

SUBJECT : Clarification Regarding the Devolution or Functions to Local Government Units Concerning Mines Sector under DENR Administrative Order No. 30, Series or 1992, as Amended

For purposes of providing a systematic and effective transfer and implementation of the functions of the Mines and Geosciences Development, DENR, to local government units (LGUs), as prescribed under DENR Administrative Order No. 30, Series of 1992, as amended, entitled "Guidelines for the Transfer and Implementation of DENR Functions Devolved to the Local Government Units", the following matters are hereby clarified:

1. Processing, Approval and Issuance of Sand and Gravel Permits, Pebble Picking Operations under Batas Pambansa Blg. 265 and Small-Scale Mining Permits under PD 1899 and RA 7076.

1.1 Applications filed prior to July 1, 1992 (Effectivity of Local Government Code)

All applications for Sand and Gravel Permits, Quarry Permits and Licenses covering areas not exceeding twenty (20) hectares, Special Permits for Pebble Picking Operations subject to the provisions of Batas Pambansa Blg. 265 and Small-Scale Mining Permits under the provisions of PD 1899 and RA 7076 filed prior to the effectivity of the Local Government Code or July 1, 1992 shall still be processed, approved and issued by the concerned DENR Regional Offices. This is without prejudice to those Regional Offices which have already devolved to the LGUs the approval of applications even if filed and processed before July 1, 1992.

1.2 Applications Filed After July 1, 1992

All applications for Sand and Gravel Permits, Quarry Permits and Licenses covering areas not exceeding twenty (20) hectares, Special Permits for Pebble Picking Operations subject to the provisions of Balas Pambansa Blg. 265 and Small Scale Mining Permits under the provisions of PD 1899 and RA 7076 filed after July 1, 1992 shall be processed, approved and issued by the LGUs, provided that the latter is ready/willing to accept the devolved functions. With respect to LGUs which are not yet ready/willing to accept the devolved

functions, said applications/permits may be processed, approved and issued by the concerned DENR Regional Offices upon written authority or waiver from the LGU concerned.

2. Working Arrangements with the LGUs

The DENR Regional Offices are hereby enjoined to coordinate immediately with the concerned LGUs for the systematic and effective transfer of the devolved functions and the corresponding execution of Memorandum of Agreement thereon, if necessary. If the concerned LGUs lack the technical competence on the processing, evaluation and issuance of the permits mentioned above, DENR Regional Offices should initiate moves in providing assistance and working arrangements through execution of memorandum of agreement with LGUs.

As a tool for an organized implementation of the devolved functions, the concerned LGUs should be requested to provide personnel to be trained in the DENR regional offices for familiarization on the various permit processing schemes.

3. Execution of Memorandum of Agreements (MOA)

As a general rule, a MOA shall be executed between the DENR Regional Office and the LGU to provide for the devolution of the transferred functions to the latter and to specify the existing rules and regulations governing the same. However, a MOA is not indispensable to the devolution of functions considering that under the Local Government Code, devolution may be done without it. Accordingly, functions may be devolved to LGUs who are willing to accept the devolved functions although they are unwilling to sign a MOA.

4. Turn-over of Records

All existing permit applications, permit records and relative files with the DENR regional offices which are to be processed and approved by LGUs as provided herein shall be turned-over in writing, retaining duplicate copies thereof, to the concerned LGUs.

Please be guided accordingly.

RICARDO M. UMALI
OIC, Secretary