

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



Senate
Office of the Secretary

'15 JUL 29 P4:12

SENATE

COMMITTEE REPORT NO. 194

RECEIVED BY: 

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

Re : House Bill No. 3780

Recommending its approval with amendments.

Sponsor : Senator Legarda.

MR. PRESIDENT:

The Committee on Environment and Natural Resources to which was referred House Bill No. 3780, introduced by Representatives Evardone and Matugas, entitled:

**"AN ACT
DECLARING THE PROVINCE OF EASTERN SAMAR 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. 3780 be approved with the following amendments:

1. On page 1, before Section 1, insert a new section which shall read as follows:

"SECTION 1. STATEMENT OF POLICY. - IT IS THE POLICY OF THE STATE TO PROTECT AND ADVANCE THE RIGHT OF THE PEOPLE TO A BALANCED AND HEALTHFUL ECOLOGY IN ACCORD WITH THE RHYTHM AND HARMONY OF NATURE. TOWARDS THIS END, THE STATE SHALL PROTECT THE PEOPLE AND THE ENVIRONMENT IN THE PROVINCE OF EASTERN SAMAR FROM THE ADVERSE EFFECTS OF MINING.";

2. On the same page, line 1, on the subtitle, delete the word "Policy" and in lieu thereof, insert the phrase **"THE PROVINCE OF EASTERN SAMAR A MINING-FREE ZONE"**;
3. On the same page, lines 2 to 3, delete the phrase "in the province 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 **"SEC. 3. SCOPE. - FOR THE PURPOSE OF"**;
5. On the same page, lines 7 to 10, delete the phrase "and shall apply whether the same is conducted in a small scale or otherwise: *Provided, however,* That this Act shall not operate

against legitimate quarrying and/or sand and gravel activities in the Province of Eastern Samar" and in lieu thereof, 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 EASTERN SAMAR 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 EASTERN SAMAR 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."**;

6. On the same page, line 11, add "S" to the word "Prohibition";
7. On the same page and line, delete the word "conduct" and in lieu thereof, insert the phrase **"ENGAGE OR TO CONTINUE TO ENGAGE IN ANY"**;
8. On the same page, line 12, after the word "Samar", insert the punctuation mark colon ":" and the phrase **"PROVIDED, THAT THE STATE SHALL BE ALLOWED TO UNDERTAKE MINERAL EXPLORATION ACTIVITIES IN THE AREA FOR RESEARCH AND DATA GATHERING PURPOSES"**;
9. On the same page, line 12, separate the second sentence of Section 2 and make it as the first paragraph of a new section with a subtitle **"PENALTIES"**;
10. On the same page and line, delete the phrase "found guilty";
11. On page 2, line 2, delete the word and figure "six (6)" and in lieu thereof, insert the word and figure **"THREE (3)"**;
12. On the same page and line, delete the word and figure "(twelve (12))" and in lieu thereof, insert the word and figure **"SIX (6)"**;
13. On the same page, line 3, between the words "hundred" and "thousand", insert the word **"FIFTY"**;
14. On the same page and line, delete the monetary figure "P200,000.00" and in lieu thereof, insert the monetary figure **"P250,000.00"**;
15. On the same page, line 9, delete the phrase "he will" and in lieu thereof, insert the phrase **"THE PERSON SHALL"**;

16. On the same page and line, after the word "proceedings", insert the phrase **"AND SHALL BE BANNED FROM ANY SUBSEQUENT ENTRY INTO THE PHILIPPINES"**;
17. On the same page, line 12, between the words "Resources" and "shall", insert the acronym in parentheses **"(DENR)"**;
18. On the same page, delete the entire Section 4 and in lieu thereof insert two (2) new sections which shall read as follows:

"SEC. ____ . TRANSITORY PROVISION. - UPON APPROVAL OF THIS ACT, THE DENR, IN COORDINATION WITH THE PROVINCIAL GOVERNMENT OF EASTERN SAMAR, SHALL REVIEW THE CONTRACTS, AGREEMENTS AND PERMITS ENTERED INTO AND/OR ISSUED TO ALL EXISTING MINING OPERATIONS IN EASTERN SAMAR AND DETERMINE THOSE TO BE TERMINATED AND THOSE TO BE ALLOWED TO CONTINUE UNTIL SUCH PERIOD THAT THEIR CONTRACTS, AGREEMENTS OR PERMITS MAY ALLOW.

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.";

19. On the same page, line 20, between the words "its" and "publication", insert the word **"COMPLETE"**;
20. On the same page, line 23, after the word "circulation", insert the phrase **"IN THE PHILIPPINES"**; and
21. 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 3780 (DECLARING EASTERN SAMAR A MINING-FREE ZONE)


FERDINAND R. MARCOS JR.


AQUILINO "KOKO" PIMENTEL III

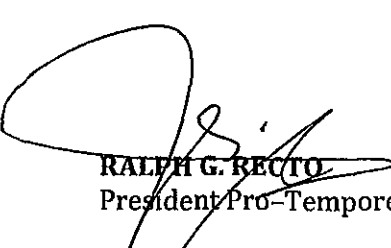
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SONNY ANGARA

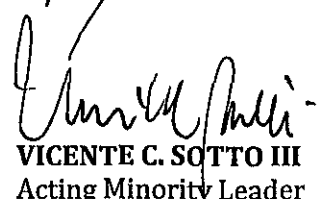

MARIA LOURDES NANCY S. BINAY


JOSEPH VICTOR G. EJERCITO

Ex - Officio Members:


RALPH G. RECTO
President Pro-Tempore

ALAN PETER "COMPAÑERO" S. CAYETANO
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. 3780

BY REPRESENTATIVES EVARDONE AND MATUGAS, PER COMMITTEE
REPORT NO. 42

AN ACT DECLARING THE PROVINCE OF EASTERN SAMAR 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 Eastern Samar
2 is hereby declared a mining-free zone and all mining operations in the
3 province are hereby prohibited.

4 As used in this Act, mining shall refer to the extraction of valuable
5 minerals or other geological materials from the earth and shall include such
6 mining activities as exploration, feasibility, development, utilization and
7 processing and shall apply whether the same is conducted in a small scale or
8 otherwise: *Provided, however,* That this Act shall not operate against
9 legitimate quarrying and/or sand and gravel activities in the Province of
10 Eastern Samar.

11 SEC. 2. *Prohibition.* — It shall be unlawful for any person to conduct
12 mining operations in the Province of Eastern Samar. Any person found guilty

1 violating the provisions of this Act shall be penalized with imprisonment of at
2 least six (6) years but not more than twelve (12) years and a fine of at least
3 Two hundred thousand pesos (P200,000.00) but not more than Five hundred
4 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,
7 firm, partnership or association responsible for the violation hereof.

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

10 SEC. 3. *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 shall promulgate the necessary rules and
13 regulations for its effective implementation.

14 SEC. 4. *Existing Rights.* – All property and private rights vested prior
15 to the effectivity of this Act shall continue to be recognized and respected in
16 accordance with laws, rules and regulations.

17 SEC. 5. *Repealing Clause.* – All laws, presidential decrees or
18 issuances, executive orders, letters of instruction, administrative orders, rules
19 or regulations contrary to or inconsistent with the provisions of this Act are
20 hereby repealed.

21 SEC. 6. *Effectivity Clause.* – This Act shall take effect fifteen (15)
22 days after its publication in the *Official Gazette* or in a newspaper of general
23 circulation.

Approved,