

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. 195

RECEIVED BY: 

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

Re : House Bill No. 4363

Recommending its approval with amendments.

Sponsor : Senator Legarda.

MR. PRESIDENT:

The Committee on Environment and Natural Resources to which was referred House Bill No. 4363, introduced by Representatives Ramos and Matugas, entitled:

**"AN ACT
DECLARING THE SECOND DISTRICT OF SORSOGON 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. 4363 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 SECOND DISTRICT OF SORSOGON 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 SECOND DISTRICT OF SORSOGON A MINING-FREE ZONE"**;
3. On the same page, lines 2 to 3, delete the phrase "are hereby" and in lieu thereof, insert the phrase **"SHALL BE"**;
4. On the same page, delete lines 4 to 8 and in lieu thereof, insert a new section which shall read as follows:

"SEC. ____ . SCOPE. - FOR THE PURPOSE OF THIS ACT, MINING SHALL REFER TO THE EXTRACTION OF VALUABLE MINERALS OR

OTHER GEOLOGICAL MATERIALS FROM THE EARTH AND SHALL INCLUDE SUCH MINING ACTIVITIES AS EXPLORATION, FEASIBILITY, DEVELOPMENT, UTILIZATION AND PROCESSING 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 SORSOGON 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 THE SECOND DISTRICT OF SORSOGON 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.”;

5. On the same page, line 9, add “S” to the subtitle “Prohibition” to make it in plural form;
6. On the same page and line, delete the phrase “and Penalties”;
7. On the same page, line 10, delete the phrase “mine or continue to mine or” and in lieu thereof, insert the phrase “**ENGAGE OR CONTINUE TO**”;
8. On page, 2, line 1, before the word “Any”, insert the phrase “**SEC. 5. PENALTIES**”;
9. On the same page and line, delete the word “section” and in lieu thereof, insert the word “**ACT**”;
10. On the same page, line 9, after the word proceedings, insert the phrase “**AND SHALL BE BANNED FROM ANY SUBSEQUENT ENTRY INTO THE PHILIPPINES**”;
11. On the same page, before Section 4, insert a new section which shall read as follows:

**“SEC. ____ . IMPLEMENTING RULES AND REGULATIONS. -
WITHIN THREE (3) MONTHS FOLLOWING THE EFFECTIVITY OF
THIS ACT, THE SECRETARY OF THE DEPARTMENT OF
ENVIRONMENT AND NATURAL RESOURCES (DENR) SHALL
PROMULGATE THE NECESSARY RULES AND REGULATIONS FOR ITS
EFFECTIVE IMPLEMENTATION.”;**

12. On the same page, line 11, delete the phrase “Provincial Government of Sorsogon” and in lieu thereof, insert the acronym “**DENR**”;

COMMITTEE REPORT ON HBN 4363 (DECLARING THE SECOND DISTRICT OF SORSOGON A MINING-FREE ZONE)

13. On the same page, lines 11 to 12, delete the phrase "Department of Environment and Natural Resources (DENR)" and in lieu thereof, insert the phrase **"PROVINCIAL GOVERNMENT OF SORSOGON"**;
14. On the same page, line 14, between the word "operations" and conjunction "and", insert the phrase **"IN THE SECOND DISTRICT OF SORSOGON"**;
15. On the same page, delete lines 17 to 19, and in lieu thereof, 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.";
16. On the same page, line 20, between the punctuation mark comma "," and the word "rules", insert the word **"ISSUANCES"**;
17. On the same page, line 24, between the words "its" and "publication", insert the word **"COMPLETE"**;
18. On the same page and line, after the word "circulation", insert the phrase **IN THE PHILIPPINES"**; and
19. Renumber the sections accordingly.

Respectfully submitted:


LOREN LEGARDA
Chairperson

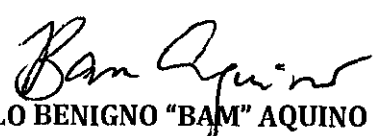
Vice - Chairpersons:

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 4363 (DECLARING THE SECOND DISTRICT OF SORSOGON A MINING-FREE ZONE)


FERDINAND R. MARCOS JR.


AQUILINO "KOKO" PIMENTEL III

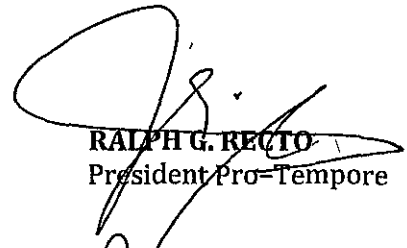
*Assures consultation /
act confidentially*


SONNY ANGARA

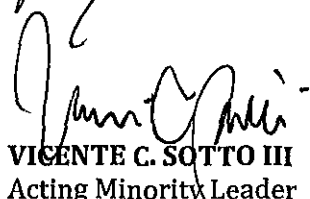

MARIA LOURDES NANCY S. BINAY


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

}

HOUSE OF REPRESENTATIVES

H. No. 4363

BY REPRESENTATIVES RAMOS AND MATUGAS, PER COMMITTEE
REPORT NO. 189

AN ACT DECLARING THE SECOND DISTRICT OF SORSOGON 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 Second District of Sorsogon
2 is hereby declared a mining-free zone and all mining operations therein are
3 hereby prohibited.

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

9 SEC. 3. *Prohibition and Penalties.* - It shall be unlawful for any
10 person to mine or continue to mine or engage in any mining operation in the
11 Second District of Sorsogon: *Provided,* That the State shall be allowed to
12 undertake mineral exploration activities in the area for research and data
13 gathering purposes.

1 Any person violating the provisions of this section shall be penalized
2 with imprisonment of at least three (3) years but not more than six (6) years
3 and a fine of at least two hundred fifty thousand pesos (P250,000.00) but not
4 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. *Transitory Provision.* – Upon approval of this Act, the
11 Provincial Government of Sorsogon, in coordination with the Department of
12 Environment and Natural Resources (DENR), shall review the contracts,
13 agreements and permits entered into and/or issued to all existing mining
14 operations and determine those to be terminated and those to be allowed to
15 continue until such period that their contracts, agreements or permits may
16 allow.

17 SEC. 5. *Implementing Rules and Regulations.* – Within one (1) month
18 after the effectivity of this Act, the Secretary of the DENR shall promulgate the
19 necessary rules and regulations for its effective implementation.

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

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

Approved,