

Memorandum Order

No. 98 - 01

January 06, 1998

SUBJECT : Moratorium on All Mining and Mining-Related Activities in the Diwalwal Gold Rush Area.

In the light of the recent fatal accident in the Diwalwal Gold Rush Area caused by the collapse of certain underground workings; in view of the grave and irreparable environmental degradation in the area as a consequence of the mining activities conducted therein; and in recognition of the need for an effective determination, documentation and processing of all the necessary procedures, licenses, permits and other requisites mandated under RA 7076, RA 7942 and its Implementing Rules and Regulations, DAO 66, series of 1991, and other pertinent laws, rules and regulations, a **MORATORIUM** on all mining and mining-related activities therein is hereby **ORDERED** until further notice.

In consonance herewith, the following implementing guidelines and instructions are hereby issued:

1. The Regional Director ("RD") of MGB Regional Office No. XI shall deputize the concerned unit/s of the Philippine National Police for the full implementation of this Order within 48 hours from the effectivity hereof, in coordination with other relevant government agencies and instrumentalities.
2. The MGB Director shall immediately conduct, upon the implementation of this Order and a determination that the area has been effectively secured and there is no movement of extracted ores/stockpiles, a thorough safety inspection and geo-hazard evaluation of the area to determine the safety conditions of the area.

A comprehensive inventory of the extracted ores/stockpiles shall also be conducted by the MGB.

3. The RD in coordination with the Regional Executive Director (“RED”) of DENR Region XI, shall cause the immediate creation of a multi-sectoral committee within 72 hours from the effectivity hereof, who shall primarily assess, determine and undertake the appropriate actions and measures necessary for the mines safety, health and sanitation and the environmental condition of the area, giving special attention to the mercury and cyanide contamination and siltation of the rivers and agricultural lands.

The Committee shall be chaired by the RD, co-chaired by the RED, with membership composed of representatives from the Department of Health, Department of Social Welfare and Development, the relevant local government units, and other concerned sectors.

4. The RED and RD shall, subject to the approval of the Secretary, define the specific functions, duties and responsibilities of the committee pursuant to its stated purpose and objectives. They shall submit to the Secretary within fifteen (15) days from the establishment of the Committee, an Implementing Plan, consistent with this Order, which shall include, among others, the relocation plans, technical assistance and other measures necessary for the effective continuing execution of this Order. Likewise, a weekly status report on the implementation and compliance with this Order shall also be submitted to the MGB and EMB Director and the Secretary.
5. The herein MORATORIUM shall cover all mining and mining-related activities, including but not limited to mining operations and mineral processing as defined in the Mining Act and its Implementing Rules and Regulations.

6. All extracted ore/stockpiles within the Diwalwal Gold Rush Area shall be, in accordance with existing laws, rules and regulations, subject to outright confiscation and forfeiture. Pursuant to such laws, rules, and regulations, the proceeds of such confiscation and forfeiture shall be used as a seed fund for environmental rehabilitation and social amelioration.

This Order shall take effect immediately.

SO ORDERED.

(Sgd.) VICTOR O. RAMOS
Secretary