

Republic of the Philippines  
HOUSE OF REPRESENTATIVES  
Quezon City  
17<sup>th</sup> Congress  
First Regular Session  
House Bill No. 872

HOUSE OF REPRESENTATIVES	
<b>RECEIVED</b>	
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BY:	<u>[Signature]</u>
REGISTRATION UNIT BILLS AND INDEX SERVICE	

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Introduced by HON. ROGELIO J. ESPINA

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#### EXPLANATORY NOTE


This bill was originally filed in the 16<sup>th</sup> Congress. It was approved by the House on December 17, 2014 and was transmitted and received by the Senate. After thorough deliberations, the Senate committee referred the bills for 3<sup>rd</sup> reading on July 29, 2015. However, the Senate failed to act on the approval of the said measure. Hence, it is being re-filed in the 17<sup>th</sup> Congress.

Biliran is considered as the fourth smallest province in the Philippines with a total land area of 53,601 hectares (132,450 acres). The province is composed of two major volcanic islands. Biliran's topography is enough evidence that mining will be destructive to the province.

Mining has adverse effects both to humans and the environment. Aside from adding toxic chemicals to the ore, it strips-off large areas of top soil of all flora and fauna. According to Greenpeace International, mining impacts includes, destruction of landscapes, forests and wildlife habitats at the site of the mine when trees, plants and topsoil are cleared from the mining area. This in turn leads to soil erosion and destruction of agricultural land. Sediments pollute waterways, which can cause disfiguration of river channels and streams which leads to flooding. There is also an increased risk of chemical contamination of ground water. Furthermore, mining produces greenhouse gas emissions.

To prevent flashfloods from recurring, mining operations must be totally prohibited. Hence the bill, which seeks to declare the Biliran Province a mining-free zone.

In view thereof, immediate approval of this Bill is earnestly sought.

  
HON. ROGELIO J. ESPINA  
Representative  
Lone District of Biliran

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AN ACT  
DECLARING THE PROVINCE OF BILIRAN A MINING-FREE ZONE

*Be it enacted by the Senate and the House of Representatives of the Republic of the Philippines in the 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 in the Province of Biliran from the adverse effects of mining.

**Sec 2. Declaration of the Province of Biliran a mining-free zone.** - The Province of Biliran is hereby declared a mining-free zone, and all mining operations therein shall be prohibited.

**Sec3. Scope.** For the purpose of this Act, mining shall refer to the extraction of valuable minerals or other geological materials from the earth and shall include such mining activities as exploration, feasibility, development, utilization and processing as well as quarry operations involving cement raw materials, marble, granite, sand and gravel construction aggregates, whether large-scale or small-scale operation.

**Sec. 4. Prohibitions** - It shall be unlawful for any person to engage or to continue to engage in any mining operation in Biliran: Provided that the state shall be allowed to undertake mineral exploration activities in the area for research and data gathering purposes. Provided, That the quarrying of gravel and sand for projects directly undertaken by agencies of the national government or by the provincial government of Biliran for basic services such as but not limited to roads and bridges, school buildings, water and energy utilities and similar public works, or any exploration activities for the generation of geothermal energy in the Province

of Biliran, is exempted from the coverage of this Act, subject, however, to the requirements of existing mining and environment laws.

**Sec. 5. Penalty** - Any person, employee or employment agency who shall violate the provisions of this Act shall be penalized with imprisonment of at least six (6) years but not more than twelve (12) years and a fine of at least One hundred thousand (P100,000.00) but not more than Five hundred thousand pesos (P500,000.00). If the offender is a corporation, firm, partnership or association, the president and the manager of said corporation or association shall be held liable.

If the offender is an alien, after service of sentence and payment of fine, the person shall be deported immediately without further proceedings and shall be banned from any subsequent entry into the Philippines.

**Sec.6. Implementing Rules and Regulations.** - Within three (3) months following the effectivity of this Act, the Secretary of the Department of Environment and natural Resources (DENR), in consultation with the provincial and municipal governments, the religious sector, the business sector and accredited non-government organizations, shall promulgate the necessary rules and regulations for its effective implementation.

**Sec 7. Transitory Provision** - Upon approval of this Act, the DENR, in coordination with the provincial government of Biliran, shall review contracts, agreements and permits entered into and/or issued to all existing mining operations in Biliran and determine those to be terminated and those to be allowed to continue until such period that their contracts, agreements or permits may allow.

**Sec. 8.Separability Clause** - If any portion or provision of this Act is declared unconstitutional, the remainder of this Act or any provision not affected thereby shall remain in force and effect.

**Sec. 9.Repealing Clause** - All laws, orders, issuances, rules and regulations or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

**Sec. 10.Effectivity** - This Act shall take effect fifteen (15) days after its complete publication in the Official Gazette or in a newspaper of general circulation in the Philippines.

Approved,