

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



Senate  
Office of the Secretary

15 JUL 29 P4:08

SENATE

COMMITTEE REPORT NO. 191

RECEIVED BY: 

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

Re : House Bill No. 45

Recommending its approval with amendments.

Sponsor : Senator Legarda.

**MR. PRESIDENT:**

The Committee on Environment and Natural Resources to which was referred House Bill No. 45, introduced by Representatives Rodriguez (R.) and Rodriguez (M.), entitled:

**"AN ACT  
DECLARING THE CITY OF CAGAYAN DE ORO A MINING-FREE ZONE"**

has considered the same and has the honor to report this bill back to the Senate with the recommendation that House Bill No. 45 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, line 6, on the subtitle, after the word "Oro", insert the word **"CITY"**;
3. On the same page and line, on the subtitle, delete the conjunction "as";
4. On the same page, line 8, delete the phrase "City of Cagayan de Oro are hereby" and in lieu thereof, insert the phrase **"THEREIN SHALL BE"**;
5. On the same page, line 9, before the word "For", insert the phrase **"SEC. 3. SCOPE"**;
6. On the same page, line 12, delete the phrase "and large-scale" and in lieu thereof, insert the phrase **"AS WELL AS"**;
7. On the same page, line 13, after the word "aggregates", insert the phrase **"WHETHER LARGE-SCALE OR SMALL-SCALE OPERATION"**;
8. On the same page and line, delete the word "however";
9. On the same page, line 15, between the words "government" and "for", insert the phrase **"OF CAGAYAN DE ORO"**;

10. On page 2, line 4, after the word "laws", insert the punctuation mark colon ":" and the phrase **"PROVIDED, FURTHER, THAT THE NATIONAL GOVERNMENT SHALL RETAIN THE AUTHORITY TO CONDUCT MINERAL EXPLORATION IN ANY PART OF CAGAYAN DE ORO CITY WHEN NATIONAL INTEREST SO REQUIRES, SUCH AS WHEN THERE IS NEED TO DETERMINE THE PRESENCE AND AVAILABILITY OF STRATEGIC RAW MATERIALS FOR INDUSTRIES CRITICAL TO NATIONAL DEVELOPMENT OR FOR SCIENTIFIC, CULTURAL OR ECOLOGICAL VALUE";**
11. On the same page, before Section 3, 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 CAGAYAN DE ORO CITY: PROVIDED, THAT THE STATE SHALL BE ALLOWED TO UNDERTAKE MINERAL EXPLORATION ACTIVITIES IN THE AREA FOR RESEARCH AND DATA GATHERING PURPOSES.";**
12. On the same page, lines 5 to 6, 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, line 7, delete the word and figure "six (6)" and in lieu thereof, insert the word and figure **"THREE (3)";**
14. On the same page and line, delete the word and figure "twelve (12)" and in lieu thereof, insert the word and figure **"SIX (6)";**
15. On the same page, line 8, delete the word "One" and in lieu thereof, insert the word **"TWO";**
16. On the same page and line, between the words "hundred" and "thousand", insert the word **"FIFTY";**
17. On the same page and line, delete the monetary figure "P100,000.00" and in lieu thereof, insert the monetary figure **"P250,000.00";**
18. On the same page, delete the second sentence of Section 3 and in lieu thereof, insert two (2) 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 15, between the words "Resources" and "shall", insert the acronym in parentheses "**(DENR)**";
20. On the same page, before Section 5, insert a new section which shall read as follows:
21. On the same page, line 20, between the punctuation mark comma "," and the word "orders", insert the word "**DECREES**" and the punctuation mark comma ",";
22. On the same page, line 24, between the words "its" and "publication", insert the word "**COMPLETE**";
23. On the same page and line, between the words "publication" and "in", insert the phrase "**IN THE OFFICIAL GAZETTE OR**";
24. On the same page and line, after the word "circulation", insert the phrase "**IN THE PHILIPPINES**"; and
25. Renumber the sections accordingly.

Respectfully submitted:

  
**LOREN LEGARDA**  
*Chairperson*


*Vice - Chairpersons:*

**GREGORIO B. HONASAN II**


**CYNTHIA A. VILLAR**

*Members:*

**ANTONIO "SONNY" F. TRILLANES IV**

  
**PAOLO BENIGNO "BAM" AQUINO IV**

**FRANCIS G. ESCUDERO**


  
**RAMON BONG REVILLA JR.**

**GRACE POE**

**PIA S. CAYETANO**

COMMITTEE REPORT ON HBN 45 (DECLARING CAGAYAN DE ORO CITY A MINING-FREE ZONE)

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FERDINAND R. MARCOS JR.

  
AQUILINO "KOKO" PIMENTEL III

*Assure consultations of affected  
sectors; (2) not compulsory*

  
SONNY ANGARA

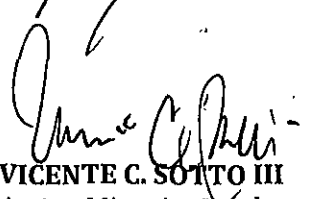
  
MARIA LOURDES NANCY S. BINAY

  
JOSEPH VICTOR G. EJERCITO

Ex - Officio Members:

  
RALPH G. RECTO  
President Pro-Tempore

ALAN PETER "COMPAÑERO" S. CAYETANO  
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VICENTE C. SOTTO III  
Acting Minority Leader  
Member, Committee on Environment and  
Natural Resources

JUAN PONCE ENRILE  
Minority Leader

Hon. FRANKLIN M. DRILON  
President  
Senate of the Philippines  
Pasay City

CONGRESS OF THE PHILIPPINES  
SIXTEENTH CONGRESS  
*First Regular Session*

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## HOUSE OF REPRESENTATIVES

H. No. 45

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BY REPRESENTATIVES RODRIGUEZ (R.) AND RODRIGUEZ (M.)

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### AN ACT DECLARING THE CITY OF CAGAYAN DE ORO A MINING-FREE ZONE

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

1           SECTION 1. *Statement of Policy.* — It is the policy of the State to  
2 protect and advance the right of the people to a balanced and healthful ecology  
3 in accord with the rhythm and harmony of nature. Towards this end, the State  
4 shall protect the people and the environment in Cagayan de Oro City from the  
5 adverse effects of mining.

6           SEC. 2. *Declaration of Cagayan de Oro as a Mining-Free Zone.* —  
7 Cagayan de Oro City is hereby declared a mining-free zone and all mining  
8 operations in the City of Cagayan de Oro are hereby prohibited.

9           For the purpose of this Act, mining shall refer to the extraction of  
10 valuable minerals or other geological materials from the earth and shall include  
11 such mining activities as exploration, feasibility, development, utilization and  
12 processing and large-scale quarry operations involving cement raw materials,  
13 marble, granite, sand and gravel construction aggregates: *Provided, however,*  
14 That the quarrying of gravel and sand for projects directly undertaken by  
15 agencies of the national government or by the city government for basic

1 services such as, but not limited to, roads and bridges, school buildings, water  
2 and energy utilities and similar public works, is exempted from the coverage of  
3 this Act, subject, however, to the requirements of existing mining and  
4 environment laws.

5       SEC. 3. *Penal Provisions.* – Any person, employee or employment  
6 agency who shall violate the provisions of this Act shall be penalized with  
7 imprisonment of at least six (6) years but not more than twelve (12) years and a  
8 fine of at least One hundred thousand pesos (P100,000.00) but not more than  
9 Five hundred thousand pesos (P500,000.00). If the violator is a corporation or  
10 association, the president and the manager/s of said corporation or association,  
11 or its agent or representative in the Philippines, in case of a foreign corporation  
12 or association, shall be held liable.

13       SEC. 4. *Implementing Rules and Regulations.* – Within three (3)  
14 months following the effectivity of this Act, the Secretary of the Department of  
15 Environment and Natural Resources shall promulgate the necessary rules and  
16 regulations for its effective implementation.

17       SEC. 5. *Separability Clause.* – If any portion or provision of this Act  
18 is declared unconstitutional, the remainder of this Act or any provision not  
19 affected thereby shall remain in force and effect.

20       SEC. 6. *Repealing Clause.* – All laws, orders, issuances, rules and  
21 regulations or parts thereof inconsistent with the provisions of this Act are  
22 hereby repealed or modified accordingly.

23       SEC. 7. *Effectivity Clause.* – This Act shall take effect fifteen (15)  
24 days after its publication in a newspaper of general circulation.

Approved,