The Department of Environment and Natural Resources shall, in consultation with relevant government agencies, the mining industry participants, non-government organizations and stakeholders, promulgate the Implementing Rules and Regulations, including penal provisions, of the Act within six (6) months from the effectivity of this Act, subject to the approval by the President of the Philippines.

SEC. 34. *Separability Clause.* – If any portion or provision of this Act is declared invalid or unconstitutional, other provisions hereof shall remain in full force and effect.

SEC. 35. *Repealing Clause.* – All laws, presidential decrees, executive orders, rules and regulations which are inconsistent with the provisions of this Act are hereby repealed or amended accordingly.

SEC. 36. *Effectivity.* – This Act shall take effect fifteen days (15) after its publication in the Official Gazette or in a national newspaper of general circulation.

Approved,