

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

9 APR 21 A9:35

SENATE

S. NO. 3174

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Introduced by Senator Antonio "Sonny" F. Trillanes IV

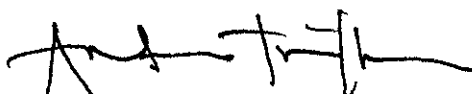
EXPLANATORY NOTE

In 1995, Congress enacted Republic Act No. 7942 otherwise known as the Philippine Mining Act of 1995 which governs the exploration, development, utilization and processing of all mineral resources in the country. This Act opened all mineral resources in public and private lands, including timber or forest lands, to mineral agreements or financial or technical assistance agreement applications.

However, in implementing the provisions of the said law, the State shall protect, promote and advance people's right to health and right to balanced and healthful ecology as mandated by the Constitution. The State should take into consideration the promotion of the health and safety as well as the comfort and convenience of the public with regard to mineral exploration and utilization.

Quarrying sites contain an excavation that may present danger to the public by falling into it. Most, if not all, quarrying sites lack signs and warnings as well as fences which afford easy access to the public. Some abandoned quarries, on the other hand, pose danger to children to go to these abandoned sites to swim. In quarries, the depth comes suddenly and too drastically while in ponds or rivers, one can sense the change in depth. This bill seeks to protect the welfare of the public by mandating quarrying contractors to securely fence their sites.

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



ANTONIO "SONNY" F. TRILLANES IV
Senator

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AN ACT
MANDATING LICENSED QUARRYING CONTRACTORS TO ERECT FENCES
AROUND QUARRYING SITES 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 responsibly
2 promote the exploration, development, utilization, and conservation of all its mineral
3 resources. The State also recognizes the need to protect its people from the possible
4 damages or injuries that may be brought about by the utilization of our mineral resources.

5
6 **Sec. 2. Erecting of Fences and Other Safety Measures.** – Any licensed sand or
7 granite quarry contractor shall –

8 a.) in the case of a sand quarry in which any open pit exists, erect and thereafter
9 maintain such fencing and take such other precautions as may be necessary in the
10 opinion of the Department of Environment and Natural Resources to prevent the
11 occurrence of any danger or damage to life or property; and

12 b.) in the case of a granite quarry –
13 (i) provide such number of guards, watchmen, warning lamps and red
14 flags at such places and times as the DENR thinks fit;

15 (ii) not permit any deposit, material, machinery or any other object or
16 thing to be scattered, dumped, placed or stationed at any place so as to
17 hinder or obstruct access to and egress from the land adjoining or abutting
18 any such quarry; and

19 (iii) maintain the roads leading to any such quarry and crusher plant up to a
20 standard approved by the DENR.

1 The DENR may give a licensed contractor such directions as he thinks fit as to the
2 method of quarrying and the suspension or prohibition of granite quarrying operations
3 including blasting to ensure safety to persons or property.

4
5 **Sec. 3. *Fencing of Disused Sand and Granite Quarries.*** - Where any disused
6 sand or granite quarry is dangerous to the public, it shall be kept reasonably fenced for
7 the prevention of accidents, and if it is not so kept, the licensed contractor of the sand or
8 granite quarry or if there is no such licensed contractor the owner of the land in which the
9 sand or granite quarry lies shall be guilty of violating this Act.

10
11 **Sec. 4. *Penalties.*** – Any licensed contractor who willfully violates the provisions
12 of this Act shall be held liable on conviction to a fine not less than One Million Pesos
13 (PhP 1,000,000.00) and in the case of continuing offense to a fine not less than Fifty
14 Thousand Pesos (PhP 50,000.00) for every day or part thereof during which the offense
15 continues after conviction.

16
17 **Sec. 5. *Implementing Rules and Regulations.*** – The DENR together with the
18 Department of Interior and Local Government, as well as the various Local Government
19 Units (LGUs) shall promulgate the rules and regulations for the effective enforcement of
20 the provisions of this Act.

21
22 **Sec. 6. *Separability Clause.*** – Should any provision of this Act or any part thereof
23 be declared invalid, the other provisions, so far as they are separable from the invalid
24 ones, shall remain in full force and effect.

25
26 **Sec. 7. *Repealing Clause.*** – All laws, orders, issuances, rules, and regulations or
27 parts thereof inconsistent with this Act are hereby repealed or modified accordingly.

28
29 **Sec. 8. *Effectivity.*** – This Act shall take effect fifteen (15) days after its complete
30 publication in at least two (2) newspapers of general circulation.

Approved,