



HOUSE OF REPRESENTATIVES

H. No. 8817

BY REPRESENTATIVES MERCADO AND ABELLANOSA, PER COMMITTEE
REPORT NO. 1050

AN ACT DECLARING THE PROVINCE OF SOUTHERN
LEYTE A MINING-FREE ZONE AND PROVIDING
PENALTIES THEREFOR

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

1 SECTION 1. *Short Title.* – This Act shall be known as the
2 “Southern Leyte Province Mining-Free Zone Act”.

3 SEC. 2. *Statement of Policy.* – It is the policy of the State to
4 protect and advance the right of the people to a balanced and
5 healthful ecology in accord with the rhythm and harmony of nature.
6 It is likewise the responsibility of the State to promote the rational
7 exploration, development, utilization and conservation of the
8 country’s mineral resources in a way that effectively safeguards the
9 environment and protects the rights of affected communities.
10 Towards this end, the State shall protect the people and the
11 environment in the Province of Southern Leyte from the adverse
12 effects of mining.

1 SEC. 3. *Mining-Free Zone.* – The Province of Southern Leyte
2 is hereby declared a mining-free zone. All forms of mining
3 operations and activity, whether large-scale or small-scale, within
4 its jurisdiction are hereby prohibited. The provisions of Republic
5 Act No. 7942, otherwise known as the “Philippine Mining Act of
6 1995”; Republic Act No. 7076, otherwise known as the “People’s
7 Small-scale Mining Act of 1991”; and other laws, rules and
8 regulations on mining inconsistent with this Act shall have no
9 application within the territorial jurisdiction of the mining-free
10 zone.

11 SEC. 4. *Coverage.* – This Act covers all mining operations
12 and activities, including quarrying, within the territorial
13 jurisdiction of the Province of Southern Leyte.

14 As used in this Act, “mining” refers to the extraction of
15 minerals, ores or other geological materials from the earth. It shall
16 include mining activities such as exploration, conduct of geological
17 feasibility studies and surveys, development, utilization and
18 processing, as well as quarry operations involving cement raw
19 materials, marble, granite, sand and gravel construction aggregates,
20 whether large-scale or small-scale operation, and other similar
21 activities related to the excavating and quarrying of minerals and
22 ores: *Provided*, That the quarrying of gravel and sand for projects
23 directly undertaken by the agencies of the national or city
24 government for basic services such as roads and bridges, school
25 buildings, water and energy utilities, is exempted from the coverage
26 of this Act.

27 SEC. 5. *Recognition of Existing Mining Contracts, Agreements*
28 *and Permits.* – All valid and existing contracts, exploration
29 permits, licenses, technical agreements and mineral production
30 sharing agreements in accordance with Republic Act No. 7942,

1 otherwise known as the "Philippine Mining Act of 1995" covering
2 any area of the Province at the date of effectivity of this Act shall be
3 recognized by the Government and shall remain valid until the
4 expiration or termination thereof. Thereafter, no further extension
5 or renewal shall be granted. Moreover, the government shall not
6 issue new exploration permits nor enter into new mineral
7 agreements covering lands within the jurisdiction of the Province.

8 SEC. 6. *Dormant Exploration Permits and Mineral*
9 *Agreements.* – Exploration activities and mining operations under
10 existing exploration permits, mineral agreements and other similar
11 agreements shall be undertaken immediately by the permittee or
12 contractor. In case of failure to initiate or undertake any
13 exploration activity or mining operation within two (2) years from
14 the effectivity of this Act, the exploration permit or mineral
15 agreement shall be declared dormant by the Department of
16 Environment and Natural Resources (DENR).

17 Dormant permits or agreements shall *ipso facto* be cancelled
18 upon declaration of dormancy.

19 SEC. 7. *Cancellation of Small-scale Mining Contracts.* – All
20 small-scale mining contracts as enunciated in Republic Act
21 No. 7076, otherwise known as the "People's Small-scale Mining Act
22 of 1991" in the Province are hereby cancelled upon the effectivity of
23 this Act. Affected small-scale mining contractors have one (1) year
24 from the time this Act takes effect to wind up their operations and
25 undertake rehabilitation, regeneration and reforestation of
26 mineralized areas, slope stabilization of mined-out and tailings-
27 covered areas, watershed development and water conservation.

28 SEC. 8. *Penal Provisions.* – Any person, natural or juridical,
29 or any public officer, who violates the provisions of this Act shall
30 suffer the penalty of imprisonment of not less than six (6) years but

1 not more than twelve (12) years, and a fine of not less than One
2 million pesos (P1,000,000.00) but not more than Ten million pesos
3 (P10,000,000.00).

4 Any public officer who violates this Act shall also be dismissed
5 from service and perpetually disqualified from holding public office.
6 If the violator is a juridical entity, the highest ranking official and
7 the members of its board of directors or trustees who authorized the
8 violations therein shall suffer the penalty imposed in this Act.

9 *SEC. 9. Implementing Rules and Regulations (IRR).* –
10 Within ninety (90) days after the effectivity of this Act, the DENR
11 and the Provincial Government of Southern Leyte shall promulgate
12 the necessary rules and regulations for its proper implementation.

13 *SEC. 10. Separability Clause.* – If any portion or provision of
14 this Act is declared unconstitutional, the remainder of this Act or
15 any provision not affected thereby shall remain in full force and
16 effect.

17 *SEC. 11. Repealing Clause.* – All laws, decrees, executive
18 orders and rules and regulations inconsistent with the provisions of
19 this Act are hereby amended accordingly.

20 *SEC. 12. Effectivity.* – This Act shall take effect fifteen (15)
21 days after its publication in the *Official Gazette* or in a newspaper
22 of general circulation.

Approved,

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