



HOUSE OF REPRESENTATIVES

H. No. 5684

BY REPRESENTATIVES UNGAB, MATUGAS, COLMENARES, CASIÑO, BENITEZ,
GARIN (S.), BAGUILAT, MARIANO, PADILLA, UNABIA, RAMOS, CASTRO,
ILAGAN, GARCIA-ALBANO, BATOCABE, SACDALAN, PANCHO,
ALVAREZ (M.) AND ROMAN

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:*

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

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

9 For purposes of this Act, “mining” refers to the extraction of minerals or
10 ores which shall include exploration, feasibility study, development, utilization
11 and processing: *Provided,* That the quarrying of gravel and sand for projects

1 directly undertaken by the agencies of the national or city government for basic
2 services such as, but not limited to, roads and bridges, school buildings, water
3 and energy utilities, are exempted from the coverage of this Act.

4 SEC. 3. *Penal Provisions.* – Any person found to have violated any of
5 the provisions of this Act shall, upon conviction, be punished by imprisonment
6 of not less than six (6) years and one (1) day but not more than twelve (12)
7 years or a fine of not less than One hundred thousand pesos (P100,000.00) but
8 not more than Five hundred thousand pesos (P500,000.00), or both, at the
9 discretion of the court.

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

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

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

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

26 SEC. 5. *Implementing Rules and Regulations.* – Within ninety (90)
27 days after the effectivity of this Act, the Sangguniang Panlungsod of the City

1 of Davao, with the concurrence of the City Mayor, shall promulgate the
2 necessary rules and regulations for the proper implementation of this Act.

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

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

Approved,

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