

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



Senate
Office of the Secretary

'15 JUL 29 P4 21

SENATE

COMMITTEE REPORT NO. 198

RECEIVED BY: 

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

Re : House Bill No. 5260

Recommending its approval with amendments.

Sponsor : Senator Legarda.

MR. PRESIDENT:

The Committee on Environment and Natural Resources to which was referred House Bill No. 5260, introduced by Representatives Violago, Matugas and Zarate, entitled:

**"AN ACT
DECLARING THE PROVINCE OF NUEVA ECIJA 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. 5260 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, 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 NUEVA ECIJA FROM THE ADVERSE EFFECTS OF MINING.";

3. On the same page, line 1, after the phrase "SECTION 1", insert the subtitle **"DECLARATION OF THE PROVINCE OF NUEVA ECIJA A MINING-FREE ZONE"**;
4. On the same page, line 2, after the word "zone", delete the punctuation mark comma ",";
5. On the same page, line 3, before the word "For", insert the phrase **"SEC. 3. SCOPE"**;
6. On the same page, line 10, between the words "government" and "for", insert the phrase **"OF NUEVA ECIJA"**;

7. On the same page and line, between the words "as" and "roads", insert the punctuation mark comma "," and the phrase "BUT NOT LIMITED TO,";
8. On the page 2, line 1, delete the word "maintain" and in lieu thereof, insert the word "RETAIN";
9. On the same page, line 6, before Section 2, insert a new section which shall read as follows:

"SEC. 4. PROHIBITIONS. - IT SHALL BE UNLAWFUL FOR ANY PERSON TO ENGAGE OR TO CONTINUE TO ENGAGE IN ANY MINING OPERATION IN NUEVA ECIJA: 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 and line, after the phrase "SEC. 2", insert the subtitle "PENALTIES";
11. On the same page and line, 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";
12. On the same page, lines 7 to 8, delete the word and figure "six (6)" and in lieu thereof, insert the word and figure "THREE (3)";
13. On the same page, line 8, delete the word and figure "twelve (12)" and in lieu thereof, insert the word and figure "SIX (6)";
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, after the word "hundred", insert the word "FIFTY";
16. On the same page, line 9, delete the monetary figure "P100,000.00" and in lieu thereof, insert the monetary figure "P250,000.00";
17. On the same page, lines 10 to 13, delete the sentence "If the violator is a corporation or association, the president and the manager/s of said corporation or association, or its agent or representative in the Philippines, in case of a foreign corporation or association, shall be held liable.";
18. On the same page, after the first sentence of Section 2, insert two (2) new paragraphs which shall read as follows:

"IF THE OFFENDER IS A CORPORATION, FIRM, PARTNERSHIP OR ASSOCIATION, THE PENALTY SHALL BE IMPOSED UPON THE OFFICER OR OFFICERS OF THE CORPORATION, FIRM, PARTNERSHIP OR ASSOCIATION RESPONSIBLE FOR THE VIOLATION THEREOF.

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.”;

19. On the same page, line 14, after the phrase “SEC. 3”, insert the subtitle **“IMPLEMENTING RULES AND REGULATIONS”;**
20. On the same page, line 15, between the words “Resources” and “shall”, insert the acronym in parentheses **“(DENR)”;**
21. On the same page, between Section 3 and 4, insert a new section which shall read as follows:

“SEC. 7. TRANSITORY PROVISION. – UPON APPROVAL OF THIS ACT, THE DENR, IN COORDINATION WITH THE PROVINCIAL GOVERNMENT OF NUEVA ECIJA, SHALL REVIEW THE CONTRACTS, AGREEMENTS AND PERMITS ENTERED INTO AND/OR ISSUED TO ALL EXISTING MINING OPERATIONS IN NUEVA ECIJA AND DETERMINE THOSE TO BE TERMINATED AND THOSE TO BE ALLOWED TO CONTINUE UNTIL SUCH PERIOD THAT THEIR CONTRACTS, AGREEMENTS OR PERMITS MAY ALLOW.”;
22. On the same page, line 17, after the phrase “SEC. 4”, insert the subtitle **“SEPARABILITY CLAUSE”;**
23. On the same page, line 20, after the phrase “SEC. 5”, insert the subtitle **“REPEALING CLAUSE”;**
24. On the same page and line, between the punctuation mark comma “,” and the word “orders”, insert the word **“DECREES”** and the punctuation mark comma “,”;
25. On the same page, line 23, after the phrase “SEC. 6”, insert the subtitle **“EFFECTIVITY”;**
26. On the same page and line, between the words “its” and “publication, insert the word **“COMPLETE”;**
27. On the same page, line 24, after the word “circulation”, insert the phrase **“IN THE PHILIPPINES”;** and
28. 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

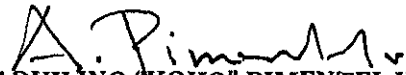

RAMON/BONG REVILLA JR.

GRACE POE

PIA S. CAYETANO

COMMITTEE REPORT ON HBN 5260 (DECLARING THE PROVINCE OF NUEVA ECIIJA A MINING-FREE ZONE)


FERDINAND R. MARCOS JR.


AQUILINO "KOKO" PIMENTEL III

*Assuming at the consultations
+ not compensatory or
affected by existing
contracts*

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
Second Regular Session

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HOUSE OF REPRESENTATIVES

H. No. 5260

BY REPRESENTATIVES VIOLAGO, MATUGAS AND ZARATE, PER COMMITTEE
REPORT NO. 504

AN ACT DECLARING THE PROVINCE OF NUEVA ECIIJA A MINING-FREE ZONE

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

1 SECTION 1. The Province of Nueva Ecija is hereby declared a
2 mining-free zone, and all mining operations therein 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 or
8 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 from
12 the coverage of this Act, subject, however, to the requirements of existing
13 mining and environmental laws: *Provided, further*, That the national

1 government shall maintain the authority to conduct mineral exploration in any
2 part of the province when national interest so requires, such as when there is
3 need to determine the presence and availability of strategic raw materials for
4 industries critical to national development or for scientific, cultural or
5 ecological value.

6 SEC. 2. Any person, employee or employment agency who shall violate
7 the provisions of this Act shall be penalized with imprisonment of at least six
8 (6) years but not more than twelve (12) years and a fine of at least one hundred
9 thousand pesos (P100,000.00) but not more than five hundred thousand pesos
10 (P500,000.00). If the violator is a corporation or association, the president and
11 the manager/s of said corporation or association, or its agent or representative
12 in the Philippines, in case of a foreign corporation or association, shall be held
13 liable.

14 SEC. 3. Within three (3) months following the effectivity of this Act,
15 the Secretary of the Department of Environment and Natural Resources shall
16 promulgate the necessary rules and regulations for its effective implementation.

17 SEC. 4. If any portion or provision of this Act is declared
18 unconstitutional, the remainder of this Act or any provision not affected thereby
19 shall remain in force and effect.

20 SEC. 5. All laws, orders, issuances, rules and regulations or parts
21 thereof inconsistent with the provisions of this Act are hereby repealed or
22 modified accordingly.

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

Approved,