

DENR Memorandum Order
No. 99-08
March 03, 1999

**SUBJECT : Rationalization Of The Mining/
Quarrying Operations In
Rodriguez And San Mateo,
Province Of Rizal**

Pursuant to the pertinent provisions of Executive Order No.192, Republic Act No. 7942 and Republic Act No. 7160, the following guidelines for mining/quarrying operations in the Municipalities of Rodriguez and San Mateo, Province of Rizal are hereby issued for the guidance and compliance of all concerned:

1. Permanent Stoppage of Mining/Quarrying Operations within the Marikina Watershed Reservation

The area covered by the Marikina Watershed Reservation established under Executive Order No. 14 dated February 19, 1915 as amended, is closed to mining/quarrying pursuant to Section 19 (f) of Republic Act No. 7942. Any mining/quarrying operations therein shall not be allowed and any mining/quarrying permit/contract issued therefor shall be revoked immediately.

2. Mining/Quarrying Operations within the National Park, Wildlife Sanctuary and Game Preserve

The area covered by Proclamation No. 1636 issued on April 18, 1977 establishing the National Park, Wildlife Sanctuary and Game Preserve but outside of the Marikina Watershed Reservation is closed to mining/quarrying pursuant to Section 19 (f) of Republic Act No. 7942, subject to private rights and the operations of previously issued proclamations reserving portions thereof for specific purposes.

As such, any mining/quarrying operations therein within land titles secured after the issuance of the Proclamation shall not be allowed and any mining permit/contract issued therefor shall be revoked immediately. On the other hand, mining/quarrying operations therein within valid and existing land titles secured prior to the issuance of the same Proclamation and with valid and existing mining/ quarrying permits/contracts may be allowed to continue under the following conditions:

- a. Strict compliance with the Environmental Compliance Certificate (ECC) conditionalities and the applicable mining and environmental laws, and rules and regulations;
- b. Submission and securing approval of an Environmental Protection and Enhancement Program (EPEP) including a Final Progressive Mine/Quarry Rehabilitation and Decommissioning Plan consistent with the final land use of the mine/quarry-affected area;
- c. Establishment of the Contingent Liability and Rehabilitation Fund (CLRF) for the operationalization of the EPEP;
- d. Performance of Best Practice in environmental management;
- e. Completion by the permittee/contractor of environmental protection/ rehabilitation measures to address the current problems on siltation and erosion, as determined by the Mines and Geosciences Bureau (MGB), prior to commencement/resumption of operations;
- f. Submission of clearance from the concerned Local Government Units viz compliance with the full payment of applicable taxes and fees due; and

- g. Orderly phasing out of the mining/quarrying operations in accordance with the approved Final Progressive Mine/Quarry Rehabilitation and Decommissioning Plan, within 3 to 5 years depending on the quality of environmental protection measures implemented, as determined by the MGB; Provided, that such phasing-out provision shall be subject to review by the concerned Protected Area Management Board (PAMB) based on its study to be conducted on the environmental impact of the mining/quarrying operations, relevance to the present boundaries of Proclamation No. 1636 and the legal implication of private rights granted prior to the issuance of the said Proclamation

3. Conditions on Mining/Quarring Operations within the Lungsod Silangan Townsite Reservation.

Consistent with Section 19 (a) of Republic Act No. 7942, mining/quarrying in areas covered by Proclamation No. 1637 establishing the Lungsod Silangan Townsite Reservation may be allowed only upon the issuance of clearances from the RIZLAQUE Commission, and other concerned agencies, and the full compliance with applicable mining and environmental laws, and rules and regulations.

4. Conditions on Mining/Quarrying Operations in the San Isidro-Lukutan areas in Rodriguez, Rizal.

Due to the very thick soil overburden and the attendant difficulties in mitigating erosion and siltation problems, mining/quarrying operations within the San Isidro-Lukutan areas in Rodriguez, Rizal shall not be allowed to resume operations unless the following conditions have been complied with by the concerned mining/quarrying permittees/contractors/operators:

- a. Conduct of full profiling of soil overburden and submission of the pertinent report to the MGB for validation;
- b. Submission to the MGB of a mining/quarrying plan integrating containment measures in the handling/stockpiling of stripped soil overburden and in stabilizing slopes, for evaluation and approval,
- c. Establishment of appropriate waste disposal systems, containment and drainage system, and clean-up of spillages in the mining/quarrying areas and the vicinity thereof; and,
- d. Full compliance with the ECC conditionalities, and the EPEP and CLRF requirements.

The above-mentioned conditions shall be in addition to other applicable provisions of this Order.

5. Regulation of Crushing Operations

Only crushing plants covered by the appropriate permits including processing permits, ECCs and EPEPS, located outside the Marikina Watershed Reservation, and in accordance with the concerned municipal zoning plan that allows the operation of such facilities, may be allowed to operate.

6. Regulations for Renewal and New Mining/Quarrying Applications.

There shall be no more acceptance of new mining/quarrying applications within areas covered by the Marikina Watershed Reservation and Proclamation No. 1636.

Renewal mining/quarrying applications may be granted only for purposes of allowing the concerned mining/quarrying

permittee(s)/contractor(s) to complete the phasing out period provided for in Item No. 2 hereof.

Only pending mining/quarrying permit/contract applications in the advanced stage of processing and, therefore, have established inchoate/possessory rights (i.e. applications that have secured the necessary Area Clearances, completed the publication/posting/radio announcement requirements, and are free from adverse claims/protests/oppositions), may be given due course, subject to the phasing-out provision under Item 2 hereof.

7. Operationalization of the CLRF Requirements

The concerned agencies/parties shall ensure that the pertinent provisions of Department Administrative Order No. 96-40 regarding the establishment of the CLRF per mining/quarrying project site shall be fully enforced, specially:

- a. To constitute the CLRF, setting up of a Rehabilitation Cash Fund (RCF) equivalent to Five Million Pesos (P 5,000,000.00) or ten per cent (10%) of the total amount needed to implement the EPEP, whichever is lower, to be replenished annually so as to maintain such amount, to ensure compliance with the approved rehabilitation measures for the mine/quarry; and a Monitoring Trust Fund (MTF) that shall not be less than Fifty Thousand Pesos, to be replenished monthly, to be allotted for the monitoring of the mining/quarrying operations; and
- b. Creating the Multipartite Monitoring Team (MMT) to be composed of representatives from/of the MGB Regional Office No. IV, Department of Environment and Natural Resources (DENR) Regional Office No. IV, mining/quarrying permittees/contractors, affected communities and environmental Non-Government Organization (NGO), to serve as monitoring arm of the

Mine Rehabilitation Fund (MRF) Committee in ensuring that the conditions of the EPEP are fully complied with

8. Memorandum of Agreement (MOA) for Strict Monitoring and Law Enforcement

To strictly enforce the provisions of this Memorandum Order, as well as other existing mining and environmental laws, rules and regulations, a Memorandum of Agreement (MOA) shall be entered into among the DENR, the Provincial Government of Rizal, and the Philippine National Police (PNP) Rizal Provincial Office.

9. Repealing Clause

All memorandum orders and circulars, and official instructions or parts thereof inconsistent with the provisions of this Order are hereby repealed or modified accordingly.

10. Effectivity Clause

This Order shall take effect immediately.

(Sgd.) ANTONIO H. CERILLES
Secretary