



Republic of the Philippines  
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**MEMORANDUM**

FOR/TO : All Undersecretaries  
The Head Executive Assistant  
All Assistant Secretaries  
All Bureau Directors  
All Service Directors

FROM : The Undersecretary for Policy Planning and International Affairs

SUBJECT : **HIGHLIGHTS OF EXECUTIVE COMMITTEE MEETING  
NO. 2022-03 HELD ON APRIL 4, 2022, 10:00 AM AT THE  
DENR OSEC CONFERENCE ROOM**

DATE : APR 11 2022

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We are furnishing herewith the highlights of Executive Committee Meeting No. 2022-03 held on April 4, 2022.

As regard the instructions that require inputs/updates from your office, please submit status of action taken thereon to the Policy and Planning Service- Policy Studies Division as soon as possible. You may send updates via email to [oueiea.denr@gmail.com](mailto:oueiea.denr@gmail.com) and [psddivision@gmail.com](mailto:psddivision@gmail.com).

For your information and/or appropriate action.

  
ATTY. JONAS R. LEONES

MEMO NO. 2022 - 241



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**EXECUTIVE COMMITTEE MEETING NO. 2022-03**

**HIGHLIGHTS OF THE MEETING**

04 April 2022, 10:00 AM, OSEC Conference Room, DENR Central Office Building  
Visayas Avenue, Diliman, Quezon City

The Executive Committee meeting commenced at 10:04 AM and was presided over by Acting Secretary Jim O. Sampulna

AGENDA	AGREEMENTS/INSTRUCTIONS/UPDATES	PERSON/OFFICE RESPONSIBLE	TIMELINE
<b>1. Participation/ Inclusion of Environmental Management Bureau (EMB) in Multipartite Monitoring Teams (MMT) and Mine Rehabilitation Fund Committee (MRFC) meetings</b>	<ul style="list-style-type: none"><li>• The Mines and Geosciences Bureau (MGB) Director, Wilfredo G. Moncano requested for the participation of EMB in MMT and MRFC meetings. Director Moncano discussed the basis for the inclusion of EMB to such engagements, as mentioned in DENR Administrative Order (DAO) No. 2010-21 or the Implementing Rules and Regulations (IRR) of Republic Act No. 7942, series of 1995 (Philippine Mining Act of 1995) and DAO No. 2015-02 entitled "<i>Harmonization</i> of the Philippine Environmental Impact Statement System and the Philippine Mining Act of 1995 in relation to Mining Projects.</li><li>• Based on Section 183 of DAO No. 2010-21, the EMB Regional Director is a member of the MRFC to which they participate in the quarterly meetings of the committee to discuss the results of the quarterly monitoring of MMT with regard to the compliance of</li></ul>		

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	<p>mining companies with existing laws, rules and regulations.</p> <ul style="list-style-type: none"> <li>● Section 185 of DAO No. 2010-21 includes the EMB Regional Office Representative as a member of the MMT.</li> <li>● In Section 6 of DAO No. 2015-02 the MMT is chaired and co-chaired by the EMB- Regional Office (RO) and MGB RO. The DAO also explicitly states the duties and responsibilities of the EMB Central Office and EMB Regional Offices.</li> <li>● In March 2019, EMB Director Metodio U. Turbella wrote to MGB on the non-participation of EMB to MMTs. According to the letter, EMB will no longer join MMT inspections of mining projects and that their ROs were instructed to no longer join the MMT quarterly inspections of mining projects.</li> <li>● Director Moncano discussed what was communicated to the letter of the EMB and the response of the MGB.</li> </ul> <p>a) EMB said that MMT is perceived as an independent third party and may not require the participation of the proponent and DENR-EMB.</p>		



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	<p>MGBs response is that based on DAO No. 2010-21, MMT is not perceived as a third-party auditor for mining projects, but a monitoring arm of the MRFC to ensure the strict implementation of the Environmental Protection and Enhancement Program (EPEP) /Annual EPEP.</p> <p>b) Director Turbella also said that MMT can be entrusted to LGUs.</p> <p>MGB said that as per the IRR it cannot be delegated to LGUs.</p> <p>c) The EMB said also that they can be resource persons, present in all MMT activities, but not influencing in report-writing and ultimate decision making.</p> <p>As a response of MGB, Director Moncano reiterates that the MMT is guided by the approved Manual of Operations wherein the process of report-writing and decision-making is included.</p> <p>d) The MMT is recommendatory to EMB; The EMB should not in any way delegate its authority; the PENRO/CENRO is sufficient addition to the MMT.</p> <p>MGB's response is that for the mining projects, MMT is the monitoring arm of the MRFC.</p>		

	<p>Director Moncano also clarified that the MGB RO representative is the head of MMT not the EMB. EMB is a co-chairperson of MMT. Lastly, CENRO/PENRO is already a member of MMT but may not have the same level of knowledge and technical capability as that of EMB in monitoring the compliances of mining companies.</p> <ul style="list-style-type: none"> <li>● The recommendations of the MGB are the following: <ul style="list-style-type: none"> <li>a) Re-inclusion of the EMB representative in MMT of mining projects by amending Section 16.2 and 16.6 of DAO No. 2017-15 recognizing its technical capacity and expertise in the monitoring of company's compliance with the previously-mentioned environmental laws, rules, regulations.</li> <li>b) Review the current structure, compositions and operationalization of the MMT to strengthen its monitoring capacity for possible amendment of existing laws, rules and regulations relative thereto.</li> </ul> </li> <li>● USec Leones explained that this issue was brought out before. He proposed that there is a need to re-include EMB as part of MMT.</li> <li>● USec Leones instructed the OASECPPFASPS and the PPS to review existing documents and check if there is a need to amend a Memorandum or a DAO for the inclusion of EMB to MMT. The Secretary can immediately sign the proper document.</li> <li>● The EMB posed no objection to the inclusion of EMB to the MMT.</li> </ul>	<p>PPS <i>(with guidance of OASECPPFASPS)</i></p>	
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<p><b>2. DENR Action on Marcopper</b></p>	<ul style="list-style-type: none"> <li>● Director Moncano presented the updates on Marcopper Mining Corporation (MMC) and the instruction of the Secretary to get the status of cases involving the said mining company. He discussed a brief history and background involving a fracture in the drainage tunnel of Marcopper's Tapan pit that spilled more than 1.6 million cubic meters of mine tailings to the villages and the Boac River. According to him, the Marinduque provincial government refused the settlement offer since it was not enough to compensate for the environmental damages caused by the Marcopper mine spill. As a result, four (4) criminal cases, a civil case and an administrative case have been filed by the government against Marcopper Mining Corporation. Director Moncano also mentioned the Maguila-guila Waste Dump and siltation dam which is one of the mine structures of the MMC that is rapidly deteriorating.</li> <li>● The following are updates on the meeting with the Office of the Solicitor General regarding the Marcopper case: <ul style="list-style-type: none"> <li>a) OSG requested updated monitoring report of the Marcopper mine site, facilities and structures from 2018 to present;</li> <li>b) OSG inquired if there is any change of address of the principal office of Marcopper;</li> </ul> </li> </ul>		

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	<p>c) After the field inspection to be conducted by a joint DENR,MGB, EMB team, the team leader will be asked to execute a judicial affidavit regarding the result of the monitoring; and</p> <p>d) OSG will file the Temporary Environmental Protection Order (TEPO) case or the Writ of Kalikasan.</p> <ul style="list-style-type: none"> <li>● Status update on the cases filed against Marcopper. Based on the clerk of the Municipal Trial Court of Boac they will respond to the email of MGB- MIMAROPA Region regarding the cases indicated below: <ul style="list-style-type: none"> <li>a) 96-44 to 46 re Violation of Article (b)5 &amp; 6 of PD No. 1067 (Philippine Water Code);</li> <li>b) 96-47 to 49 re Violation of Section 8 of PD No. 984 (Anti-Pollution Law); and</li> <li>c) 96-50 to 52 re Violation of Section 108 of RA No. 7942 (Philippine Mining Act of 1995); and</li> <li>d) 96-53 to 55 re Reckless imprudence Resulting to Damage to Property (Article 365, Revised Penal Code).</li> </ul> </li> </ul>		

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	<ul style="list-style-type: none"> <li>● The following options were discussed regarding the DENR taking possession of the mined area which is continually being possessed by Bernardino:               <ul style="list-style-type: none"> <li>a) The DENR to take possession and rehabilitate the area; and</li> <li>b) The DENR to rehabilitate, take possession, build it out and offer it to investors/companies to do the rehabilitation.</li> </ul> </li> </ul> <p>Director Moncano said that these are all government assets. He also asked if they can file a case or let the Privatization Management Office do the job.</p> <p>Usec. Ernesto D. Adobo, Jr. asked the Execom members to comment regarding the issue of taking possession of the mined area.</p>		
	<ul style="list-style-type: none"> <li>● Asec. Michelle Angelica D. Go asked about the report of the MGB Regional Director (RD) regarding the data on barrels of radioactive materials. Further, she also asked about the status of the investigation, the type of coordination with Philippine Nuclear Research Institute (PNRI) and what are the plans of the Department to ensure that these activities do not violate environmental laws and if corresponding funding is needed.</li> </ul> <p>Director Moncano answered that there is an initial report from MGB RD of MIMAROPA but did not mention the issue of radioactive materials.</p>		



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	<p>He said he will check this matter with DENR MIMAROPA.</p> <ul style="list-style-type: none"> <li>● Usec. Analiza Rebueta-Teh raised the following issues/ concerns and questions: <ul style="list-style-type: none"> <li>a) Restraining Order on Temporary Environmental Protection (TEP) regarding Writ of Kalikasan;</li> <li>b) Water quality monitoring and updates on the filing of reversion cases for portions claimed by a certain Mr. Bernardino; and</li> <li>c) If there is a long term master plan on the rehabilitation of the Marcopper mining area.</li> </ul> </li> </ul>		
	<ul style="list-style-type: none"> <li>● To answer Usec Teh, Director Moncano replied that as per meeting with the Office of the Solicitor General (OSG), there is no case filed, thus they are asking for an updated monitoring report.</li> </ul> <p>Director Moncano mentioned that there are 55 titled land inside the Marcopper property. Also, according to him there is already a plan to rehabilitate the Marcopper mining area and the construction implementation will be endorsed to the Department of Public Works and Highways (DPWH).</p>		

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	<ul style="list-style-type: none"> <li>● Director Norlito A. Eneran shared the following courses of action in Brgy. Malugos, Marinduque:               <ul style="list-style-type: none"> <li>a) The judicial action has not yet started but still under the coordination with LGUs concerned;</li> <li>b) Administrative action taking possession of the property as they do not have any tenurial instruments. As per previous discussions with the Provincial Environment and Natural Resources Office (PENRO), there are already banners/markers indicating the possession of DENR in the area; and</li> <li>c) Coordination with LGUs concerned and meeting with the RO to properly advise the personnel on the field.</li> </ul> </li> </ul> <p>Director Eneran also informed the Execom that upon entry to the area, there is a need for the approval of PENRO.</p>		
	<ul style="list-style-type: none"> <li>● Sec Sampulna shared that Governor Presbitero J. Velasco, Jr. of the province of Marinduque visited DENR with regard to the case. The Governor asked how they would force Marcopper to vacate the area. Sec. Sampulna said that there is no need to proceed with judicial proceedings since their papers are already expired, Sec. Sampulna added that a meeting will be held to properly advise the people in the field.</li> </ul>		

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	<ul style="list-style-type: none"> <li>● USec Adobo asked if DENR can enter the Marcopper mining site. According to the former RED of DENR MIMAROPA and current Ecosystems Research and Development Bureau (ERDB) Director Maria Lourdes Ferrer, personnel of the company refused to vacate the area despite the notice being issued to vacate. With this, the DENR MIMAROPA was forced to enter inside the mining site and found existing toxic waste. DENR MIMAROPA sought help from the Provincial Government and the Governor suggested for judicial proceedings.</li> </ul> <p>Director Ferrer also added that based on her observation, the people of Marinduque strongly do not support mining activities.</p>		
	<ul style="list-style-type: none"> <li>● The former MGB-MIMAROPA Regional Director and current Policy and Planning Service OIC Director Glenn Marcelo Noble explained the plan on the construction of the Gabion Dam. According to him, PNRI issued a permit five (5) years ago and MGB MIMAROPA is monitoring the activity on a quarterly basis. He said that the province of Marinduque is requesting legislation for the province to be mine-free.</li> </ul>		

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	<ul style="list-style-type: none"> <li>• Usec Teh advised to issue a notice to vacate the area to Marcopper and all assets to be forfeited in favor of the government. She also suggested sending a letter to the Arm Forces of the Philippines and the Philippine National Police as a basis of support to secure the area and all the alienable and disposable areas that they claimed.</li> </ul>		
	<ul style="list-style-type: none"> <li>• Usec Adobo also supported the statement to take actions through sending those documents. He explained that by operation of law, the title is transferred to the Government. He suggested an administrative action.</li> </ul>		
	<ul style="list-style-type: none"> <li>• Sec. Sampulna instructed Director Emelyne V. Talabis of Land Management Bureau to make a letter to MMC.</li> </ul>		
	<ul style="list-style-type: none"> <li>• Usec. Jonas R. Leones suggested meeting the Forest Management Bureau, and MGB to draft the order regarding MMCs violations.</li> </ul>		
	<ul style="list-style-type: none"> <li>• Usec. Adobo insisted on making a letter citing the expiration of the Mineral Production Sharing Agreement (MPSA) and to vacate the area.</li> <li>• Asec. Go questioned the use of the term “forfeiture” and asked if it is in the contract. She said that “forfeiture” connotes a bad action. Usec Adobo suggested using “take-over” instead of “forfeiture”.</li> </ul>	Director Talabis	

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<b>3. Audit Observation Memorandum re: Grant of Honoraria to the Mines Adjudication Board (MAB) Secretariat</b>	<ul style="list-style-type: none"> <li>● Dir. Moncano explained that members of the MAB secretariat are not receiving any Honoraria because this was questioned by the COA.</li> <li>● Sec. Jim suggested the giving of allowances instead of honoraria</li> </ul>		
<b>4. Other Matters</b>  <i>4.1. Commissioning for Philippine Army Reservists</i>	<ul style="list-style-type: none"> <li>● Brigadier General Fernando V. Felipe from the Army Reserve Command of the Philippine Army explained the pursuance of commissioning for members from DENR. In the Department of the Interior and Local Government, the collaboration was made, and all local chief executives were advised to be commissioned. He said that if there are activities on the ground, they can help the DENR.</li> <li>● Secretary Sampulna pointed out that the MOA between DILG-DENR-DND can be revived in order to address illegal activities such as illegal logging and mining. The support from the Department of Justice (DOJ) is also important and needed in the fight against illegal activities.</li> </ul>		
<i>4.2. Manila Bay Rehabilitation and matters with the Pasig River Coordinating and Management Office</i>	<ul style="list-style-type: none"> <li>● Updates on Manila Bay Rehabilitation and matters with the Pasig River Coordinating and Management Office (PRCMO) will be discussed at the next Executive Committee Meeting, which is tentatively scheduled on 18 April 2022.</li> </ul>		

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4.3. <i>World Earth Day</i>	<ul style="list-style-type: none"> <li>Director Khalil S. Bayam of the Strategic Communication (SCIS) and Initiative Service announced the conduct of the activities for the World Earth Day to be held on 22 April 2022 in Davao.</li> </ul> <p>Secretary Sampulna reminded the SCIS to do proper coordination for the activities.</p>		
4.4. <i>Legal Officers</i>	<ul style="list-style-type: none"> <li>Sec. Sampulna raised a question regarding the salary of Legal Officers as some of them were issued disallowance.</li> </ul> <p>Usec. Adobo responded that these issues were already resolved, and a memorandum was issued prior to the matter.</p> <p>Sec. Sampulna instructed Director Eneran to assist DENR-MIMAROPA especially PENRO-PALAWAN to resolve this concern.</p>	Director Eneran	

The meeting was adjourned at 11:47 AM.