



HOUSE OF REPRESENTATIVES

H. No. 8951

BY REPRESENTATIVES CUARESMA AND ABELLANOSA, PER COMMITTEE
REPORT NO. 1137

AN ACT DECLARING THE PROVINCE OF NUEVA VIZCAYA 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. *Mining-Free Zone.* – The Province of Nueva
2 Vizcaya is hereby declared a mining-free zone. All forms of mining
3 operations and activities, whether large-scale or small-scale, within
4 its jurisdiction are hereby prohibited. The provisions of Republic
5 Act No. 7942, otherwise known as the “Philippine Mining Act of
6 1995”; Republic Act No. 7076, otherwise known as the “People’s
7 Small-scale Mining Act of 1991”; and other laws, rules and
8 regulations on mining inconsistent with this Act shall have no
9 application within the territorial jurisdiction of the locality.

10 SEC. 2. *Coverage.* – This Act covers all mining operations
11 and activities, including quarrying, within the territorial
12 jurisdiction of the Province of Nueva Vizcaya.

13 As used in this Act, “mining” refers to the extraction of
14 valuable minerals or other geological materials from the earth and
15 shall include such mining activities as exploration, conduct of
16 geological feasibility studies, development, utilization and

1 processing, as well as quarry operations involving cement raw
2 materials, marble, granite, sand and gravel construction aggregates,
3 and other resources.

4 SEC. 3. *Recognition of Existing Mining Contracts, Agreements*
5 *and Permits.* – All valid and existing contracts, exploration
6 permits, licenses, technical agreements and mineral production
7 sharing agreements in accordance with Republic Act No. 7942,
8 otherwise known as the “Philippine Mining Act of 1995”, covering
9 any area of the province at the date of the effectivity of this Act
10 shall be recognized by the government and shall remain valid until
11 the expiration or termination thereof. Thereafter, no further
12 extension or renewal shall be granted. Moreover, the government
13 shall not issue new exploration permits nor enter into new mineral
14 agreements or similar other agreements covering lands within the
15 jurisdiction of the province.

16 SEC. 4. *Prohibition Against Exploration Activities in Mineral*
17 *Agreements.* – On the date of effectivity of this Act, no exploration
18 permit to conduct further exploration activities or an application for
19 extension thereof shall be granted even during the lifetime of
20 existing mining contracts, technical and financial assistance
21 agreements and mineral production sharing agreements.

22 SEC. 5. *Dormant Exploration Permits and Mineral*
23 *Agreements.* – Exploration activities and mining operations under
24 existing exploration permits, mineral agreements and other similar
25 agreements shall be undertaken immediately by the permittee or
26 contractor. In case of failure to initiate or undertake any
27 exploration activity or mining operation within two (2) years from

1 the effectivity of this Act, the exploration permit or mineral
2 agreement shall be declared dormant by the Department of
3 Environment and Natural Resources (DENR).

4 Dormant permits or agreements shall *ipso facto* be cancelled
5 upon declaration of dormancy.

6 SEC. 6. *Cancellation of Small-scale Mining Contracts.* – All
7 small-scale mining contracts as enunciated in Republic Act No.
8 7076, otherwise known as the “People’s Small-scale Mining Act of
9 1991”, in the province are hereby cancelled upon the effectivity of
10 this Act. Affected small-scale mining contractors have one (1) year
11 from the time this Act takes effect to undertake the rehabilitation,
12 regeneration and reforestation of mineralized areas, slope
13 stabilization of mined-out and tailing covered areas, watershed
14 development and water preservation.

15 SEC. 7. *Quarry Permits.* – Existing quarry permits issued by
16 the provincial government at the time of the effectivity of this Act
17 shall be recognized. Thereafter, quarry permits issued by the
18 provincial governor shall be regularly reviewed and monitored by
19 the DENR. The maximum area which a qualified person may hold
20 at any one time within the territorial jurisdiction of the province
21 shall be five (5) hectares. The DENR shall impose strict regulations
22 in ensuring that not more than one (1) quarry permit is granted to
23 the same person, corporation, its affiliates, subsidiary or any entity
24 that has essentially the same legal personality as the applicant or
25 holder of an existing quarry permit in the province.

26 A quarry permit shall immediately be cancelled by the
27 provincial governor upon the recommendation of the DENR, when,

1 in the guise of quarrying activities, the holder of a quarry permit
2 engages in activities that require exploration permit, mineral
3 agreement or mining contract.

4 SEC. 8. *Penal Provisions.* – Any person, natural or juridical,
5 or any public officer who violates the provisions of this Act shall
6 suffer the penalty of imprisonment of not less than six (6) years but
7 not more than twelve (12) years and a fine of not less than One
8 million pesos (P1,000,000.00) but not more than Ten million pesos
9 (P10,000,000.00).

10 Any public officer who violates this Act shall also be dismissed
11 from service and perpetually disqualified from holding public office.

12 If the offender is a juridical entity, the highest ranking official
13 and the members of its board of directors or trustees who authorized
14 the violations shall suffer the penalty imposed under this Act. The
15 operator or owner thereof shall not be allowed to undertake mining
16 activities or operate similar establishments in a different name or in
17 a different location.

18 SEC. 9. *Implementing Rules and Regulations.* – Within
19 three (3) months from the passage of this Act, the DENR shall
20 promulgate the necessary rules and regulations for its effective
21 implementation.

22 SEC. 10. *Separability Clause.* – If any provision of this Act is
23 declared unconstitutional or invalid, other parts or provisions hereof
24 not affected shall continue to be in full force and effect.

25 SEC. 11. *Repealing Clause.* – Any law, presidential decree or
26 issuance, executive order, letter of instruction, administrative order,

1 rule or regulation contrary to or inconsistent with any provision of
2 this Act is hereby amended or modified accordingly.

3 SEC. 12. *Effectivity.* – This Act shall take effect fifteen (15)
4 days after its publication in the *Official Gazette* or in a newspaper of
5 general circulation.

Approved,

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