



HOUSE OF REPRESENTATIVES

H. No. 8882

BY REPRESENTATIVES COSALAN, ABELLANOSA AND SY-ALVARADO,
PER COMMITTEE REPORT NO. 1086

AN ACT DECLARING THE MUNICIPALITY OF KIBUNGAN,
PROVINCE OF BENGUET A MINING-FREE ZONE AND
PROVIDING PENALTIES FOR VIOLATIONS THEREOF

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

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

12 SEC. 2. *Coverage.* – This Act covers all mining operations
13 and activities, including quarrying, within the territorial
14 jurisdiction of the Municipality of Kibungan.

15 As used in this Act, “mining” refers to the extraction of
16 valuable minerals or other geological materials from the earth and

1 other activities such as exploration, conduct of geological feasibility
2 studies and surveys, development, utilization and processing
3 including quarry operations involving cement raw materials,
4 marble, granite, sand and gravel construction aggregates, and other
5 resources.

6 SEC. 3. *Recognition of Existing Mining Contracts, Agreements*
7 *and Permits.* – All valid and existing contracts, exploration
8 permits, licenses, technical agreements and mineral production
9 sharing agreements in accordance with Republic Act No. 7942,
10 otherwise known as the Philippine Mining Act of 1995, covering any
11 area of the Municipality of Kibungan at the date of the effectivity of
12 this Act shall be recognized by the government and shall remain
13 valid until the expiration or termination thereof. Thereafter, no
14 further extension or renewal shall be granted. Moreover, the
15 government shall not issue new exploration permits nor enter into
16 new mineral agreements covering lands within the jurisdiction of
17 the Municipality of Kibungan.

18 SEC. 4. *Prohibition Against Exploration Activities in Mineral*
19 *Agreements.* – At the date of the effectivity of this Act, no
20 exploration permit to conduct further exploration activities or an
21 application for extension thereof shall be granted even during the
22 lifetime of existing mining contracts, technical and financial
23 assistance agreements and mineral production sharing agreements
24 in accordance with Republic Act No. 7942.

25 SEC. 5. *Dormant Exploration Permits and Mineral*
26 *Agreements.* – Exploration activities and mining operations under
27 existing exploration permits, mineral agreements and other similar

1 agreements shall be undertaken immediately by the permittee or
2 contractor. In case of failure to initiate or undertake any
3 exploration activity or mining operation within two (2) years from
4 the effectivity of this Act, the exploration permit or mineral
5 agreement shall be declared dormant by the Department of
6 Environment and Natural Resources (DENR).

7 Dormant permits or agreements shall *ipso facto* be cancelled
8 upon declaration of dormancy.

9 SEC. 6. *Cancellation of Small-scale Mining Contracts.* – All
10 small-scale mining contracts as enunciated in Republic Act No.
11 7076, otherwise known as the “People’s Small-scale Mining Act of
12 1991” in the Municipality of Kibungan are hereby cancelled upon
13 the approval of this Act. Affected small-scale mining contractors
14 have one (1) year from the time this Act takes effect to undertake
15 rehabilitation, regeneration and reforestation of mineralized areas,
16 slope stabilization of mined out and tailing covered areas,
17 watershed development and water preservation.

18 SEC. 7. *Quarry Permits.* – Issuance of a quarry permit in
19 the mining-free zone shall be under the direct supervision of the
20 DENR. Existing quarry permits issued by the municipal
21 government/provincial government at the time of the effectivity of
22 this Act shall likewise be recognized. Thereafter, quarry permits
23 issued by the municipal mayor or the provincial governor shall be
24 reviewed and monitored by the DENR after the applicant shall have
25 complied with all the requirements as prescribed by the rules and
26 regulations.

1 The maximum area which a qualified person may hold at any
2 one time within the territorial jurisdiction of the Municipality of
3 Kibungan shall be five (5) hectares. The DENR shall impose strict
4 regulations in ensuring that no more than one (1) quarry permit is
5 granted to the same person, corporation, its affiliates, subsidiary or
6 any entity that has essentially the same legal personality as the
7 applicant or holder of an existing quarry permit in the Municipality
8 of Kibungan.

9 A quarry permit shall immediately be cancelled by the
10 municipal mayor or the provincial governor when, in the guise of
11 quarrying activities, the holder of a quarry permit engages in
12 activities that are properly authorized by exploration permits,
13 mineral agreements or mining contracts, upon investigation
14 conducted by the DENR for the purpose.

15 SEC. 8. *Penal Provisions.* – Any person, natural or juridical,
16 or any public officer, who violates the provisions of this Act shall
17 suffer the penalty of imprisonment of not less than six (6) years but
18 not more than twelve (12) years and a fine of not less than One
19 million pesos (P1,000,000.00) but not more than Ten million pesos
20 (P10,000,000.00).

21 Any public officer who violates this Act shall also be dismissed
22 from service and perpetually disqualified from holding public office.

23 If the violator is a juridical entity, the highest ranking official
24 and the members of its board of directors or trustees who authorized
25 the violations therein shall suffer the penalty imposed in this Act.

26 SEC. 9. *Implementing Rules and Regulations.* – Within
27 three (3) months after the effectivity of this Act, the DENR shall

1 promulgate the necessary rules and regulations for its effective
2 implementation.

3 SEC. 10. *Repealing Clause.* – All laws, decrees, orders, rules
4 and regulations or parts thereof inconsistent with the provisions of
5 this Act are hereby repealed or modified accordingly.

6 SEC. 11. *Effectivity.* – This Act shall take effect fifteen (15)
7 days after its publication in the *Official Gazette* or in a newspaper of
8 general circulation.

Approved,

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