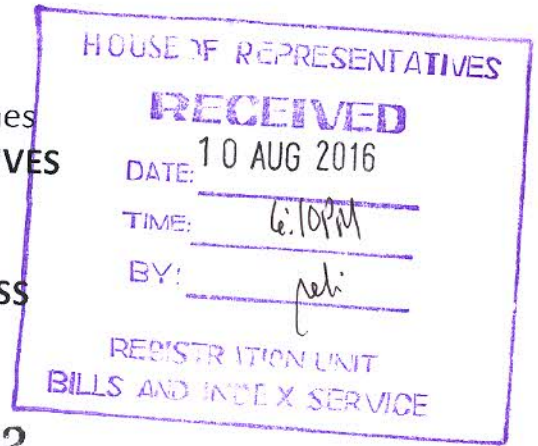


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 2852



INTRODUCED BY REPRESENTATIVE JOSE "PINGPING" I. TEJADA

EXPLANATORY NOTE

The right to a balanced and healthful ecology is solemnly incorporated in the fundamental law. Section 16, Article II of the 1987 Constitution concerns the intergenerational responsibility to preserve and protect an environment that is capable of sustaining life.

The said right implies, among many other things, the correlative duty to refrain from impairing the environment. It is found in the behavior suitable to treat the environment as a valuable asset, rather than a collection of things to be exploited and discarded.

In an effort to contribute for the conservation and protection of the country's natural environment, the involvement and initiatives of local government units account for strategic and proximate environmental management. Local government units are awarded formal roles to undertake measures and to impose conditions to protect the environment — the thrust of public accountability in achieving local environmental visions, and considering the carrying capacity of the environment.

Mining and other extractive industries are among the most destructive activities on the planet, especially for indigenous and farming communities. The minerals, metals, fuel, and timber that extractive industries seek are very profitable, that resisting them from the injurious utilization and degradation of the environment is a huge undertaking.

The Province of (North) Cotabato is endowed with rich natural resources, highly diverse cultures, and strategic trading site in central Mindanao.

The Province of (North) Cotabato is considered as Mindanao's food basket. It is a major producer of cereals, tropical fruits, vegetables, sugarcane coconut, coffee,

freshwater fish and livestock. It is also one of the country's leading producers of raw and semi-processed rubber and industrial trees, with markets in Asia and Europe.

Among its major natural assets are Mt. Apo, the country's highest peak at 9,692 feet (2,954 m) above sea level, the Pulangi River which is a major contributor to Mindanao's irrigation system and hydro-electric energy, and the vast Liguasan Marsh which not only supplies a bounty of freshwater fish and organic fertilizer but considered as a possible source as well of natural gas.

The province's economy is traditionally based on farm production activities and agribusiness that it substantially depends on the topography and geological features of the land. Majority of the communities significantly rely on natural resources for subsistence and livelihood that its viability is indispensable for the cultural survival and well-being of communities, and sustainable development considerations — including human health and safety aspects.


In July 8, 2004, the Provincial Government of Cotabato passed Ordinance 326 otherwise known as the "Environment Code of the Province of Cotabato"; this Ordinance expressed the collective aspirations of the people of the province for the protection of the environment and natural resources as a lasting legacy for the future generation of Cotabateños. Explicitly enshrined in this ordinance is the prohibition on open-pit mining as a means of extracting metallic and non-metallic deposits from the earth.

An environment vulnerable to the effects of mining can no longer support and sustain life existing in it. Since resources are limited, and most of the resources that support life and build up the backbone of today's development come from the biodiversity sources, it is difficult rather impossible for the natural environment to sustain the exploding human population.

The catastrophic effects of mining are the conditions that our children and future generations will have to endure — a deadly inheritance abridging the right to life, livelihood, health and security.

We are the world that we live in, and the people of the Province of (North) Cotabato choose to live free of mining.

Hence the passage of this Bill is earnestly sought.


JOSE "PINGPING" I. TEJADA
3rd District, Province of Cotabato

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**AN ACT DECLARING THE PROVINCE OF (NORTH) COTABATO A MINING FREE ZONE
AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF**

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

1 **Section 1. Statement of Policy.** – It is the policy of the state to protect and advance
2 the right of the people to a balanced and healthful ecology in accord with the
3 rhythm and harmony of nature. Towards this end, the state shall protect the people
4 and the environment of its territories from the harmful effects of mining.
5

6 **Section 2. Declaration of (North) Cotabato as a Mining Free Zone.** – The Province of
7 (North) Cotabato is hereby declared a mining free zone; thereby all forms of mining
8 activity within its territorial jurisdiction is prohibited.
9

10 For the purpose of this Act, mining shall refer to the “extraction of valuable
11 minerals or other geological materials, excluding gravel and sand marble”, inclusive
12 of mining activities as exploration, feasibility, development, utilization and
13 processing.
14

15 **Section 3. Penal Provision.** – Violation of this Act is punishable by not less than six (6)
16 years but not more than twelve (12) years of imprisonment. Fines shall also be
17 imposed in the amount of not less than One Hundred Thousand Pesos (P100,000.00)
18 but not more than Five Hundred Thousand Pesos (P500,000.00).
19

20 If the violator is a corporation or association, the president and the manager
21 of said corporation or association, or its agent or representative in the Philippines, in
22 the case of foreign corporation or association, shall be directly held liable for the
23 violation of this Act.
24

25 Alien offender, who rendered service of his/her sentence and/or paid the
26 fines imposed herein, shall be deported immediately.
27

28 **Section 4. *Implementing Rules and Regulations.*** – The Secretary of the Department
29 of Environment and Natural Resources (DENR) shall formulate the necessary rules
30 and regulations for the effective implementation of this Act.
31

32 **Section 5. *Separability Clause.*** – If any portion or provision of this Act is declared
33 unconstitutional, the remainder of this Act or the provisions not affected thereby
34 shall remain in force and effect.
35

36 **Section 6. *Repealing Clause.*** – All laws, decrees, orders, rules and regulations or
37 parts thereof inconsistent with the provisions of this Act are hereby repealed or
38 modified accordingly.
39

40 **Section 7. *Effectivity.*** – This Act shall take effect fifteen (15) days following its
41 publication in the *Official Gazette* or in at least two (2) newspapers of general
42 circulation.
43

44 Approved.