

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



Senate
Office of the Secretary

15 JUL 29 P4:09

SENATE

COMMITTEE REPORT NO. 192

RECEIVED BY: 

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

Re : House Bill No. 670

Recommending its approval with amendments.

Sponsor : Senator Legarda.

MR. PRESIDENT:

The Committee on Environment and Natural Resources to which was referred House Bill No. 670, introduced by Representative Sarmiento (C.), entitled:

**"AN ACT
DECLARING THE PROVINCE OF CATANDUANES 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. 670 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 2, delete the word "promote" and lieu thereof, insert the word **"ADVANCE"**;
3. On the same page, line 6, on the subtitle, delete the conjunction "as";
4. On the same page, line 8, delete the phrase "in the Province of Catanduanes are hereby" and in lieu thereof, insert the phrase **"THEREIN SHALL BE"**;
5. On the same page, line 10, before the word "For", insert the phrase **"SEC. 3. SCOPE"**;
6. On the same page, line 13, delete the phrase "and large-scale" and in lieu thereof, insert the phrase **"AS WELL AS"**;
7. On the same page and line, between the words "cement" and "raw", delete the punctuation mark comma ",";
8. On the same page, line 14, after the word "aggregate", insert the punctuation mark comma "," and the phrase **"WHETHER LARGE-SCALE OR SMALL-SCALE OPERATION"**;

9. On the same page and line, delete the word "however";
10. On page 2, line 2, between the words "government" and "for", insert the phrase "**OF CATANDUANES**";
11. On the same page, line 6, 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 CATANDUANES 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.**";
12. 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 CATANDUANES: PROVIDED, THAT THE STATE SHALL BE ALLOWED TO UNDERTAKE MINERAL EXPLORATION ACTIVITIES IN THE AREA FOR RESEARCH AND DATA GATHERING PURPOSES."
13. On the same page, line 7, 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**";
14. On the same page, line 9, delete the word and figure "six (6)" and in lieu thereof, insert the word and figure "**THREE (3)**";
15. On the same page and line, delete the word and figure "twelve (12)" and in lieu thereof, insert the word and figure "**SIX (6)**";
16. On the same page, line 10, delete the word "One" and in lieu thereof, insert the word "**TWO**";
17. On the same page and line, between the words "hundred" and "thousand", insert the word "**FIFTY**";
18. On the same page and line, delete the monetary figure "P100,000.00" and in lieu thereof, insert the monetary figure "**P250,000.00**";
19. On the same page, separate the second sentence of Section 3 and make it as a second paragraph of the aforementioned section;
20. On the same page, line 11, delete the word "violator" and in lieu thereof, insert the word "**OFFENDER**";
21. On the same page and line, between the word "corporation" and the conjunction "or", insert the punctuation mark comma "," and the phrase "**FIRM, PARTNERSHIP**";

22. On the same page, line 12, delete the phrase "the president and the manager/s of said" and in lieu thereof, insert the phrase **"THE PENALTY SHALL BE IMPOSED UPON THE OFFICER OR OFFICERS OF THE"**;
23. On the same page and line, between the word "corporation" and the conjunction "or", insert the punctuation mark comma "," and the phrase **"FIRM, PARTNERSHIP"**;
24. On the same page, lines 13 to 14, delete the phrase "or its agent or representative in the Philippines, in case of a foreign corporation of association, shall be held liable" and in lieu thereof, insert the phrase **"RESPONSIBLE FOR THE VIOLATION THEREOF"**;
25. On the same page, line 15, insert a new paragraph which will be the third paragraph of Section 3 and which shall read as follows:

"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.";

26. On the same page and line, between the words "Resources" and "shall", insert the acronym in parentheses **"(DENR)"**;
27. On the same page, before Section 5, 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 CATANDUANES, SHALL REVIEW THE CONTRACTS, AGREEMENTS AND PERMITS ENTERED INTO AND/OR ISSUED TO ALL EXISTING MINING OPERATIONS IN CATANDUANES AND DETERMINE THOSE TO BE TERMINATED AND THOSE TO BE ALLOWED TO CONTINUE UNTIL SUCH PERIOD THAT THEIR CONTRACTS, AGREEMENTS OR PERMITS MAY ALLOW.";

28. On the same page, line 22, between the punctuation mark comma "," and the word "order", insert the word **"DECREES"** and the punctuation mark comma ",";
29. On the same page, line 26, between the words "its" and "publication", insert the word **"COMPLETE"**;
30. On the same page and line, between the phrases "publication in" and "a newspaper", insert the phrase **"THE OFFICIAL GAZETTE OR IN"**;
31. On the same page and line, after the word "circulation", insert the phrase **"IN THE PHILIPPINES"**; and
32. Renumber the sections accordingly.

COMMITTEE REPORT ON HBN 670 (DECLARING CATANDUANES A MINING-FREE ZONE)

Respectfully submitted:


LQ BEN 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 670 (DECLARING CATANDUANES A MINING-FREE ZONE)


FERDINAND R. MARCOS JR.


AQUILINO "KOKO" PIMENTEL III

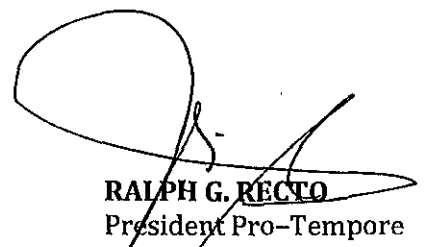

SONNY ANGARA

Assume completion of affected sectors + not confiscatory


MARIA LOURDES NANCY S. BINAY


JOSEPH VICTOR G. EJERCITO

Ex - Officio Members:


RALPH G. RECTO
President Pro-Tempore

ALAN PETER "COMPAÑERO" S. CAYETANO
Majority Leader


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. 670

BY REPRESENTATIVE SARMIENTO (C.)

AN ACT DECLARING THE PROVINCE OF CATANDUANES 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 promote 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 the Province of Catanduanes
5 from the adverse effects of mining.

6 SEC. 2. *Declaration of the Province of Catanduanes as a Mining-free*
7 *Zone.* – The Province of Catanduanes is hereby declared a mining-free zone
8 and all mining operations in the Province of Catanduanes are hereby
9 prohibited.

10 For the purpose of this Act, mining shall refer to the extraction of
11 valuable minerals or other geological materials from the earth and shall include
12 such mining activities as exploration, feasibility, development, utilization and
13 processing and large-scale quarry operations involving cement, raw materials,
14 marble, granite, sand and gravel construction aggregates: *Provided, however,*

1 That the quarrying of gravel and sand for projects directly undertaken by
2 agencies of the national government or by the provincial government for basic
3 services such as, but not limited to, roads and bridges, school buildings, water
4 and energy utilities and similar public works, is exempted from the coverage of
5 this Act, subject, however, to the requirements of existing mining and
6 environment laws.

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

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

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

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

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

Approved,