

Assailing the Constitutionality of Executive Order No. 79 on the Ground of *Ultra Vires* Executive Legislation

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Executive Order (E.O.) No. 79, entitled Institutionalizing and Implementing Reforms in the Philippine Mining Sector Providing Policies and Guidelines to Ensure Environmental Protection and Responsible Mining in the Utilization of Mineral Resources, serves as a guideline or a framework for a responsible implementation of mining practices. Among the objectives of the E.O. are sustainable development, equitable share of economic benefit between the country and the people, protection of the environment, adoption of international best practices, and effective management of the mining sector.

Despite the noble objectives of E.O. No. 79, the Author argues that President Benigno S. Aquino, Jr. actually exceeded his rule-making powers when he issued the aforementioned law. The Article seeks to establish that some provisions of E.O. No. 79 actually expand the limited coverage of some mining laws, suspend the implementation of an important provision in a statute, and impair the rights granted by existing laws. The Author establishes this by first dividing the numerous provisions of E.O. 79 into five categories: regulatory; environmental; fund-raising; small-scale mining; and administrative. The Author then reviews and analyzes certain provisions of E.O. No. 79. Through this, the Author is able to conclude and recommend that Section 1, 4, and 5 of E.O. No. 79 should be declared null and void on the ground of *ultra vires* executive legislation. The Author also recommends that Section 6 must be amended to incorporate the standards for applying the competitive public bidding requirement.