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SENATE

SENATE BILL NO. **2676**

RECEIVED BY: *JV*

INTRODUCED BY **SENATOR JOSEPH VICTOR G. EJERCITO**

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

EXPLANATORY NOTE

The 1987 Philippine Constitution, Article II, Section 16 provides:

"The State shall protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature."


With a total land area of 53,601 hectares (132,450 acres), Biliran is considered as the fourth smallest province in the Philippines. The province is composed of two major volcanic islands. Biliran's topography is enough evidence that mining will be destructive to the province.

According to *Greenpeace International*, mining impacts includes, destruction of landscapes, forests and wildlife habitats at the site of the mine when trees, plants and topsoil are cleared from the mining area. This in turn leads to soil erosion and destruction of agricultural land. Sediments pollute waterways, which can cause disfiguration of river channels and streams which leads to flooding. There is also an increased risk of chemical contamination of ground water. Furthermore, mining produces greenhouse gas emissions.¹

Apart from the widespread damage of mining to the environment, humans are also affected. There are many diseases that can come from the pollutants that are released into the air and water during the mining process.

It is for this reason that the State must preserve the pristine beauty and rich natural resources and protect the people from the harsh effect of mining. Hence this bill, which seeks to declare the Province of Biliran as a mining-free zone.

In view thereof, the passage of the bill is earnestly sought.


Joseph Victor G. Ejercito
Senator

¹ <http://www.greenpeace.org/International/en/campaigns/climate-change/coal/Mining-impacts/>

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DECLARING THE PROVINCE OF BILIRAN A MINING-FREE ZONE

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

1 *Section 1.* The Province of Biliran is hereby declared a mining-free zone, and all mining
2 operations therein shall be prohibited.
3

4 For the purpose of this Act, mining shall refer to the extraction of valuable minerals or
5 other geological materials from the earth and shall include such mining activities as exploration,
6 feasibility, development, utilization and processing as well as quarry operations involving
7 cement raw materials, marble, granite, sand and gravel construction aggregates, whether large-
8 scale or small-scale operation: *Provided*, That the quarrying of gravel and sand for projects
9 directly undertaken by agencies of the national government or by the provincial government for
10 basic services such as roads and bridges, school buildings, water and energy utilities and
11 similar public works, or any exploration activities for the generation of geothermal energy in
12 the Province of Biliran, is exempted from the coverage of this Act, subject, however, to the
13 requirements of existing mining and environmental laws: *Provided, further*, That the National
14 Government shall maintain the authority to conduct mineral exploration in any part of the
15 province, when national interest so requires, such as when there is a need to determine the
16 presence and availability of strategic raw materials for industries critical to national
17 development or for scientific, cultural or ecological value.
18

19 *Section 2.* Any person, employee or employment agency who shall violate the
20 provisions of this Act shall be penalized with imprisonment of at least six (6) years but not more
21 than twelve (12) years and a fine of at least One hundred thousand pesos (P100,000.00) but not
22 more than Five hundred thousand pesos (P500,000.00). if the violator is a corporation or
23 association, the president and the manager of said corporation or association shall be held
24 liable.
25

26 *Section 3.* Within six (6) months following the effectivity of this Act, the Secretary of the
27 Department of Environment and Natural Resources (DENR), in consultation with the provincial
28 and municipal governments, the religious sector, the business sector and accredited non-
29 government organizations, shall promulgate the necessary rules and regulations for its effective
30 implementation.
31

32 *Section 4.* If any portion or provision of this Act is declared unconstitutional, the
33 remainder of this Act or any provision not affected thereby shall remain in force and effect.
34

35 *Section 5.* All laws, orders, issuances, rules and regulations or parts thereof inconsistent
36 with the provisions of this Act are hereby repealed or modified accordingly.
37

38 *Section 6.* This Act shall take effect fifteen (15) days after its publications in the Official
39 Gazette or in a newspaper of general circulation.
40

41 Approved,