



HOUSE OF REPRESENTATIVES

H. No. 8815

BY REPRESENTATIVES ALMARIO, ABELLANOSA AND TY, PER
COMMITTEE REPORT NO. 1048

AN ACT DECLARING DAVAO ORIENTAL A MINING-FREE ZONE AND PROVIDING PENALTIES THEREFOR

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

1 SECTION 1. *Short Title.* – This Act shall be known as the
2 “Davao Oriental Mining-Free Zone Act”.

3 SEC. 2. *Statement of Policy.* – It is the policy of the State to
4 protect and advance the right of the people to a balanced and
5 healthful ecology in accord with the rhythm and harmony of nature.

6 It is likewise the responsibility of the State to promote the
7 rational exploration, development, utilization, and conservation of
8 the mineral resources of the country in a way that effectively
9 safeguards the environment and protects the rights of affected
10 communities.

11 Towards this end, the State shall institute measures to
12 protect the people and the environment in the Province of Davao
13 Oriental from the adverse effects of mining.

14 SEC. 3. *Mining-Free Zone.* – The Province of Davao Oriental
15 is hereby declared a mining-free zone. All forms of mining
16 operations and activity, whether large-scale or small-scale, within

1 its jurisdiction are hereby prohibited. The provisions of Republic
2 Act No. 7942, otherwise known as the "Philippine Mining Act of
3 1995"; Republic Act No. 7076, otherwise known as the "People's
4 Small-scale Mining Act of 1991" and other laws, rules and
5 regulations on mining inconsistent with this Act shall have no
6 application within the territorial jurisdiction of the locality.

7 SEC. 4. *Coverage.* – This Act covers all mining operations
8 and activities, including quarrying, within the territorial
9 jurisdiction of the Province of Davao Oriental.

10 As used in this Act, "mining" shall refer to the extraction of
11 valuable minerals or other geological materials from the earth and
12 shall include such mining activities as exploration, conduct of
13 geological feasibility studies and surveys, development, utilization
14 and processing, as well as quarry operations involving cement raw
15 materials, marble, granite, sand and gravel construction aggregates,
16 and other similar activities related to the excavating and quarrying
17 of minerals and ores.

18 SEC. 5. *Recognition of Existing Mining Contracts, Agreements*
19 *and Permits.* – All valid and existing mining contracts, exploration
20 permits, licenses, technical and financial agreements and mineral
21 production sharing agreements in accordance with Republic Act
22 No. 7942, otherwise known as the "Philippine Mining Act of 1995",
23 covering any area of the Province at the date of effectivity of this
24 Act, shall be recognized by the government and shall remain valid
25 until the expiration or termination thereof. Thereafter, no further
26 extension or renewal of the contract, permit, license or agreement
27 shall be granted. Moreover, the government shall not issue new

1 exploration permits nor enter into new mineral agreements or
2 similar other agreements covering lands within the jurisdiction of
3 the Province.

4 SEC. 6. *Prohibition Against Exploration Activities in Areas*
5 *Covered by Mineral Agreements.* – At the date of the effectivity of
6 this Act, no exploration permit to conduct further exploration
7 activities or application for extension thereof shall be granted even
8 during the lifetime of existing mining contracts, technical and
9 financial assistance agreements and mineral production sharing
10 agreements.

11 SEC. 7. *Dormant Exploration Permits and Mineral*
12 *Agreements.* – Exploration activities and mining operations under
13 existing exploration permits, mineral agreements and other similar
14 agreements shall be undertaken immediately by the permittee or
15 contractor. In case of failure to initiate or undertake any
16 exploration activity or mining operation within two (2) years from
17 the effectivity of this Act, the exploration permit or mineral
18 agreement shall be declared dormant by the Department of
19 Environment and Natural Resources (DENR).

20 Dormant permits and agreements shall *ipso facto* be cancelled
21 upon declaration of dormancy.

22 SEC. 8. *Cancellation of Small-scale Mining Contracts.* – All
23 small-scale mining contracts as enunciated in Republic Act
24 No. 7076, or the “People’s Small-scale Mining Act of 1991” are
25 hereby cancelled upon the effectivity of this Act. Affected
26 small-scale mining contractors have one (1) year from the time this
27 Act takes effect to undertake rehabilitation, regeneration and

1 reforestation of mineralized areas, slope stabilization of mined-out
2 and tailing-covered areas, watershed development and water
3 preservation.

4 SEC. 9. *Quarry Permits.* – Issuance of a quarry permit in
5 the mining-free zone shall be under the direct supervision of the
6 DENR. Existing quarry permits issued by the provincial
7 government at the time of the adoption of this Act shall likewise be
8 recognized. Thereafter, quarry permits issued by the provincial
9 government shall be reviewed and monitored by the DENR.

10 The maximum area which a qualified person may hold at any
11 one time within the territorial jurisdiction of the province shall be
12 five (5) hectares. The DENR shall impose strict regulations to
13 ensure that no more than one quarry permit is granted to the same
14 person, corporation, its affiliates, subsidiary or any entity that has
15 essentially the same legal personality as the applicant or holder of
16 an existing quarry permit in the province.

17 A quarry permit shall immediately be canceled by the
18 provincial government for areas up to five (5) hectares, or the DENR
19 for areas above five (5) hectares, when, in the guise of quarrying
20 activities, the holder of a quarry permit engages in activities that
21 are properly authorized by exploration permits, mineral agreements
22 or mining contracts, upon investigation conducted by the DENR for
23 the purpose.

24 SEC. 10. *Penal Provisions.* – Any person, natural or
25 juridical, or any public officer, who violates the provisions of this Act
26 shall suffer the penalty of imprisonment of not less than six (6)
27 years but not more than twelve (12) years, and a fine of not less

1 than One million pesos (P1,000,000.00), but not more than Ten
2 million pesos (P10,000,000.00).

3 In addition, a public officer who violates this Act, shall also be
4 dismissed from service and perpetually disqualified from holding
5 public office.

6 If the offender is a juridical entity, the highest ranking official
7 and the members of its board of directors or trustees who authorized
8 the violations therein shall suffer the penalty imposed under this
9 Act.

10 SEC. 11. *Implementing Rules and Regulations.* - Within
11 three (3) months from the passage of this Act, the DENR shall
12 promulgate the necessary rules and regulations for its effective
13 implementation.

14 SEC. 12. *Separability Clause.* - If any portion or provision of
15 this Act is declared unconstitutional, the remainder of this Act or
16 any provision not affected thereby shall remain in full force and
17 effect.

18 SEC. 13. *Repealing Clause.* - All laws, decrees, executive
19 orders and rules and regulations contrary to or inconsistent with
20 the provisions of this Act are hereby amended or modified
21 accordingly.

22 SEC. 14. *Effectivity.* - This Act shall take effect fifteen (15)
23 days after its publication in the *Official Gazette* or in a newspaper of
24 general circulation.

Approved,

O