

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



Senate
Office of the Secretary

'15 JUL 29 P4:23

SENATE

COMMITTEE REPORT NO. 197

RECEIVED BY: 

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

Re : House Bill No. 5262

Recommending its approval with amendments.

Sponsor : Senator Legarda.

MR. PRESIDENT:

The Committee on Environment and Natural Resources to which was referred House Bill No. 5262, introduced by Representatives Ungab, Ilagan, De Jesus, Zarate and Matugas, entitled:

**"AN ACT
DECLARING THE CITY OF DAVAO 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. 5262 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 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 CITY OF DAVAO FROM THE ADVERSE EFFECTS OF MINING.";

3. On the same page and line, after the phrase "SECTION 1", insert the subtitle "**DECLARATION OF DAVAO CITY A MINING-FREE ZONE**";
4. On the same page, line 3, before the phrase "For the purpose", insert the phrase and subtitle "**SEC. 3. SCOPE**";
5. On the same page, line 10, delete the word "provincial" and in lieu thereof, insert the word "**CITY**";

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6. On the same page and line, between the word "government" and the preposition "for", insert the phrase "**OF DAVAO**";
7. On the same page and line, between the conjunction "as" and the word "roads, insert the punctuation mark comma "," and the phrase "**BUT NOT LIMITED TO,**";
8. On the same page, line 14, delete the word "maintain" and in lieu thereof, insert the word "**RETAIN**";
9. On the same page, line 15, delete the word "province" and in lieu thereof, insert the word "**CITY**";
10. On page 2, line 4, 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 DAVAO CITY: PROVIDED, THAT THE STATE SHALL BE ALLOWED TO UNDERTAKE MINERAL EXPLORATION ACTIVITIES IN THE AREA FOR RESEARCH AND DATA GATHERING PURPOSES.";

11. On the same page and line, after the phrase "SEC. 2", insert the subtitle "**PENALTIES**";
12. On the same page and line, delete the phrase "found to have violated any of" and in lieu thereof, insert the word "**VIOLATING**";
13. On the same page, line 5, after the word "shall", delete the punctuation mark comma "," and the phrase "upon conviction,";
14. On the same page and line, delete the word "punished by" and in lieu thereof, insert the phrase "**PENALIZED WITH**";
15. On the same page and line, delete the phrase "not less than six (6)" and in lieu thereof, insert the phrase "**AT LEAST THREE (3)**";
16. On the same page, line 6, delete the phrase "and one (1) day";
17. On the same page and line, delete the word and figure "twelve (12)" and in lieu thereof, insert the word and figure "**SIX (6)**";
18. On the same page and line, delete the conjunction "or" and in lieu thereof, insert the conjunction "**AND**";
19. On the same page, lines 6 to 7, delete the phrase "not less than one" and in lieu thereof, insert the phrase "**AT LEAST TWO**";
20. On the same page, line 7, between the words "hundred" and "thousand", insert the word "**FIFTY**";
21. On the same page and line, delete the monetary value "P100,000.00" and in lieu thereof, insert the monetary value "**P250,00.00**";

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22. On the same page, line 8, after the monetary figure in parentheses "(P500,000.00)", delete the punctuation mark comma "," and the phrase "or both, at the discretion of the court";
23. On the same page, line 9, delete the phrase "offense is committed by" and in lieu thereof, insert the phrase "**OFFENDER IS**";
24. On the same page and line, after the word "corporation" and punctuation mark comma ",", insert the word "**FIRM**" and the punctuation mark comma ",";
25. On the same page and line, after the word "partnership", delete the punctuation mark comma "," and in lieu thereof, insert the conjunction "**OR**";
26. On the same page, lines 9 to 10, delete the phrase "or any other juridical entity,";
27. On the same page, lines 10 to 15, delete the phrase "president, managing director, partner or chief operating officer. The license to operate of the erring corporation, partnership, association or any other juridical entity shall be cancelled and revoked permanently. The operator or owner thereof shall not be allowed to undertake mining activities or operate similar establishments in a different name or in a different location" and in lieu thereof, insert the phrase "**OFFICER OR OFFICERS OF THE CORPORATION, FIRM, PARTNERSHIP OR ASSOCIATION RESPONSIBLE FOR THE VIOLATION THEREOF**";
28. On the same page, lines 16 to 17, delete the phrase "a foreigner, aside from serving the sentence or payment of fine, the penalty shall be deportation and ban" and in lieu thereof, insert the phrase "**AN ALIEN, AFTER SERVICE OF SENTENCE AND PAYMENT OF FINE, THE PERSON SHALL BE DEPORTED IMMEDIATELY WITHOUT FURTHER PROCEEDINGS AND SHALL BE BANNED**";
29. On the same page, delete lines 19 to 27 and in lieu thereof, insert three (3) new sections 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.";

"SEC. ____ . TRANSITORY PROVISION. - UPON APPROVAL OF THIS ACT, THE DENR, IN COORDINATION WITH THE CITY GOVERNMENT OF DAVAO, SHALL REVIEW THE CONTRACTS, AGREEMENTS AND PERMITS ENTERED INTO AND/OR ISSUED TO ALL EXISTING MINING OPERATIONS IN DAVAO CITY 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. ____ . SEPAR ABILITY 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.”;**

30. On page 3, line 1, after the phrase “SEC. 5”, insert the subtitle **“REPEALING CLAUSE”**;
31. On the same page and line, after the word “order” and the punctuation mark comma “,”, insert the word **“ISSUANCES”** and the punctuation mark comma “,”;
32. On the same page and line, after the word “regulations”, insert the phrase **“OR PARTS THEREOF”**;
33. On the same page, line 2, delete the phrase “contrary to or”;
34. On the same page and line, delete the word “amended” and in lieu thereof, insert the word **“REPEALED”**;
35. On the same page, line 4, after the phrase “SEC. 6”, insert the subtitle **“EFFECTIVITY CLAUSE”**;
36. On the same page and line, between the words “its” and “publication”, insert the word **“COMPLETE”**;
37. On the same page, line 5, after the word “circulation”, insert the phrase **“IN THE PHILIPPINES”**; and
38. Renumber the sections accordingly.

COMMITTEE REPORT ON HBN 5262 (DECLARING THE CITY OF DAVAO A MINING-FREE ZONE)

Respectfully submitted:


LOREN LEGARDA
Chairperson

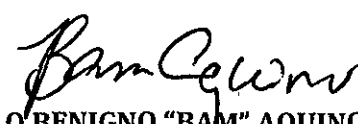
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CYNTHIA A. VILLAR

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PAOLO BENIGNO "BAM" AQUINO IV

FRANCIS G. ESCUDERO


RAMON BONG REVILLA JR.

GRACE POE

PIA S. CAYETANO

COMMITTEE REPORT ON HBN 5262 (DECLARING THE CITY OF DAVAO A MINING-FREE ZONE)


FERDINAND R. MARCOS JR.


AQUILINO "KOKO" PIMENTEL III

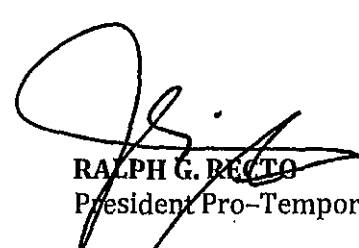
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SONNY ANGARA

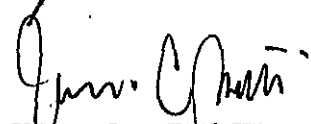

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President
Senate of the Philippines
Pasay City

CONGRESS OF THE PHILIPPINES
SIXTEENTH CONGRESS
Second Regular Session

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HOUSE OF REPRESENTATIVES

H. No. 5262

BY REPRESENTATIVES UNGAB, ILAGAN, DE JESUS, ZARATE AND MATUGAS,
PER COMMITTEE REPORT NO. 506

AN ACT DECLARING THE CITY OF DAVAO A MINING-FREE ZONE

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

1 SECTION 1. The City of Davao is hereby declared a mining-free zone
2 and all mining operations in the area shall be prohibited.

3 For the purpose of this Act, mining shall refer to the extraction of
4 valuable minerals or other geological materials from the earth and shall include
5 such mining activities as exploration, feasibility, development, utilization and
6 processing, as well as quarry operations involving cement raw materials,
7 marble, granite, sand and gravel construction aggregates, whether large-scale
8 or small-scale operation: *Provided*, That the quarrying of gravel and sand for
9 projects directly undertaken by agencies of the national government or by the
10 provincial government for basic services such as roads and bridges, school
11 buildings, water and energy utilities and similar public works, is exempted
12 from the coverage of this Act, subject, however, to the requirements of existing
13 mining and environmental laws: *Provided, further*, That the national
14 government shall maintain the authority to conduct mineral exploration in any
15 part of the province, when national interest so requires, such as when there is a

1 need to determine the presence and availability of strategic raw materials for
2 industries critical to national development or for scientific, cultural or
3 ecological value.

4 SEC. 2. Any person found to have violated any of the provisions of this
5 Act shall, upon conviction, be punished by imprisonment of not less than six
6 (6) years and one (1) day but not more than twelve (12) years or a fine of not
7 less than one hundred thousand pesos (P100,000.00) but not more than five
8 hundred thousand pesos (P500,000.00), or both, at the discretion of the court.

9 If the offense is committed by a corporation, partnership, association or
10 any other juridical entity, the penalty shall be imposed upon the president,
11 managing director, partner or chief operating officer. The license to operate of
12 the erring corporation, partnership, association or any other juridical entity
13 shall be cancelled and revoked permanently. The operator or owner thereof
14 shall not be allowed to undertake mining activities or operate similar
15 establishments in a different name or in a different location.

16 If the offender is a foreigner, aside from serving the sentence or
17 payment of fine, the penalty shall be deportation and ban from any subsequent
18 entry into the Philippines.

19 SEC. 3. Any contractor who has an existing exploration permit before
20 the effectivity of this Act shall be given a period of two (2) years to conclude
21 its exploration activities. Upon the termination of the exploration permit, the
22 right granted to the contractor to occupy and use the public land shall revert to
23 the Philippine government.

24 SEC. 4. Within ninety (90) days after the effectivity of this Act, the
25 Sangguniang Panlungsod of the City of Davao, with the concurrence of the city
26 mayor, shall promulgate the necessary rules and regulations for the proper
27 implementation of this Act.

1 SEC. 5. All laws, decrees, executive orders, rules and regulations
2 contrary to or inconsistent with the provisions of this Act are hereby amended
3 or modified accordingly.

4 SEC. 6. This Act shall take effect fifteen (15) days after its publication
5 in the *Official Gazette* or in a newspaper of general circulation.

Approved,

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