



HOUSE OF REPRESENTATIVES

H. No. 10611

BY REPRESENTATIVES RAMIREZ-SATO AND BARZAGA, PER COMMITTEE REPORT NO. 1378

AN ACT
DECLARING THE ISLAND OF MINDORO A MINING FREE-ZONE AND
PROVIDING PENALTIES THEREFOR

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

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

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

6 It is likewise the responsibility of the State to promote the rational
7 exploration, development, utilization, and conservation of the mineral resources
8 of the country in a way that effectively safeguards the environment and protects
9 the rights of affected communities. Towards this end, the State shall institute
10 measures to protect the people and the environment in Mindoro Island from the
11 adverse effects of mining.

12 SEC. 3. *Mining-Free Zone.* – The Mindoro Island, covering the Provinces
13 of Mindoro Occidental and Mindoro Oriental, is hereby declared a mining-free
14 zone. All forms of mining operations and activity, whether large-scale or small-
15 scale, within its jurisdiction are hereby prohibited. The provisions of Republic Act
16 No. 7942, otherwise known as the “Mining Act of 1995,” Republic Act No. 7076,
17 otherwise known as the “People’s Small-Scale Mining Act” and other laws, rules,

1 and regulations on mining inconsistent with this Act shall have no application
2 within the territorial jurisdiction of the locality.

3 SEC. 4. *Coverage.* - This Act covers all mining operations and activities,
4 including quarrying, within the territorial jurisdiction of the Provinces of Mindoro
5 Occidental and Mindoro Oriental.

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

13 SEC. 5. *Recognition of Existing Mining Contracts, Agreements and*
14 *Permits.* - All valid and existing mining contracts, exploration permits, licenses,
15 technical and financial agreements and mineral production sharing agreements
16 in accordance with R.A. 7942 and R.A. 7076 covering any area of the two (2)
17 Provinces at the date of effectivity of this Act, shall be recognized by the
18 Government and shall remain valid until their expiration or termination thereof.
19 Thereafter, no further extension or renewal of the contract, permit, license or
20 agreement shall be granted. Moreover, the government shall not issue new
21 exploration permits nor enter into new mineral agreements or similar other
22 agreements covering lands within the jurisdiction of the said provinces.

23 SEC. 6. *Prohibition Against Granting of Further Exploration*
24 *Permits in Existing Mineral Agreements.* - At the date of the effectivity of
25 this Act, no exploration permits to conduct further exploration activities or an
26 application for extension thereof shall be granted even during the lifetime of
27 existing mineral contracts, technical and financial assistance agreements and
28 mineral production sharing agreements.

29 SEC. 7. *Dormant Exploration Permits and Mineral Agreements.* -
30 Exploration activities and mining operations under existing exploration permits,
31 mineral agreements and other similar agreements shall be undertaken
32 immediately by the permittee or contractor. In case of failure to initiate or
33 undertake any exploration activity or mining operation permit or mineral
34 agreements within (1) year from the effectivity of this Act, the exploration permit

1 or mineral agreement shall be declared dormant by the Department of
2 Environment and Natural Resources (DENR). Dormant permits and agreements
3 shall *ipso facto* be cancelled upon declaration of dormancy.

4 SEC. 8. *Rehabilitation of Small-Scale Mining Areas.* - Within one (1)
5 year after the effectivity of this Act, all affected small-scale mining operators are
6 mandated to undertake the rehabilitation, regeneration, and reforestation
7 activities on mineralized areas, to include slope stabilization of mined-out and
8 tailing-covered areas, in order to ensure watershed development, and water
9 preservation solutions.

10 SEC. 9. *Quarry Permits.* - Issuance of a quarry permit in the mining-
11 free zone shall be under the direct supervision of the DENR. Existing quarry
12 permits issued by provincial government at the time of the adoption of this Act
13 shall likewise be recognized. Thereafter, quarry permits issued by the provincial
14 governor shall be reviewed and monitored by the DENR.

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

21 Upon the recommendation and conduct of proper investigation by the
22 DENR, a quarry permit shall immediately be cancelled by the provincial governor
23 for areas up to five (5) hectares, when, in the guise of quarrying activities, the
24 holder of a quarry permit engages in activities that are duly authorized for
25 exploration permits, mineral agreements or mining contracts.

26 SEC. 10. *Penal Provisions.* - Any person, natural or juridical, or any
27 public officer, who violates the provisions of this Act shall suffer the penalty
28 imprisonment of not less than six (6) years but not more than twelve (12) years,
29 and a fine of not less than One million pesos (PhP1,000,000), but not more than
30 Ten million pesos (P 10, 000,000).

31 In addition, a public officer who violates this Act, shall also be dismissed
32 from service and perpetually disqualified from holding public office. If the offender
33 is a juridical entity, the highest ranking official and the members of its board of

1 directors or trustees who authorized the violations therein shall suffer the penalty
2 imposed under this Act.

3 SEC. 11. *Implementing Rules and Regulations.* – Within six (6) months
4 following the effectivity of this Act, the DENR and the local government units
5 concerned shall promulgate the rules and regulations for the effective
6 implementation this Act.

7 SEC. 12. *Separability Clause.* – If any provision of this Act is declared
8 unconstitutional or invalid, other parts or provisions hereof not affected shall
9 continue to be in full force and effect.

10 SEC. 13. *Repealing Clause.* – All other laws, ordinances, orders, rules,
11 regulations and other issuances or parts thereof which are inconsistent with this
12 Act are hereby repealed, amended or modified accordingly.

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

Approved,