


FOURTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Second Regular Session)

9 MAR -3 2010

SENATE

S. NO. **3112**

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Introduced by Senator Antonio "Sonny" F. Trillanes IV

Article II, Section 16 of the Constitution declares that 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. However, common practices in quarrying run counter to this policy of the State. In many cases, the environmental damage brought about by quarrying negates whatever economic gains it aims to pursue.

Long term and excessive quarrying cause an artificial disruption in river beds that is far more destructive than monsoons and rainy seasons. The removal of bed material specially when done in huge quantities materially alters the river slope that triggers upstream erosion. Erosion in this case progressively moves upstream as the river adjusts its bed slope, causing destruction along the way. This erosion continually brings sediments downstream, removing materials both from the banks and riverbeds. This process can cause destruction to man-made structures like bridges, farmlands along the river banks, trigger landslides, and other undesirable occurrences. Moreover, it brings excessive siltation and turbidity to the sea that is harmful to marine life.¹

The practice of quarrying is indispensable to the mineral extractive industry. However, economic undertakings must be exercised within the framework of ecologically sustainable development. In this light, this measure mandates licensed quarrying contractors to practice safety measures in quarrying sites by requiring for the restoration or remaking of banks of water to the same condition as they were before quarrying. Furthermore, it prescribes stern penalties for violations thereof in order to deter contractors from undermining the adverse ramifications of their activities vis-à-vis the environment.

In view of the foregoing, immediate approval of this measure is earnestly sought.


ANTONIO "SONNY" F. TRILLANES IV
Senator

¹ Information retrieved from: <http://www.geocities.com/sogodbay/SLetter1.html>. Retrieved on 9 February 2009.

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AN ACT

MANDATING LICENSED QUARRYING CONTRACTORS TO PRACTICE SAFETY MEASURES IN QUARRYING SITES BY REQUIRING FOR THE RESTORATION OR REMAKING OF BANKS OF WATER TO THE SAME CONDITION AS THEY WERE BEFORE QUARRYING, PRESCRIBING PENALTIES FOR VIOLATIONS THEREOF, AND FOR OTHER PURPOSES

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

1 **SECTION 1. Declaration Policy.** – It shall be the policy of the State to
2 responsibly promote the exploration, development, utilization, and conservation of all its
3 mineral resources. The State also recognizes the need to protect and advance the right of
4 the people to a balanced ecology and a wholesome and healthy environment.

5
6 **SEC. 2. Interference with bank of any river, stream or watercourse.** –
7 Any licensed contractor who in the course of sand and granite quarrying operations
8 interferes in any way with the bank of any river, stream or watercourse may be required
9 by the Department of Environment and Natural Resources (hereinafter referred to as
10 DENR), by notice in writing, to restore the bank to the same condition as it was in before
11 the interference or to remake it in such manner and within such time as may be specified
12 in the notice.

13
14 **SEC. 3. Penalties.** – Any licensed contractor who willfully violates the provisions
15 of this Act shall be held liable upon conviction to a fine not less than One Million Pesos

1 (PhP 1,000,000.00), and in the case of continuing offense, to a fine not less than Fifty
2 Thousand Pesos (PhP 50,000.00) for every day or part thereof during which the offense
3 continues after conviction.

4 The DENR may, at any time after the expiration of the time specified in such
5 notice and without instituting any proceedings against the licensed contractor, cause the
6 works specified in the notice to be executed and the expenses thereby incurred shall be
7 paid by the licensee in default and may be recovered by the DENR as determined by the
8 Court.

9

10 **SEC. 4. *Implementing Rules and Regulations.*** – The DENR together with the
11 Department of Interior and Local Government, as well as the various Local Government
12 Units (LGUs) shall promulgate the rules and regulations necessary for the effective
13 enforcement of the provisions of this Act.

14

15 **SEC. 5. *Separability Clause.*** – Should any provision of this Act or any part
16 thereof be declared invalid, the other provisions, so far as they are separable from the
17 invalid ones, shall remain in full force and effect.

18

19 **SEC. 5. *Repealing Clause.*** – All laws, orders, issuances, rules, and regulations or
20 parts thereof inconsistent with this Act are hereby repealed or modified accordingly.

21

22 **SEC. 6. *Effectivity.*** – This Act shall take effect fifteen (15) days after its
23 complete publication in the “*Official Gazette*” or in at least two (2) newspapers of
24 general circulation.

Approved,