

SIXTEENTH CONGRESS OF THE REPUBLIC }  
OF THE PHILIPPINES }  
Third Regular Session }



Senate  
Office of the Secretary

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SENATE

COMMITTEE REPORT NO. 196

RECEIVED BY: 

Submitted by the Committee on Environment and Natural Resources on JUL 29 2015

Re : House Bill No. 5261

Recommending its approval with amendments, taking into consideration Senate Bill No. 2676.

Sponsor : Senator Legarda.

**MR. PRESIDENT:**

The Committee on Environment and Natural Resources to which was referred House Bill No. 5261, introduced by Representatives Espina and Matugas, entitled:

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

taking into consideration Senate Bill No. 2676, introduced by Senator Ejercito, entitled:

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

has considered the same and has the honor to report these bills back to the Senate with the recommendation that House Bill No. 5261 be approved with the following amendments:

1. On page 1, on the title of the bill, after the word "ZONE", insert the phrase **"AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF"**;
2. On the same page, before Section 1, insert a new section which shall read as follows:

**"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. TOWARDS THIS END, THE STATE SHALL PROTECT THE PEOPLE AND THE ENVIRONMENT IN THE PROVINCE OF BILIRAN FROM THE ADVERSE EFFECTS OF MINING."**;

3. On the same page, line 1, after "Section 1", insert the subtitle **"DECLARATION OF THE PROVINCE OF BILIRAN A MINING-FREE ZONE"**;
4. On the same page, line 2, after the word "zone", delete the punctuation mark comma ",";

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5. On the same page, line 3, before the phrase "For the purpose", insert the phrase "**SEC. 3**" and the subtitle "**SCOPE**";
6. On the same page, line 10, between the word "government" and preposition "for", insert the phrase "**OF BILIRAN**";
7. On the same page and line, between the conjunction "as" and the word "roads", insert the punctuation mark comma "," and the phrase "**BUT NOT LIMITED TO**";
8. On the same page, lines 11 to 13, delete the phrase "or any exploration activities for the generation of geothermal energy in the Province of Biliran,";
9. On page 2, line 1, delete the word "maintain" and in lieu thereof, insert the word "**RETAIN**";
10. On the same page, line 6, insert a new section which shall read as follows:

**"SEC. \_\_\_\_ . PROHIBITIONS. - IT SHALL BE UNLAWFUL FOR ANY PERSON TO ENGAGE OR TO CONTINUE TO ENGAGE IN ANY MINING OPERATION IN BILIRAN: PROVIDED, THAT THE STATE SHALL BE ALLOWED TO UNDERTAKE MINERAL EXPLORATION ACTIVITIES IN THE AREA FOR RESEARCH AND DATA GATHERING PURPOSES."**;

11. On the same page and line, after the phrase "SEC. 2", insert the subtitle "**PENALTIES**";
12. On the same page and line, after the word "person", delete the punctuation mark comma "," and the phrase "employee or employment agency who shall violate" and in lieu thereof, insert the word "**VIOLATING**";
13. On the same page, lines 7 to 8, delete the word and figure "six (6)" and in lieu thereof, insert the word and figure "**THREE (3)**";
14. On the same page, line 8, delete the word and figure "twelve (12)" and in lieu thereof, insert the word and figure "**SIX (6)**";
15. On the same page and line, delete the word "one" and in lieu thereof, insert the word "**TWO**";
16. On the same page and line, after the word "hundred", insert the word "**FIFTY**";
17. On the same page, line 9, delete the monetary figure "P100,000.00" and in lieu thereof, insert the monetary figure "**P250,000.00**";
18. On the same page, lines 10 to 11, delete the last sentence of Section 2 which reads "If the violator is a corporation or association, the president and the manager of said corporation or association shall be held liable." and in lieu thereof, insert two new paragraphs which shall read as follows:

**"IF THE OFFENDER IS A CORPORATION, FIRM, PARTNERSHIP OR ASSOCIATION, THE PENALTY SHALL BE IMPOSED UPON THE OFFICER OR OFFICERS OF THE CORPORATION, FIRM, PARTNERSHIP OR ASSOCIATION RESPONSIBLE FOR THE VIOLATION THEREOF.**

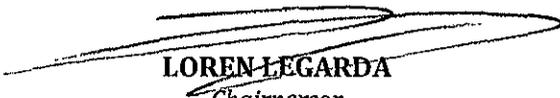
**IF THE OFFENDER IS AN ALIEN, AFTER SERVICE OF SENTENCE AND PAYMENT OF FINE, THE PERSON SHALL BE DEPORTED IMMEDIATELY WITHOUT FURTHER PROCEEDINGS AND SHALL BE BANNED FROM ANY SUBSEQUENT ENTRY INTO THE PHILIPPINES.”;**

19. On the same page, line 12, after the phrase “SEC. 3”, insert the subtitle **“IMPLEMENTING RULES AND REGULATIONS”;**
20. On the same page and line, delete the word and figure “six (6)” and in lieu thereof, insert the word and figure **“THREE (3)”;**
21. On the same page, lines 14 to 15, delete the phrase “in consultation with the provincial and municipal governments, the religious sector, the business sector and accredited nongovernment organizations,”;
22. On the same page, line 17, insert a new section which shall read as follows:

**“SEC. \_\_\_\_ . TRANSITORY PROVISION. – UPON APPROVAL OF THIS ACT, THE DENR, IN COORDINATION WITH THE PROVINCIAL GOVERNMENT OF BILIRAN, SHALL REVIEW THE CONTRACTS, AGREEMENTS AND PERMITS ENTERED INTO AND/OR ISSUED TO ALL EXISTING MINING OPERATIONS IN BILIRAN AND DETERMINE THOSE TO BE TERMINATED AND THOSE TO BE ALLOWED TO CONTINUE UNTIL SUCH PERIOD THAT THEIR CONTRACTS, AGREEMENTS OR PERMITS MAY ALLOW.”;**
23. On the same page and line, after the phrase “SEC. 4”, insert the subtitle **“SEPARABILITY CLAUSE”;**
24. On the same page, line 20, after the phrase “SEC. 5”, insert the subtitle **“REPEALING CLAUSE”;**
25. On the same page and line, between the words “laws” and “orders”, insert the word **“DECREES”** and the punctuation mark comma **“,”;**
26. On the same page, line 23, after the phrase “SEC. 6”, insert the subtitle **“EFFECTIVITY”;**
27. On the same page and line, between the words “its” and “publication”, insert the word **“COMPLETE”;**
28. On the same page, line 24, after the word “circulation”, insert the phrase **“IN THE PHILIPPINES”;** and
29. Renumber the sections accordingly.

COMMITTEE REPORT ON HBN 5261 (DECLARING THE PROVINCE OF BILIRAN A MINING-FREE ZONE)

Respectfully submitted:

  
**LOREN LEGARDA**  
*Chairperson*

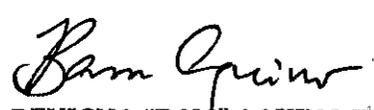
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**CYNTHIA A. VILLAR**

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**RAMON BONG REVILLA JR.**

**GRACE POE**

**PIA S. CAYETANO**

COMMITTEE REPORT ON HBN 5261 (DECLARING THE PROVINCE OF BILIRAN A MINING-FREE ZONE)



FERDINAND R. MARCOS JR.



AQUILINO "KOKO" PIMENTEL III

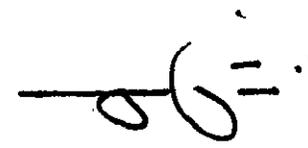
*Assurance consultations of affected sectors & not confiscatory*



SONNY ANGARA

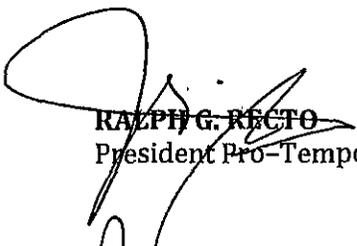


MARIA LOURDES NANCY S. BINAY



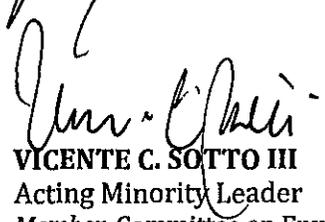
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Senate of the Philippines  
Pasay City

CONGRESS OF THE PHILIPPINES  
SIXTEENTH CONGRESS  
*Second Regular Session*



## HOUSE OF REPRESENTATIVES

H. No. 5261

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BY REPRESENTATIVES ESPINA AND MATUGAS, PER COMMITTEE REPORT  
No. 505

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

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

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

3           For the purpose of this Act, mining shall refer to the extraction of  
4 valuable minerals or other geological materials from the earth and shall include  
5 such mining activities as exploration, feasibility, development, utilization and  
6 processing as well as quarry operations involving cement raw materials,  
7 marble, granite, sand and gravel construction aggregates, whether large-scale  
8 or small-scale operation: *Provided*, That the quarrying of gravel and sand for  
9 projects directly undertaken by agencies of the national government or by the  
10 provincial government for basic services such as roads and bridges, school  
11 buildings, water and energy utilities and similar public works, or any  
12 exploration activities for the generation of geothermal energy in the Province  
13 of Biliran, is exempted from the coverage of this Act, subject, however, to the  
14 requirements of existing mining and environmental laws: *Provided, further*,

1 That the national government shall maintain the authority to conduct mineral  
2 exploration in any part of the province when national interest so requires, such  
3 as when there is a need to determine the presence and availability of strategic  
4 raw materials for industries critical to national development or for scientific,  
5 cultural or ecological value.

6 SEC. 2. Any person, employee or employment agency who shall violate  
7 the provisions of this Act shall be penalized with imprisonment of at least six  
8 (6) years but not more than twelve (12) years and a fine of at least one hundred  
9 thousand pesos (P100,000.00) but not more than five hundred thousand pesos  
10 (P500,000.00). If the violator is a corporation or association, the president and  
11 the manager of said corporation or association shall be held liable.

12 SEC. 3. Within six (6) months following the effectivity of this Act, the  
13 Secretary of the Department of Environment and Natural Resources (DENR),  
14 in consultation with the provincial and municipal governments, the religious  
15 sector, the business sector and accredited nongovernment organizations, shall  
16 promulgate the necessary rules and regulations for its effective implementation.

17 SEC. 4. If any portion or provision of this Act is declared  
18 unconstitutional, the remainder of this Act or any provision not affected  
19 thereby shall remain in force and effect.

20 SEC. 5. All laws, orders, issuances, rules and regulations or parts  
21 thereof inconsistent with the provisions of this Act are hereby repealed or  
22 modified accordingly.

23 SEC. 6. This Act shall take effect fifteen (15) days after its publication  
24 in the *Official Gazette* or in a newspaper of general circulation.

Approved,

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