

Republic of the Philippines  
HOUSE OF REPRESENTATIVES  
Quezon City

Eighteenth Congress  
First Regular Session

House Bill No. 1230



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Introduced by Representative Gerardo J. Espina, Jr.

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### EXPLANATORY NOTE


This bill was originally filed in the 16<sup>th</sup> and 17<sup>th</sup> Congress. It was approved by the House and was transmitted and received by the Senate. After thorough deliberations, the Senate committee referred the bill for 3<sup>rd</sup> reading. However, the Senate failed to act on the approval of the said measure. Hence, it is now being re-filed in the 18th Congress.

Biliran is considered as the fourth smallest province in the Philippines with a total land area of 53,601 hectares (132,450 acres). The province is composed of two major volcanic islands. Biliran's topography is enough evidence that mining will be destructive to the province.

Mining has adverse effects both to humans and the environment. Aside from adding toxic chemicals to the air, it strips-off large areas of top soil of all flora and fauna. According to Greenpeace International, mining impacts includes, destruction of landscapes, forests and wildlife habitats at the site of the mine when trees, plants and topsoil are cleared from the mining area. This in turn leads to soil erosion and destruction of agricultural land. Sediments pollute waterways, which can cause disfiguration of river channels and streams which leads to flooding. There is also an increased risk of chemical contamination of ground water. Furthermore, mining produces greenhouse gas emissions.

To prevent flashfloods from recurring, mining operations must be totally prohibited. Hence the bill, which seeks to declare the Biliran Province a mining-free zone.

In view thereof, immediate approval of this Bill is earnestly sought.

  
HON. GERARDO J. ESPINA, JR.  
Representative  
Lone District of Biliran

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AN ACT  
DECLARING THE PROVINCE OF BILIRAN A MINING-FREE ZONE AND  
PROVIDING PENALTIES THEREFOR

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

**Section 1. *Declaring Biliran a Mining-Free Zone.*** - The Province of Biliran is hereby declared a mining-free zone. All large-scale mining operations within its jurisdiction are hereby prohibited.

**Sec 2. *Coverage.*** - This Act covers all mining operations and activities, including quarrying, within the territorial jurisdiction of the Province of Biliran: *Provided* That the quarrying of boulders, gravel and sand for projects undertaken by Department of Public Works and Highways or by the provincial government of Biliran for basic services such as roads, bridges, school buildings, water and energy utilities and similar public works shall be allowed.

As used in this Act, "mining" shall refer to the extraction of valuable minerals, precious metal and non-metallic resources or other geological materials from the earth and shall include mining activities as exploration, feasibility, development, utilization and processing, as well as quarry operations involving cement raw materials, marble, granite, sand and gravel construction aggregates, and other quarry resources.

**Sec. 3. *Quarry operations.*** - Existing quarry permits issued by the provincial government at the time of the adoption of this Act shall be recognized. The maximum area which a qualified person may hold at any one time within the territorial jurisdiction of the province shall be five (5) hectares. The DENR shall impose strict regulations in ensuring that not more than one quarry permit is granted to the same person, corporation, its affiliates, subsidiary or any entity that has essentially the same legal personality as the applicant or holder of an existing quarry permit in the province.

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

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

If the violator is a juridical entity, the highest ranking official and the members of its board of directors or trustees who authorized the violations therein shall suffer the penalty imposed in this Act.

If the offender is an alien, after service of sentence and payment of fine, the person shall be deported immediately without further proceedings and shall be banned from any subsequent entry into the Philippines.

**Sec. 5. Implementing Rules and Regulations.** - Within three (3) months following the effectivity of this Act, the Secretary of the Department of Environment and natural Resources (DENR), in consultation with the provincial and municipal governments, the business sector and accredited non-government organizations and other interested sectors in the community, shall promulgate the necessary rules and regulations for its effective implementation.

**Sec. 6. Separability Clause.** - If any portion or provision of this Act is declared unconstitutional, the remainder of this Act or any provision not affected thereby shall remain in force and effect.

**Sec. 7. Repealing Clause.** - Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to or inconsistent with any provision of this Act is hereby amended or modified accordingly.

**Sec. 8. Effectivity.** - This Act shall take effect fifteen (15) days after its complete publication in the Official Gazette or in a newspaper of general circulation in the Philippines.

Approved,