

**Memorandum Order  
No. 98 - 20  
December 08, 1998**

**SUBJECT : Suspending DENR Memorandum Order No. 98-19 and Directing the Enforcement of the Presidential Memorandum of September 23, 1998 for the Stoppage of Illegal Mining Operations in Diwalwal.**

**WHEREAS,** The President of the Philippines has issued the Memorandum of September 23, 1998 directing among others the stoppage of illegal mining and processing operations in Diwalwal;

**WHEREAS,** The Department of Environment and Natural Resources (DENR) has issued DENR Memorandum Order NO. 98-19 providing for the interim authority to transport ores from Diwalwal, which are not covered by the Writ of Preliminary Injunction in C.A. G.R. SP No. 47293 entitled Mt. Diwata-Upper Ulip Tribal Association, Et. Al., vs. Monkayo Integrated Small-Scale Miners Association (MISSMA);

**WHEREAS,** A legalization process toward a rational mining operation in Diwalwal is still underway and that the necessary environmental, occupational health and mine safety measures have not been set in place;

**WHEREAS,** The extraction and processing of ores in Diwalwal without the necessary permits are reported to be continuing in violation of the Memorandum of September 23, 1998 by the President;

**WHEREAS,** Such unmitigated illegal mining and processing operations in Diwalwal are resulting to the continued pollution of the environment, posing great danger to lives and properties;

**WHEREAS,** The recent fatal accidents in the Diwalwal mining operations confirm the need to strictly assess the working conditions therein before such operations may be allowed;

**WHEREAS,** Under no condition can processing plants in the locality be allowed to operate unless these are covered by Environmental Compliance Certificates (ECCs), the waste disposal systems pass the DENR standards for environmental management and the appropriate site for such processing plants are determined by the concerned authorities;

**WHEREAS,** The re-establishment of public order remains to be the overriding concern of Government in Diwalwal;

**NOW, THEREFORE,** All the foregoing premises considered, the following Order is hereby issued for the guidance of and compliance by all concerned:

1. DENR Memorandum Order No. 98-19 dated December 2, 1998 is hereby suspended;
2. DENR Region XI and Mines and Geosciences Bureau (MGB) Regional Office No. XI are hereby directed to enforce the Memorandum of September 23, 1998 by the President in coordination with the concerned Philippine National Police Command, regarding the stoppage of a). all mining and processing operations in Diwalwal without the required mining/processing permits/contracts/licenses and ECCs; b) the use of mercury in ore processing; and the apprehension and arrest of all violators pursuant to DENR Administrative Order Nos. 97-38, 97-39, 96-40 and 98-01;

3. Any Ore Transport Permits (OTPs) that may have been issued by the concerned Provincial Mining Regulatory Board (PMRB) under DENR Memorandum Order No. 98-19 shall be revoked and are hereby deemed invalid; and
4. The concerned DENR Regional Executive Director and MGB Regional Director shall submit an initial report about the implementation of this Order within five (5) days upon receipt hereof and thereafter, submit weekly progress reports to the DENR Secretary thru the Undersecretary for Field Operations and MGB Director, copy furnished the Undersecretary for Legal and Legislative Affairs.

This Order shall take effect immediately.

**(Sgd.) ANTONIO H. CERILLES**  
Secretary