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SENATE

COMMITTEE REPORT NO. 326

RECEIVED BY: 

Submitted by the Committee on Environment and Natural Resources on DEC 07 2015

Re : Senate Bill No. 822

Recommending its approval with amendments, taking into consideration House Bill No. 4495.

Sponsor : Senator Escudero.

MR. PRESIDENT:

The Committee on Environment and Natural Resources to which was referred Senate Bill No. 822, introduced by Senator Trillanes IV, entitled:

**"AN ACT
PROHIBITING THE IMPORTATION AND EXPORTATION OF
STALACTITES AND STALAGMITES, AMENDING FOR THIS PURPOSE
REPUBLIC ACT NUMBERED 9072, OTHERWISE KNOWN AS THE
NATIONAL CAVE RESOURCES MANAGEMENT AND PROTECTION ACT"**

taking into consideration House Bill No. 4495, introduced by Representatives Alejano, Acedillo, Matugas, Co and Batocabe, entitled:

**"AN ACT
PROHIBITING THE IMPORTATION AND EXPORTATION OF
STALACTITES AND STALAGMITES, AMENDING FOR THIS PURPOSE
REPUBLIC ACT NO. 9072, OTHERWISE KNOWN AS THE 'NATIONAL
CAVE RESOURCES MANAGEMENT AND PROTECTION ACT'"**

has considered the same and has the honor to report this bill back to the Senate with the recommendation that Senate Bill No. 822 be approved with the following amendments:

1. Transpose the definition for the term "CALCITE" from page 2, lines 18 to 24 to page 1, line 6 before the definition for the term "Cave";

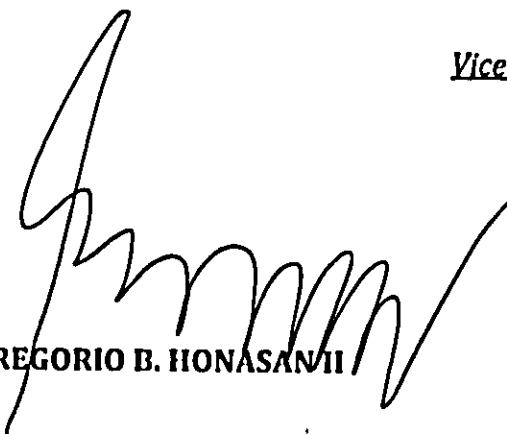
2. Transpose the definition for the term "DRIPSTONE" from page 3, lines 17 to 26 to page 2, line 3 before the definition for the term "Secretary";
3. Re-letter the definition of terms on Section 3 of Republic Act No. 9072 accordingly;
4. On page 4, line 6, delete the conjunction "and";
5. On the same page, line 8, delete the punctuation mark period "." and in lieu thereof, insert the punctuation mark semi-colon ";" and the conjunction "AND";
6. On the same page, lines 10 and 11, delete the phrase "THAT FORM PART OF THE CAVE RESOURCES OF THE COUNTRY" and in lieu thereof, insert the phrase "WITHOUT PRIOR CLEARANCE OR PERMIT FROM THE DENR"; and
7. On the same page, line 21, between the words "publication" and "in", insert the phrase "IN THE OFFICIAL GAZETTE OR".

Respectfully submitted:



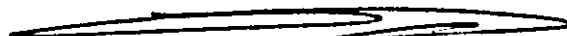
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LOREN LEGARDA

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ANTONIO "SONNY" F. TRILLANES IV



PAOLO BENIGNO "BAM" AQUINO IV



RAMON BONG REVILLA JR.



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PIA S. CAYETANO

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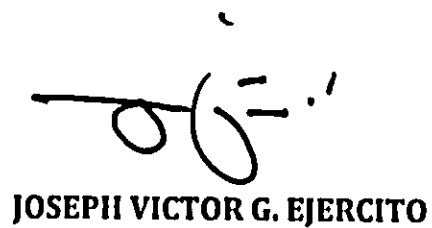
AQUILINO "KOKO" PIMENTEL III



SONNY ANGARA



MARIA LOURDES NANCY S. BINAY




JOSEPH VICTOR G. EJERCITO



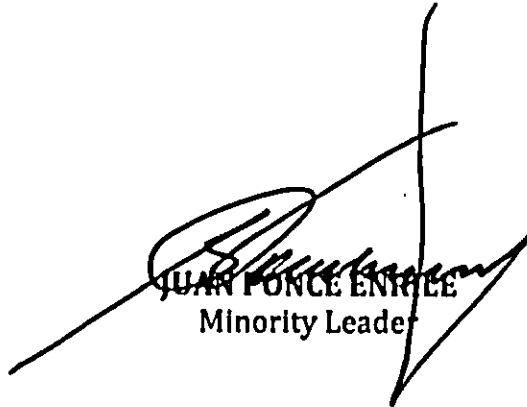
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JUAN PONCE ENRILE
Minority Leader

Hon. FRANKLIN M. DRILON
President
Senate of the Philippines
Pasay City



'13 JUL 16 P5:05

SENATE

S. No. 822

IV: *je*

Introduced by Senator Antonio "Sonny" F. Trillanes IV

EXPLANATORY NOTE

The Philippines is one of the countries known for its rich natural resources. The country's caves specifically set our resources apart from any other places because of its exceptional resources such as the so-called dripstones. A dripstone is a collective term for stalagmites and stalactites – a kind of a precious mineral which takes hundred of years to form.

Unfortunately, recent news showed that some of these stalagmites and stalactites, which should remain inside the confines of a cave, are now being sold in the country. This immediately called the attention of advocates of the environment and the general public who witnessed the alarming scenario.

Republic Act No. 9072, otherwise known as the "National Cave Resources Management and Protection Act", has been put forward in 2001 to protect and conserve these resources. However, this law does not have a provision regarding the importation and exportation of the country's cave resources.

This bill seeks to amend R.A. 9072 by adding a subsection prohibiting the exportation and/or the importation of stalagmites and stalactites. This bill recognizes the importance of the country's cave resources and deems it important to put the import/export of the same into a halt before it turns into large-scale basis.

In view of the foregoing, passage of this measure is earnestly requested.


ANTONIO "SONNY" F. TRILLANES IV
Senator



'13 JUL 16 P5:05

SENATE

S. No. 822

iv: *jin*

Introduced by Senator Antonio "Sonny" F. Trillanes IV

**AN ACT
PROHIBITING THE IMPORTATION AND EXPORTATION OF STALACTITES AND
STALAGMITES, AMENDING FOR THIS PURPOSE REPUBLIC ACT NUMBERED
9072, OTHERWISE KNOWN AS THE NATIONAL CAVE RESOURCES
MANAGEMENT AND PROTECTION ACT**

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

1 **SECTION 1.** Section 3 of Republic Act No. 9072, otherwise known as the "National
2 Cave Resources Management and Protection Act," herein referred to as The Act, is amended to
3 read as follows:

4 "SEC. 3. Definition of Terms. - For purposes of this Act, the following terms shall
5 be defined as follows:

- 6 a) "Cave" means any naturally occurring void, cavity, recess or system of
7 interconnected passages beneath the surface of the earth or within a cliff or
8 ledge and which is large enough to permit an individual to enter, whether
9 or not the entrance, located either in private or public land, is naturally
10 formed or man made. It shall include any natural pit, sinkhole or other
11 feature which is an extension of the entrance. The term also includes cave
12 resources therein, but not any vug, mine tunnel, aqueduct or other
13 manmade excavation.
- 14 b) "Cave resources" includes any material or substance occurring naturally in
15 caves, such as animal life, plant life, including palcontological and

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archaeological deposits, cultural artifacts or products of human activities, sediments, minerals, speleogems and speleothems.

c) "Secretary" means the Secretary of the Department of Environment and Natural Resources (DENR).

d) "Speleogem" means relief features on the walls, ceilings and floor of any cave or lava tube which are part of the surrounding bedrock, including but not limited to anastomoses, scallops, meander niches, petromorphs and rock pendants in solution caves and similar features unique to volcanic caves.

e) "Speleothem" means any natural mineral formation or deposit occurring in a cave or lava tube, including but not limited to any stalactite, stalagmite, helictite, cave flower, flowstone, concretion, drapery, rimstone or formation of clay or mud.

f) "Significant Cave" refers to a cave which contains materials or possesses features that have archaeological, cultural, ecological, historical or scientific value as determined by the DENR in coordination with the scientific community and the academic.

G) "CALCITE" REFERS TO:

a) THE MOST COMMON FORM OF NATURAL CALCIUM CARBONATE A WIDELY DISTRIBUTED MINERAL KNOWN FOR THE BEAUTIFUL DEVELOPMENT AND GREAT VARIETY OF ITS CRYSTALS;

b) A MINERAL THAT DISSOLVES WITH MOST FORMS OF ACID.

II) "STALACTITE" REFERS TO:

a) AN ICICLE-SHAPED MASS OF CALCITE ATTACHED TO THE ROOF OF A LIMESTONE CAVERN;

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- b) MINERALS HANGING FROM THE CEILINGS OF CAVERNS THAT COMMONLY EXHIBIT A CENTRAL TUBE OR THE TRACE OF A FORMER TUBE WHOSE DIAMETER IS THAT OF A DROP OF WATER HANGING BY SURFACE TENSION;
- c) IN ITS SIMPLEST FORM, A THIN-WALLED STONE STRAW, AND THESE FRAGILE FORMS MAY REACH LENGTHS OF 0.5 M (20 INCHES) OR MORE WHERE AIR CURRENTS HAVE NOT SERIOUSLY DISTURBED THE GROWTH.

I) "STALAGMITE" REFERS TO:

- a) A CONE OF CALCITE RISING FROM THE FLOOR OF A CAVERN;
- b) MATERIALS THAT GROW UP ON THE BOTTOM OF A CAVERN FROM THE SAME DRIP-WATER SOURCE OF THAT OF THE STALACTITES, THE MINERAL FROM WHICH IS DEPOSITED AFTER THE WATER DROPLET FALLS ACROSS THE OPEN SPACE IN THE ROCK.

J) "DRIPSTONE" REFERS TO:

- a) A COLLECTIVE TERM FOR STALAGMITES AND STALACTITES, SINCE THEY ARE OFTEN FOUND IN PAIRS, THE STALAGMITE BEING FORMED AS A RESULT OF FURTHER EVAPORATION AND PRECIPITATION FROM SOLUTION AFTER THE TRICKLE OF WATER FALLS FROM THE STALACTITE AND STALAGMITE;
- b) MINERAL FORMS OFTEN FOUND IN CAVES;
- c) A KIND OF MINERAL THAT TAKES HUNDRED OF YEARS TO BE FORMED".

SEC. 2. Section 7 of The Act is hereby amended to read as follows:

1 "Sec. 7. Prohibited Acts. - The following shall be considered Prohibited Acts:

2 a) Knowingly destroying, disturbing, defacing, marring, altering, removing, or
3 harming the speleogem, or speleothen of any cave or altering the free
4 movement of any animal or plant life into or out of any cave;

5 b) Gathering, collecting, possessing, consuming, selling, bartering or exchanging
6 or offering for sale without authority any, cave resource; and

7 c) Counselling, procuring, soliciting or employing any other person to violate
8 any provisions of this Section.

9 D) IMPORTING AND/OR EXPORTING OF STALAGMITES AND
10 STALACTITES AND OTHER MINERALS THAT FORM PART OF THE
11 CAVE RESOURCES OF THE COUNTRY".
12

13 **SEC. 3. Separability Clause.** - If any provision of this Act shall at any time be found to
14 be unconstitutional or invalid, the remainder thereof not affected by such declaration shall
15 remain in full force and effect.
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17 **SEC. 4. Repealing Clause.** - All laws, decrees, rules or regulations inconsistent with the
18 provisions of this Act are hereby repealed or modified accordingly.
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20 **SEC. 5. Effectivity Clause.** - This Act shall take effect after fifteen (15) days following
21 its complete publication in two (2) newspapers of general circulation.

Approved,