



HOUSE OF REPRESENTATIVES

H. No. 6563

BY REPRESENTATIVES ALMARIO, BARZAGA AND NIETO, PER
COMMITTEE REPORT NO. 285

AN ACT DECLARING DAVAO ORIENTAL A MINING-FREE ZONE AND
PROVIDING PENALTIES FOR VIOLATIONS THEREOF

*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
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 the
8 mineral resources of the country in a way that effectively safeguards
9 the environment and protects the rights of affected communities.

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

13 SEC. 3. *Mining-Free Zone.* – The Province of Davao Oriental
14 is hereby declared a mining-free zone. All forms of mining operations
15 and activity, whether large-scale or small-scale, within its
16 jurisdiction are hereby prohibited. The provisions of Republic Act No.

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

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

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

17 SEC. 5. *Recognition of Existing Mining Contracts, Agreements*
18 *and Permits.* – All valid and existing mining contracts, exploration
19 permits, licenses, technical and financial agreements and mineral
20 production sharing agreements in accordance with Republic Act No.
21 7942, otherwise known as the "Philippine Mining Act of 1995,"
22 covering any area within the Province of Davao Oriental at the date
23 of effectivity of this Act, shall be recognized by the Government and
24 shall remain valid until the expiration or termination thereof.
25 Thereafter, no further extension or renewal of the contract, permit,
26 license or agreement shall be granted. Moreover, the government
27 shall not issue new exploration permits nor enter into new mineral
28 agreements or similar other agreements covering lands within the
29 jurisdiction of the Province.

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

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

17 Dormant permits and agreements shall *ipso facto* be cancelled
18 upon declaration of dormancy.

19 SEC. 8. *Non-renewal of Small-scale Mining Contracts.* – All
20 small-scale mining contracts covering any area within the Province
21 of Davao Oriental, shall not be renewed upon the effectivity of this
22 Act.

23 SEC. 9. *Quarry Permits.* – Issuance of a quarry permit in the
24 mining-free zone shall be under the direct supervision of the DENR.
25 Existing quarry permits issued by the provincial government at the
26 time of the approval of this Act shall likewise be recognized.
27 Thereafter, quarry permits issued by the provincial governor shall be
28 reviewed and monitored by the DENR.

1 The maximum area which a qualified person may hold for
2 quarrying purposes at any time within the territorial jurisdiction of
3 the province shall be five (5) hectares. The DENR shall impose strict
4 regulations in ensuring that no more than one (1) quarry permit is
5 granted to the same person, corporation or its affiliates or subsidiary,
6 or any entity that has essentially the same legal personality as the
7 applicant or holder of an existing quarry permit in the province.

8 A quarry permit shall immediately be canceled by the
9 provincial governor for areas up to five (5) hectares, or the DENR for
10 areas above five (5) hectares, when, in the guise of quarrying
11 activities, the holder of a quarry permit engages in activities that are
12 properly authorized by exploration permits, mineral agreements or
13 mining contracts, upon investigation conducted by the DENR for the
14 purpose.

15 **SEC. 10. Penal Provisions.** – Any person, natural or juridical,
16 or any public officer, who violates the provisions of this Act shall
17 suffer the penalty imprisonment of not less than six (6) years but not
18 more than twelve (12) years, and a fine of not less than One million
19 pesos (P1,000,000.00), but not more than Ten million pesos
20 (P10,000,000.00).

21 In addition, a public officer who violates this Act, shall also be
22 dismissed from service and perpetually disqualified from holding
23 public office.

24 If the offender is a juridical entity, the highest ranking official
25 and the members of its board of directors or board of trustees who
26 authorized the violations therein shall suffer the penalty imposed
27 under this Act.

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

4 SEC. 12. *Separability Clause.* – If any portion or provision of
5 this Act is declared unconstitutional, the remainder of this Act or any
6 provision not affected thereby shall remain in full force and effect.

7 SEC. 13. *Repealing Clause.* – All laws, decrees, executive
8 orders and rules and regulations contrary to or inconsistent with the
9 provisions of this Act are hereby amended or modified accordingly.

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

Approved,

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