

Republic of the Philippines
HOUSE OF REPRESENTATIVES
QUEZON CITY, METRO MANILA
Seventeenth Congress
First Regular Session
HOUSE BILL NO. **3166**



Introduced by Honorable Alberto T. Ungab

EXPLANATORY NOTE

This bill seeks to declare the City of Davao as a mining-free zone.

The records of the National Mapping and Resources Information Authority (NAMRIA) show that our present forest cover is about 7.2 million hectares only out of the country's total land area of about 30 million hectares. According to the NAMRIA, the ideal forestland should be at least 12 million hectares or about 48% of the total land area. The same records show that from 2000 to 2005, the annual forest losses reached up to 157,000 hectares, or a 2.1% reduction in forestlands, making the Philippines as one of the top ten deforested countries in the world.

Among the known major causes of deforestation are logging, kaingin, and mining operations. The rapid deforestation has been going on notwithstanding the prevailing laws and directives of national and local government agencies. Hence, measures should be further adopted to abate or eradicate the major causes of deforestation which ultimately leads to flooding, landslides and destruction.

The City of Davao is one of the areas in our country that should be protected from further deforestation. If opened to mining operations, deforestation and the risks attributed to mining will unnecessarily endanger a world class city like Davao City, since it is traversed by Davao River from the highlands to the lowlands. Davao River is the biggest river in the city with more than fifty(50) tributaries. All its tributaries from the highlands of Marilog and Paquibato flow towards Davao River which ultimately ends up to the urban areas of the city before it reaches the sea waters Davao Gulf.

Moreover, the fresh waters of Davao City is considered one of the best waters in the world, and must therefore be protected from any form of pollution or degradation to include the surroundings and environs of its sources underneath the ground or above the ground.

Thus, to prevent the occurrence of unwanted and unnecessary destruction to the City of Davao, mining operations in the City of Davao should be prohibited. Hence, this bill declaring the City of Davao as a mining-free zone.

In view of the foregoing, approval of this bill is highly recommended.


HON. ALBERTO T. UNGAB

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AN ACT
DECLARING THE CITY OF DAVAO AS A MINING-FREE ZONE

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

SECTION 1. **Statement of Policy.** – It is the policy of the State to protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature. Towards this end, the State shall protect the people and the environment of the City of Davao against the adverse effects of mining.

SEC. 2. **Declaring City of Davao as a Mining Free Zone.** –The City of Davao is hereby declared as a mining-free zone and all mining operations in the area are hereby prohibited.

For purposes of this Act, “*mining*” refers to the extraction of minerals or ores which shall include exploration, feasibility study, development, utilization and processing: *Provided*, That the quarrying of gravel and sand for projects directly undertaken by the agencies of the national or city government for basic services such as, but not limited to, roads and bridges, school buildings, water and energy utilities, are exempted from the coverage of this Act.

SEC. 3. **Penal Provisions.** – Any person who violates any of the provisions of this Act shall, upon conviction, be punished by imprisonment of not less than six (6) years and one (1) day but not more than twelve (12) years or a fine of not less than one hundred thousand (P100,000.00) pesos but not more than five hundred thousand (P500,000.00) pesos, or both, at the discretion of the court.

If the offense is committed by a corporation, partnership, association or any other juridical entity, the penalty shall be imposed on the president, managing director, partner or chief operating officer. The license to operate of the erring corporation, partnership, association or any other juridical entity shall be cancelled and revoked permanently. The operator or owner thereof shall not be allowed to operate similar establishments in a different name or in a different location.

If the offender is a foreigner, he shall, after service of sentence or payment of fine, be subject to deportation and permanently barred from entering the country.

SEC. 4. *Transitory Provision.* – Any contractor who has an existing exploration permit before the effectivity of this Act shall be given a period of two (2) years to unwind the mining operation.

Upon the termination of the exploration permit, the right granted to the contractor to occupy and use the public land shall revert to the Philippine Government.

SEC. 5. *Implementing Rules and Regulations.* – Within ninety (90) days after the effectivity of this Act, the Sangguniang Panglungsod of Davao City, with the concurrence of the City Mayor, shall promulgate the necessary rules and regulations for the proper implementation of this Act.

SEC. 6. *Repealing Clause.* – All laws, decrees, executive orders and rules and regulations contrary to or inconsistent with the provisions of this Act are hereby amended or modified accordingly.

SEC. 7. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in any two (2) national newspapers of general circulation.

Approved,