

**DENR Administrative Order  
No. 99-03  
January 28, 1999**

**Subject : Guidelines Governing the Utilization and Disposition of the Sand and Lahar Materials in the Areas Declared as Mineral Reservation Established Under Proclamation No. 66 and Other Lahar-Affected Areas in the Provinces of Pampanga, Tarlac and Zambales.**

Pursuant to Section 5 and 8 of Republic Act (R.A.) No. 7942 and Proclamation No. 66, the following are hereby promulgated:

**Section 1. Title.** This Administrative Order shall be known as the “Guidelines in the Utilization and Disposition of Sand and Lahar Materials in the Mineral Reservation and Other Lahar-Affected Areas in the Provinces of Pampanga, Tarlac and Zambales.”

**Section 2. Policies and Objectives.** The policies and objectives of the Government in the lahar-affected areas of the Provinces of Pampanga, Tarlac and Zambales shall be:

- a. To rationalize quarrying operations;
- b. To adequately protect the dikes and other infrastructure for flood protection and risk mitigation;
- c. To ensure adequate environmental protection and the imposition of strict mine rehabilitation measures;
- d. To ensure the quarrying activities complement government priority programs and projects to desilt clogged river systems; and

- e. To ensure that the benefits derived from quarrying shall accrue to the Government, the rightful operators and other legitimate stakeholders.

**Section 3. Scope.** This Administrative Order covers the regulation of all mining and quarrying applications and operations within the Mineral Reservation established under Proclamation No. 66 and other lahar-affected areas in the Provinces of Pampanga, Tarlac and Zambales.

**Section 4. Definition of Terms.** As used in and for purposes of these Guidelines, the following terms shall mean:

- 4.1 “Embankment” refers to the elevated strip of land adjoining rivers and waterways measuring five (5) meters in urban areas, twenty (20) meters in agricultural areas, and forty (40) meters in forest areas.
- 4.2 “Natural Resources Development Corporation (NRDC)” refers to the government corporation of that name established as a corporate arm of the Department of Environment and Natural Resources (DENR) pursuant to Executive Order No. 786 of March 19, 1982.
- 4.3 “Mining Permit” refers to Quarry Permit and Sand and Gravel Permit.
- 4.4 “Mining/Quarrying Applications” means any application for mining permit.
- 4.5 “Mining/Quarrying Operation” means mining or quarrying activities involving exploration, development and utilization of sand and lahar materials.
- 4.6 “Lahar Materials” shall include the sand, gravel, pebbles boulders and other pyroclastic components of the lahar

deposits, that had been deposited prior to and during the Mt. Pinatubo eruption in 1991.

All other terms herein shall mean as defined in the Department of Environment and Natural Resources Administrative Order (DAO) No. 96-40 or the Revised Implementing Rules and Regulations of the Philippine Mining Act of 1995.

**Section 5. Identification of Quarry Zones.** The NRDC, in coordination with the Mines and Geosciences Bureau (MGB), DENR Region III and the Department of Public Works and Highways (DPWH) Region III and the concerned Provincial Mining Regulatory Board (PMRB), shall identify and delineate lahar-affected areas within and outside the Mineral Reservation where quarrying of sand and lahar materials may be allowed. It shall mainly take into account technical and environmental considerations in identifying such zones.

The conduct of the programmatic Environmental Impact Assessment (EIA) and the preparation of the pertinent report for the Quarry Zone shall be undertaken by the NRDC in coordination with DENR Region III and MGB.

Only such Quarry Zones identified and delineated may be opened for mining permit application for sand and lahar deposits. Further, any mining permit that may be issued within these zones shall include as an obligation, in addition to those prescribed by law, strict compliance with the terms and conditions of the Quarry Zone. For this purpose, the NRDC, in coordination with MGB, DENR Region III, Department of Agriculture (DA) Region III and DPWH Region III, shall formulate such terms and conditions of the Quarry Zone.

Any mining permit for sand and lahar materials from lahar-affected areas which may henceforth be issued outside of such Quarry Zones shall be deemed null and void.

**Section 6. Permitting.** Any modes of utilization and disposition of sand and lahar materials in the Provinces of Pampanga, Tarlac and Zambales shall be allowed only upon the issuance of the necessary permits by the MGB pursuant to R.A. No. 7942 and DAO No. 96-40 for mining/quarrying operations within the Mineral Reservation, or the concerned Local Government Units (LGUs) or MGB Regional Office for mining/quarrying operations outside of the Mineral Reservation, and compliance with all other requirements of law including the Environmental Clearance Certificates (ECC's) that shall be issued by the DENR.

**Section 7. Rehabilitation of Agricultural Lands Outside the Mineral Reservation.** In the case of extraction of lahar materials for the purpose of agricultural land rehabilitation, such extraction shall be authorized by the concerned LGU subject to the following conditions:

- a. Certification from DA Region III that the subject agricultural land needs to be stripped of lahar to bring it back to the original productive condition;
- b. That such agricultural land be declared as Quarry Zone; and
- c. That the authority shall be valid for a maximum period of sixty (60) days or until the lahar materials covering the agricultural land and been stripped. However, in case of commercial disposition of the stripped lahar materials, it shall be covered by NRDC Official Receipt as provided under Section 8 of this Order.

**Section 8. Transport of Sand and Lahar Materials.** The transportation of sand and lahar materials from lahar-affected areas for commercial purposes under the appropriate mining permit shall be managed by NRDC and shall be covered by an Official Receipt,

in lieu of the Delivery Receipt or Ore Transport Permit, duly issued by the NRDC. The absence of an Official Receipt shall be sufficient ground for the sand and lahar materials being transported to be apprehended/confiscated in favor of the government, and disposed in accordance with existing laws, rules and regulations.

**Section 9. Enforcement of Quarrying Plan and Environmental Compliance Certificate (ECC).** NRDC, in coordination with the MGB and DENR Region III, shall strictly enforce the implementation of the Quarrying Plan and ECC of mining permittees and shall be responsible for ensuring that the appropriate environmental protection and remedial measures are implemented by the said permittees. Should there be any violation of the conditions set forth in the mining permit, Environmental Compliance Certificate, or the applicable laws, rules and regulations, the President of NRDC may recommend the suspension of quarry operation to the concerned authority.

Further, NRDC as lead agency, DPWH Region III and the concerned LGUs shall be responsible for undertaking the appropriate environmental protection and remediation measures of areas within and along river channels but outside of the mining permit areas, for purposes of protecting the integrity of dikes, bridges and other infrastructures that may otherwise be threatened by lahar flows and flooding.

**Section 10. Confiscation/Seizure of illegally Sourced Sand and Lahar Materials and Apprehension of violators.** NRDC is empowered to confiscate, seize and dispose in favor of the Government illegally sourced sand and lahar materials, apprehend the violators in accordance with existing laws, and rules and regulations and file the appropriate charges in the proper court if warranted.

**Section 11. Service Fee.** The NRDC is authorized to collect a Service Fee fully covered by Official Receipts which shall

comprise of the Quarry/Extraction Fee pursuant to Section 138 of the Local Government Code in areas outside the Mineral Reservation and Royalty and Excise Tax as provided under R.A. No. 7942 and R.A. No. 7729 as amended, respectively, on areas inside the Mineral Reservation plus a reasonable Service Fee.

**Section 12. Power to Levy Tax.** With the promulgation of Proclamation No. 66, the power/authority of the LGU to levy tax for the extracted lahar materials in the Mineral Reservation in the Provinces of Pampanga, Tarlac and Zambales ceases, and said authority/power is now exclusively vested upon the National Government and DENR in accordance with applicable laws.

**Section 13. Remittance of Fee.** As a gesture of benevolence, the DENR/NRDC shall remit an amount to the concerned agencies equivalent to the appropriate fees as provided by law.

**Section 14. Establishment of NRDC Field Office.** In order to facilitate the transactions, the NRDC shall establish as many Field Offices as it may deem practicable in the Provinces of Pampanga, Tarlac and Zambales.

**Section 15. Establishment and Manning of Control Points.** To regulate against illegally transported sand and lahar materials, the NRDC shall establish and man control points in strategic places. All existing check points previously established either by civilian or military authorities for the purpose of checking the delivery of sand and lahar materials shall be dismantled immediately.

**Section 16. Transitory Provisions.** All mining permits issued in accordance with the existing laws, rules and regulations shall be respected until their termination or expiration. All pending mining permit applications shall be covered by this Administrative Order.

**Section 17. Seperability Clause.** If any part or section of this Order is declared unconstitutional or invalid by a competent court, such declaration shall not affect the other part or Section of this Order.

**Section 18. Repealing Clause.** All orders, rules and regulations inconsistent with this Order are deemed repealed or modified accordingly.

**Section 19. Effectivity.** This Order shall take effect immediately.

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