

SENATE

S. NO. 389

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Introduced by Senator Antonio "Sonny" F. Trillanes IV

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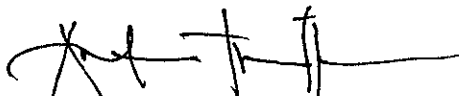
**EXPLANATORY NOTE**

Article II, Section 16 of the Constitution declares that the State shall protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature. However, common practices in quarrying run counter to this policy of the State. In many cases, the environmental damage brought about by quarrying negates whatever economic gains it aims to pursue.

Long term and excessive quarrying cause an artificial disruption in riverbeds that is more destructive than monsoons and rainy seasons. The removal of bed material specially when done in huge quantities materially alters the river slope that triggers upstream erosion. Erosion in this case progressively moves upstream as the river adjusts its bed slope, causing destruction along the way. This erosion continually brings sediments downstream, removing materials both from the banks and riverbeds. This process can cause destruction to man-made structures like bridges and farmlands along the river banks, trigger landslides, and other undesirable occurrences. Moreover, it brings excessive siltation and turbidity to the sea that is harmful to marine life.<sup>1</sup>

The practice of quarrying is indispensable to the mineral extractive industry. However, economic undertakings must be exercised within the framework of ecologically sustainable development. In this light, this measure mandates licensed quarrying contractors to practice safety measures in quarrying sites by requiring the restoration or remaking of banks of water to the same condition as they were before quarrying. Furthermore, it prescribes stern penalties for violations thereof in order to deter contractors from undermining the adverse ramifications of their activities vis-a-vis the environment.

In view of the foregoing, immediate approval of this measure is earnestly sought.



**ANTONIO "SONNY" F. TRILLANES IV**  
Senator

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<sup>1</sup>Information retrieved from: <http://www.gcocities.com/sogodbay/SLetter1.html>. Retrieved on 9 February 2009.

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AN ACT  
MANDATING LICENSED QUARRYING CONTRACTORS TO PRACTICE  
SAFETY MEASURES IN QUARRYING SITES BY REQUIRING FOR THE  
RESTORATION OR REMAKING OF BANKS OF WATER TO THE SAME  
CONDITION AS THEY WERE BEFORE QUARRYING, PRESCRIBING  
PENALTIES FOR VIOLATIONS THEREOF, AND FOR OTHER PURPOSES

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

1           **SECTION 1. Declaration Policy.** - It shall be the policy of the State to  
2 responsibly promote the exploration, development, utilization, and conservation of all its  
3 mineral resources. The State also recognizes the need to protect and advance the right of  
4 the people to a balanced ecology and a wholesome and healthy environment.

5  
6           **SEC. 2. Interference with bank of any river, stream or watercourse.** - Any  
7 licensed contractor who in the course of sand and granite quarrying operation  
8 interferes in any way with the bank of any river, stream or watercourse may be required  
9 by the Department of Environment and Natural Resources (hereinafter referred to as  
10 DENR), by notice in writing, to restore the bank to the same condition as it was in before  
11 the interference or to remake it in such manner and within such time as may be specified  
12 in the notice.

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14           **SEC. 3. Penalties.** - Any licensed contractor who willfully violates the  
15 provision, of this Act shall be held liable upon conviction to a fine not less than  
16 One Million Pesos (Php 1,000,000.00), and in the case of continuing offense, to  
17 a fine not less than Fifty Thousand Pesos (Php 50,000.00) for every day or part  
18 thereof during which the offense continues after conviction.

19

1           The DENR may, at any time after the expiration of the time specified in such  
2 notice and without instituting any proceedings against the licensed contractor, cause the  
3 works specified in the notice to be executed and the expenses thereby incurred shall be  
4 paid by the licensee in default and may be recovered by the DENR as determined by the  
5 Court.

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7           **SEC. 4. *Implementing Rules and Regulations.*** - The DENR together with the  
8 Department of Interior and Local Government, as well as the various Local Government  
9 Units (LGUs) shall promulgate the rules and regulations necessary for the effective  
10 enforcement of the provisions of this Act.

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12           **SEC. 5. *Separability Clause.*** -- Should any provision of this Act or any  
13 part thereof be declared invalid, the other provisions, so far as they are separable  
14 from the invalid ones, shall remain in full force and effect.

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16           **SEC. 6. *Repealing Clause.*** - All laws, orders, issuances, rules, and  
17 regulations or parts thereof inconsistent with this Act are hereby repealed or  
18 modified accordingly.

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20           **SEC. 7. *Effectivity.*** - This Act shall take effect fifteen (15) days after its  
21 complete publication in the "Official Gazette" or in at least two (2) newspapers of  
22 general circulation.

Approved,