

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



Senate
Office of the Secretary

'15 JUL 29 P4:11

SENATE

COMMITTEE REPORT NO. 193

RECEIVED BY: 

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

Re : House Bill No. 3667

Recommending its approval with amendments.

Sponsor : Senator Legarda.

MR. PRESIDENT:

The Committee on Environment and Natural Resources to which was referred House Bill No. 3667, introduced by Representatives Padilla and Matugas, entitled:

**"AN ACT
DECLARING THE PROVINCE OF NUEVA VIZCAYA A MINING-FREE ZONE AND
PROVIDING PENALTIES FOR VIOLATIONS THEREOF"**

has considered the same and has the honor to report this bill back to the Senate with the recommendation that House Bill No. 3667 be approved with the following amendments:

1. On page 1, before Section 1, insert a new section which shall read as follows:
2. On the same page, line 1, on the subtitle, delete the word "Policy" and in lieu thereof, insert the phrase "NUEVA VIZCAYA A MINING-FREE ZONE";
3. On the same page, lines 2 to 3, delete the phrase "in the Province of Nueva Vizcaya are hereby" and in lieu thereof, insert the phrase "THEREIN SHALL BE";
4. On the same page, line 4, delete the phrase "As used in" and in lieu thereof, insert the phrase "FOR THE PURPOSE OF";
5. On the same page, lines 5 to 6, after the word "materials", delete the punctuation mark comma "," and the phrase "excluding gravel and sand marble. This" and in lieu thereof, insert the phrase "FROM EARTH AND";
6. On the same page, line 6, delete the phrase "large-scale and small-scale" and in lieu thereof, insert the word "SUCH";
7. On the same page, line 7, delete the word "involving" and in lieu thereof, insert the conjunction "AS";

8. On the same page, line 8, after the word "processing", insert the phrase **"AS WELL AS QUARRY OPERATIONS INVOLVING CEMENT RAW MATERIALS, MARBLE, GRANITE, SAND AND GRAVEL CONSTRUCTION AGGREGATES, WHETHER LARGE-SCALE OR SMALL-SCALE OPERATION: PROVIDED, THAT THE QUARRYING OF GRAVEL AND SAND FOR PROJECTS DIRECTLY UNDERTAKEN BY AGENCIES OF THE NATIONAL GOVERNMENT OR BY THE PROVINCIAL GOVERNMENT OF NUEVA VIZCAYA FOR BASIC SERVICES SUCH AS, BUT NOT LIMITED TO, ROADS AND BRIDGES, SCHOOL BUILDINGS, WATER AND ENERGY UTILITIES AND SIMILAR PUBLIC WORKS, IS EXEMPTED FROM THE COVERAGE OF THIS ACT, SUBJECT, HOWEVER, TO THE REQUIREMENTS OF EXISTING MINING AND ENVIRONMENTAL LAWS: PROVIDED, FURTHER, THAT THE NATIONAL GOVERNMENT SHALL RETAIN THE AUTHORITY TO CONDUCT MINERAL EXPLORATION IN ANY PART OF NUEVA VIZCAYA 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."**;
9. 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 NUEVA VIZCAYA: PROVIDED, THAT THE STATE SHALL BE ALLOWED TO UNDERTAKE MINERAL EXPLORATION ACTIVITIES IN THE AREA FOR RESEARCH AND DATA GATHERING PURPOSES.";
10. On the same page, lines 9 to 11, delete the sentence "It shall be unlawful for any person to mine or continue to mine or engage in any mining operation in the Province of Nueva Vizcaya";
11. On page 2, line 1, delete the phrase "found guilty of";
12. On the same page, line 2, delete the word and figure "six (6)" and in lieu thereof, insert the word and figure **"THREE (3)";**
13. On the same page, line 3, delete the word and figure "twelve (12)" and in lieu thereof, insert the word and figure **"TWELVE (12)";**
14. On the same page and line, delete the word "One" and in lieu thereof, insert the word **"TWO";**
15. On the same page and line, between the words "hundred" and "thousand", insert the word **"FIFTY";**
16. On page 2, line 4, delete the monetary figure "P100,000.00" and in lieu thereof, insert the monetary figure **"P250,000.00";**

COMMITTEE REPORT ON HBN 3667 (DECLARING NUEVA VIZCAYA A MINING-FREE ZONE)

17. On the same page, line 9, after the word "proceedings", insert the phrase **"AND SHALL BE BANNED FROM ANY SUBSEQUENT ENTRY INTO THE PHILIPPINES"**;
18. On the same page, line 15, delete the phrase "Provincial Government of Nueva Vizcaya" and in lieu thereof, insert the acronym **"DENR"**;
19. On the same page and line, delete the acronym "DENR" and in lieu thereof, insert the phrase **"PROVINCIAL GOVERNMENT OF NUEVA VIZCAYA"**;
20. On the same page, line 16, delete the conjunction "and" and in lieu thereof, insert the punctuation mark comma **","**;
21. On the same page and line, between the words "agreements" and "entered", insert the phrase **"AND PERMITS"**;
22. On the same page and line, delete the word "by" and in lieu thereof, insert the phrase **"AND/OR ISSUED TO"**;
23. On the same page, line 17, after the word "operations", delete the punctuation mark comma **","** and in lieu thereof, insert the phrase **"IN NUEVA VIZCAYA AND DETERMINED"**;
24. On the same page and line, after the word "terminated", delete the punctuation mark comma **","**;
25. On the same page, line 18, between the words "contracts" and "agreements", delete the word **"or"**;
26. On the same page and line, between the words "agreements" and "may", insert the phrase **"OR PERMITS"**;
27. On the same page, before Section 6, insert a new section which shall read as follows:

"SEC. ____ . SEPARABILITY CLAUSE. - IF ANY PORTION OR PROVISION OF THIS ACT IS DECLARED UNCONSTITUTIONAL, THE REMAINDER OF THIS ACT OR ANY PROVISION NOT AFFECTED THEREBY SHALL REMAIN IN FORCE AND EFFECT.";
28. On the same page, line 19, between the punctuation mark comma **","** and the word "orders", insert the word **"ISSUANCES"** and the punctuation mark comma **","**;
29. On the same page, line 23, delete the word "following" and in lieu thereof, insert the word **"AFTER"**;
30. On the same page and line, between the words "its" and "publication", insert the word **"COMPLETE"**;
31. On the same page and line, delete the phrase "at least two (2) newspapers" and in lieu thereof, insert the phrase **"THE OFFICIAL GAZETTE OR IN A NEWSPAPER"**;

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32. On the same page and line, after the word "circulation", insert the phrase **"IN THE PHILIPPINES"**; and
33. Renumber the sections accordingly.

COMMITTEE REPORT ON HBN 3667 (DECLARING NUEVA VIZCAYA A MINING-FREE ZONE)

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 3667 (DECLARING NUEVA VIZCAYA A MINING-FREE ZONE)


FERDINAND R. MARCOS JR.


AQUILINO "KOKO" PIMENTEL III

*attracts widespread consultation
and not compulsory with*



SONNY ANGARA

*respect
to existing
contracts*



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. 3667

BY REPRESENTATIVES PADILLA AND MATUGAS, PER COMMITTEE
REPORT No. 26

AN ACT DECLARING THE PROVINCE OF NUEVA VIZCAYA A
MINING-FREE ZONE AND PROVIDING PENALTIES FOR
VIOLATIONS THEREOF

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

1 SECTION 1. *Declaration of Policy.* – The Province of Nueva Vizcaya
2 is hereby declared a mining-free zone and all mining operations in the Province
3 of Nueva Vizcaya are hereby prohibited.

4 SEC. 2. *Scope.* – As used in this Act, mining shall refer to the
5 extraction of valuable minerals or other geological materials, excluding gravel
6 and sand marble. This shall include large-scale and small-scale mining
7 activities involving exploration, feasibility, development, utilization and
8 processing.

9 SEC. 3. *Penal Provision.* – It shall be unlawful for any person to mine
10 or continue to mine or engage in any mining operation in the Province of
11 Nueva Vizcaya.

1 Any person found guilty of violating the provisions of this Act shall be
2 penalized with an imprisonment of at least six (6) years but not more than
3 twelve (12) years and a fine of at least One hundred thousand pesos
4 (P100,000.00) but not more than Five hundred thousand pesos (P500,000.00).

5 If the offender is a corporation, firm, partnership or association, the
6 penalty shall be imposed upon the officer or officers of the corporation, firm,
7 partnership or association responsible for the violation thereof.

8 If the offender is an alien, after service of sentence and payment of fine,
9 the person shall be deported immediately without further proceedings.

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

14 SEC. 5. *Transitory Provision.* - Upon approval of this Act, the
15 Provincial Government of Nueva Vizcaya, in coordination with the DENR,
16 shall review the contracts and agreements entered into by all existing mining
17 operations, those to be terminated, and those to be allowed to continue until
18 such period that their contracts or agreements may allow.

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

22 SEC. 7. *Effectivity.* - This Act shall take effect fifteen (15) days
23 following its publication in at least two (2) newspapers of general circulation.

Approved,