

Administrative Order

No. 21

April 25, 1991

SUBJECT: Guidelines on the Accreditation of Processors, Traders, Dealers and Retailers of Minerals/Mineral Products and By-Products

In consonance with the provisions of Executive Order 192 and other pertinent laws, rules and regulations, the processors, traders, dealers and retailers of minerals/mineral products/by-products who are not holders of mining permit/license/duly registered operating agreement are henceforth required to be accredited by this Department. To effectively implement this, the following guidelines and procedure are hereby issued for the guidance and compliance of all concerned:

Section 1. Definition - The term "mineral" shall include all mineral and ores including construction materials such as raw sand, gravel, wash out pebbles and filling materials. Semi-processed mineral products such as but not limited to rock or concrete aggregates, unpolished decorative stone (such as marble, granite, or limestone) tiles and slabs, metallic ore concentrates or tailings, smelter slag, cathodes, ingots, billets, blooms, unrefined precious metal bars or bullion, agricultural and industrial lime are covered by this Order. Exempted are finished/manufactured minerals and metal products such as cement, transit mixed concrete, ceramics, polished decorative stone tiles, refined or alloyed metal sheets, wires, bars, beams, plates, refined precious metal bars, jewelry or ornaments and other mineral products in their final form or stage of manufacture and ready for consumption by end-users.

Section 2. Requirements for Accreditation - The following documents shall be submitted by the applicants:

- a) Duly accomplished application form as prescribed in Annex "A" hereof;
- b) Copy of the permit/license/mining rights of the supplier/source of minerals/mineral products/by-products or copy of Certificate of Accreditation in case the source of materials is a processor, trader, dealer or retailer;
- c) Proof of legal source or supply as supported by any of the following documents:
 - c.1 Supply contract/agreement with a permittee/licensee/accredited dealer producing the specified minerals/mineral products/by-products;

- c.2 Affidavit executed by a permittee/licensee/accredited dealer to the effect that he/she is willing or currently selling and will continue to sell or supply the applicant with the minerals/mineral products/by products specified in the application;
- c.3 Delivery or Purchase Receipts issued by a permittee or licensee or previously accredited dealer/trader; and
- c.4 Certificate of Origin of Mineral Ores (COMO) or Bill of Lading which clearly indicates that the applicant is the consignee of a permittee or a duly accredited dealer/trader/shipper.

Section 3. Procedure for Accreditation - The following procedures shall be observed on the issuance of the Certificate of Accreditation by all concerned:

- 3.1 Power to issue Certificates of Accreditation - The PENRO/CENRO who exercises territorial jurisdiction where applicant's business address is located shall issue the certificate as exhibited in Annex B hereof. The Regional Technical Director for Mines may issue the certificate in cases where the nearest PENRO or CENRO Office is inaccessible, or travel by the applicant may be too prohibitive.
- 3.2 Standard Operating Procedure for Processing of Applications:
 - a) PENR/CENR Office receives and dates application upon payment of the required fees;
 - b) PENR/CENR Officer (or his deputies) evaluates application and validates supporting documents;
 - c) PENR/CENR Officer issues certificates or rejects application based on merits;
- 3.3 The PENRO/CENRO shall regularly submit list of accredited processors, traders, dealers and retailers of minerals/mineral products and by-products to the RED (cc: Director of Mines and Geosciences) who will transmit the same to the Undersecretary of Field Operations Office;

Section 4. Fees - An application and filing fee of P100.00 shall be collected from each applicant.

Section 5. Effectivity and Validity of the Certificate of Accreditation - The Certificate of Accreditation shall be effective from the date of its issuance and shall be valid for a period of one (1) year renewable for the same period.

Section 6. Confiscation, Apprehension and Disposition of Seized Mineral Products. Shipments of minerals/mineral products, and by-products by non-accredited traders and other illegal sources may be apprehended, confiscated and disposed of in accordance with the provisions of DENR Administrative Order No. 20, Series of 1991.

Section 7. Penal Provisions - Penal provisions under DENR Administrative Order No. 20, Series of 1991, PD 463 and other pertinent laws, rules and regulations shall also apply to those apprehended and found liable under this Order.

Section 8. Repealing Clause - The provisions set forth in this Order shall supersede all other provisions in orders, memoranda, circular and other rules and regulations inconsistent herewith.

Section 9. Effectivity Clause - This Order shall take effect fifteen (15) days from the date of its publication in a newspaper of general circulation.

FULGENCIO S. FACTORAN, JR.
Secretary

NOTE: Annexes Omitted