



**Republic of the Philippines**  
**Department of Environment and Natural Resources**  
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**MEMORANDUM**

FOR / TO : The Director  
Legal Affairs Service

The Assistant Director  
Biodiversity Management Bureau  
Ecosystems Research and Development Bureau  
Environmental Management Bureau  
Forest Management Bureau  
Land Management Bureau  
Mines and Geosciences Bureau

Representative, Office of the Secretary/ Head Executive Assistant  
Representative, Office of the Undersecretary for Legal,  
Administration, Human Resources and Legislative Affairs  
Representative, Office of the Undersecretary for Finance, Information  
Systems and Climate Change  
Representative, Office of the Undersecretary Policy, Planning and  
International Affairs  
Representative, Office of the Undersecretary for Field Operations (FO)  
- Luzon, Visayas and Environment  
Representative, Office of the Undersecretary for FO - Mindanao  
Representative, Office of the Undersecretary for Enforcement, Solid  
Waste Management, Local Government Units Concerns and  
Attached Agencies  
Representative, Office of the Undersecretary for Special Concerns,  
Muslim Affairs and BARMM  
Representative, Office of the Assistant Secretary for Policy, Planning  
and Foreign-Assisted and Special Projects  
Representative, Office of the Assistant Secretary for Enforcement,  
Solid Waste Management and Local Government Units Concerns  
Representative, Office of the Assistant Secretary for Legal Affairs  
Representative, Office of the Assistant Secretary for FO - Luzon and  
Visayas  
Representative, Office of the Assistant Secretary for FO - Eastern  
Mindanao  
Representative, Office of the Assistant Secretary for FO - Western  
Mindanao  
Representative, Office of the Assistant Secretary for Finance,  
Information Systems and Mining Concerns  
Representative, Office of the Assistant Secretary for Human  
Resources, Strategic Communication and Sectoral Initiatives

Representative, Office of the Assistant Secretary for Administration  
and Legislative Affairs  
Representative, Office of the Assistant Secretary for Indigenous  
Peoples Affairs  
Representative, Office of the Assistant Secretary for Special Concerns-  
Mindanao  
Representative, Legal Affairs Service  
Representative, Climate Change Service  
Representative, Strategic Communication and Initiatives Service  
Representative, Foreign-Assisted and Special Projects Service  
Representative, River Basin Control Office  
Representative, DENR National Capital Region

FROM : The OIC Director  
Policy and Planning Service

SUBJECT : **HIGHLIGHTS OF THE POLICY TECHNICAL WORKING  
GROUP (PTWG) MEETING NO. 2022-06 HELD ON MAY 26,  
2022, 9:00 AM**

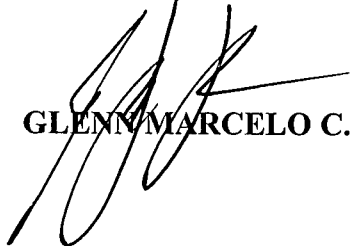
DATE : 31 MAY 2022

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Furnished herewith is the Highlights of the Policy Technical Working Group (PTWG) Meeting No. 2022-06 held on May 26, 2022, 9:00 AM at 5<sup>th</sup> Floor Conference Room, DENR, which tackled the following proposed policies:

1. Draft DENR Administrative Order (DAO) re: "Mandating Non-Metallic Mining Contractors to Secure ISO 14001 Certification"
2. Draft DENR Administrative Order (DAO) re: "Amendment on Certain Section of DAO No. 2021-39 re: Creation of the Metropolitan Environmental Offices (MEOs) in the National Capital Region (NCR)"

For your information.

  
GLENN MARCELO C. NOBLE



**DENR-POLICY TECHNICAL WORKING GROUP**  
**Highlights of Meeting No. 2022-06**  
May 26, 2022, 9:00 AM  
5/F, OASPPFASP Conference Room, DENR Building  
Visayas Avenue, Diliman, Quezon City

**I. Attendees**

1. Dir. Glenn Marcelo C. Noble, PPS
2. For. Llarina S. Mojica, PSD
3. Ms. Maria Cristina Francisco, OUFOLVE
4. For. Adeluisa G Siapno, OASLA
5. For. Flordelino Rey, OASPPFASP
6. Mr. Gino Sison, BMB
7. For. Lovella Luzette Galindon, LMB
8. Ms. Heartleen R. Albajera, OUFOM
9. For. Donna Riza Gopez, FMB
10. Ms. Jea Robelo, RBCO
11. Mr. Daryl Dao, OASFOEM
12. Ms. Erlynnne Carla Lucero, OASLA
13. Mr. Henry D. Gervasio, OHEA
14. Engr. Teodorico A. Sandoval, MGB
15. Engr. Christian Philip Umerez, MGB
16. Atty. Alma Lanzo, NCR
17. Atty. Jofrank Riego, NCR
18. Ms. Belly M. Cabelo, EMB
19. Engr. Reina Requieron, OASFISMC
20. Mr. Elias C. Susaya, Jr., OASFISMC
21. Ms. Catherine C. Pagkatipunan, LLO
22. Mr. Eugene D. Parañaque, ERDB
23. Ms. Chistelle Ira Inocencio, MBCO
24. Mr. Allan Kliene Ligaya, OASFISMC
25. Engr. Digna P. Pacis, OASFOLV
26. Ms. Racouel Malubag, MBCO
27. Ms. Juanita C. Amola, OASFOWM
- Secretariat (PPS-PSD)
28. Mr. Nehemiah Leo Carlo B. Salvador
29. Ms. Nim Hydee Eusebio
30. Ms. Mary Lou Retos
31. Ms. Maria Theresa Enriquez
32. For. Emma Liwliwa B. Medina
33. Ms. Zayrelle Anne U. Suello

**II. Highlights of the Meeting**

The meeting commenced at 9:27 AM and was presided over by Dir. Noble. The Secretariat through For. Mojica called the roll of the attendees. Dir. Noble proceeded to read the agenda for the meeting. For. Siapno moved for the approval of the agenda, seconded by other members of the PTWG.

**1. Draft DENR Administrative Order (DAO) re Mandating Non-Metallic Mining Contractors to Secure ISO 14001 Certification**

***Presentation and Discussions:***

- Engr. Umerez of the Mines and Geosciences Bureau (MGB) presented the background on the crafting of the proposed policy. He informed that on April 30, 2015, the Department issued DAO No. 2015-07 re Mandating Mining Contractors to Secure an International Organization for Standardization (ISO) 14001 Certification. The policy requires all holders of Mineral Agreement (MA) and

32 Financial and Technical Assistance Agreement (FTAA) that are in operating period  
33 and engaged in metallic mining operations to secure an ISO 14001 Certification  
34 within one (1) year from the date of the DAO. In addition, the ISO is a worldwide  
35 federation of national standards bodies. Specifically, ISO 14011 provides the  
36 requirements for an environmental management system (EMS) that an organization  
37 can use to enhance its environmental performance. Moreover, it helps an  
38 organization achieve the objectives of its EMS, which provide value for the  
39 environment, the organization itself, and interested parties.  
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- 41 ● In continuation, Engr. Umerez explained that pursuant to Section 2 of DAO No.  
42 2015-07, the mandatory compliance with the Certification shall be imposed to MA  
43 and FTAA holders engaged in non-metallic mining operations under a deadline to  
44 be set at the appropriate time. Based on the CY 2019 Environmental Management  
45 Monitoring Checklist, there are 16 ISO 14011 certified companies out of 56  
46 operating non-metallic mines. No information was provided, however, for the other  
47 40 mines since the requirement for a certification was only applicable to operating  
48 metallic mines. In October 2021, the Mining Industry Coordinating Council (MICC)  
49 started the review of mining and quarry operations in relation to their compliance  
50 with existing mining laws, rules and regulations. In relation to the said review, MGB  
51 Director Atty. Wilfredo G. Moncano and the Mine Safety, Environmental and Social  
52 Development Division of the MGB agreed to draft a policy requiring mining  
53 companies engaged in non-metallic operations to secure ISO 14001 Certification.  
54 Considering that only 29% of the total number of operating non-metallic mines have  
55 been ISO 14001 certified since the issuance of DAO No. 2015-07, it is relevant that  
56 the requirement for the establishment of an effective EMS be applied to all operating  
57 mines. Thus, the crafting of this proposed policy.  
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- 59 ● For. Siapno of the Office of Assistant Secretary for Legal Affairs (OASLA) asked  
60 the proponent what the ISO 14001 is all about. Engr. Umerez replied that it is ISO  
61 14001 series of 2015 and this concerns the Environment Management System (EMS)  
62 of an organization.  
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- 64 ● For. Gopez of Forest Management Bureau (FMB) asked for clarification on why the  
65 proposed policy was not integrated in the previous policy. In reply, Engr. Umerez  
66 stated that metallic mineral operation was the priority when the previous policy was  
67 crafted. With regard to non-metallic mineral operations, securing an ISO 14001  
68 certification was prescribed as an option only. Engr. Sandoval of MGB added that  
69 the existing policy is connected to the mining audit conducted, which required the  
70 ISO certification. Non-metallic mineral operation was not yet included then.  
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- 72 ● Ms. Francisco of the Office of Undersecretary for Field Operations – Luzon, Visayas  
73 and Mindanao (OUFOLVE) noted that every ISO has a scope, which means that this  
74 may cover only certain processes or offices or the whole operations. She asked if all  
75 the operations of mining firms must be certified under ISO 14001. Engr. Umerez  
76 replied that it covers all operations of mining firms.  
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- 78 ● On the question as to why the mandatory securing of ISO 14001 was imposed only  
79 at the present, Dir. Noble agreed with the statement of Engr. Sandoval that it was an  
80 answer to the previous MICC audit, not the mining audit instructed by former  
81 Secretary Gina Lopez. As to scope, it is best if all are covered.

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- Dir. Noble informed that the crafting of the proposed policy was patterned after DAO No. 2015-07. However, a revisit of the policy showed that it has a different format. When the policy was crafted, it was drafted on a different plane. Nevertheless, what is required now is to comply with DAO No. 2021-15, which provides the template for the crafting of policies. The standard format should be followed.
- Dir. Noble informed that when the original draft was forwarded to the Policy Studies Division, the format was similar to that of DAO No. 2015-07. During the small group meeting with the MGB, the Bureau was advised to re-format the same in accordance with the provisions of DAO No. 2021-15.
- On the prefatory statement, For. Siapno noted that the use of acronyms is not consistent. Hence, it was suggested that the proponent do the necessary correction based on this observation.
- For. Rey of the Office of Assistant Secretary for Policy, Planning and Foreign Assisted and Special Projects (OASPPFASP) asked for the definition of the term “contractors” to clarify whether this pertains to the MPSA holders, etc., since there is no section for the definition of terms. Engr. Umerez replied that in the mining sector, the MPSA holders and holders of other agreements are referred to as contractors. For. Rey stressed the importance of incorporating a Definition of Terms in order to clarify the matter.
- Dir. Noble stated that the terms that are being defined in the mining sector are based on Republic Act (RA) No. 7942 or the Mining Act and its Implementing Rules and Regulations (IRR). What only needs to be done is to lift the definition of the term from the Mining Act or its IRR. He asked for suggestions whether to include the definition of term or to only add the line “holders of mineral agreements (MA) or ‘contractors,’” since the mining sector refers to contractors as holders of MA. He also explained that Exploration Permit holders are called permittees, Sand and Gravel Permit holders are referred to as permit holders, and the MA, MPSA holders are called contractors. According to him, this is clear to those are involved in the mineral industry.
- For. Siapno remarked that it is clear that different terms are used in identifying the different clienteles of the Department. However, lines 30 to 32 or Section 2 of the proposed policy already defines who will be covered, which answers the question raised by For. Rey. As a response, For. Rey suggested that instead of contractors just simply use the term mineral agreements holder. Dir. Noble proposed to hold the revisions to be discussed later and move on to the content of the proposed policy.
- Engr. Sandoval informed that the term “contractor” was already defined in the Mining Act. For. Rey replied that based on the usual practice for DENR policies, while a term is already defined in the law, the definition is reiterated in the proposed policy for ease of reference. This will be especially helpful to non-DENR personnel in order for them to easily understand the policy. Dir. Noble concurred and remarked that the term should be stand-alone, hence, will not necessitate searching for its definition. He expressed agreement with the suggestion to define the term “contractor” for those who are going to be involved. For. Rey proposed another

- 132 option so there will be no need to define, which is to enclose the similar term in  
133 parenthesis.  
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- 135 ● For. Galindon of Land Management Bureau (LMB) noted the inconsistency of the  
136 scope and coverage of the proposed policy with Section 2 of DAO No. 2015-07,  
137 which covers both MA and FTAA holders engaged in non-metallic mining  
138 operations. In response, Dir. Noble asked that Section 50 of DAO No. 2010-21 or  
139 the Consolidated IRR of the Mining Act be revisited to check whether non-metallic  
140 mining operations may be granted an FTAA. When it was found out that said  
141 provision covers only metallic minerals, he mentioned that there was an oversight in  
142 the crafting of Section 2 of DAO No. 2015-07.  
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  - 144 ● On Section 1, For. Siapno suggested improving the second paragraph by splitting  
145 the lengthy one-sentence-paragraph into two (2) sentences. She proposed that the  
146 first sentence end with the word “standards,” and for the second sentence to begin  
147 with “This is to ensure...” Dir. Noble observed that the first paragraph is similarly  
148 lengthy, hence, he asked whether this should also be split. However, he recalled that  
149 this was lifted from the Mining Act, thus, the formulation should be retained.  
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  - 151 ● On Section 2, Dir. Noble suggested adding the words “contractors or” to refer to the  
152 holders of MA. Relatedly, For. Siapno proposed citing the “holders of Mineral  
153 Agreements” ahead of the proposed additions re “contractors.” Another suggestion  
154 was raised by Dir. Noble which is to add the phrase “(referred to in this Order as  
155 Contractors).”  
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  - 157 ● On the query raised regarding the non-inclusion of Exploration Permit in the  
158 coverage, Dir. Noble replied that this was not considered since the exploration period  
159 doesn’t have so much impact in the environment and there is no ECC involved yet  
160 during the exploration period.  
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  - 162 ● On Section 3, Dir. Noble informed that the heading “Compliance Period” was  
163 indicated as such which is different from DAO No. 2015-07’s “Effective Date” as  
164 agreed during the pre-PTWG meeting. He explained that the reckoning period for  
165 compliance or securing of an ISO 14001 certification by the contractors will be  
166 within one (1) year from the date of issuance/signing of the draft policy. Atty. Lanzo  
167 of the DENR National Capital Region (NCR) informed that there is legal implication  
168 if the effectivity date is not followed/observed. She added that laws are not fully  
169 valid until published.  
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  - 171 ● Dir. Noble remarked that there is a separate section for effectivity, and that the  
172 compliance period is a different subject. He asked whether it will make a difference  
173 if the compliance period is within six months, etc. Atty. Lanzo replied that this does  
174 not matter. For. Siapno added that the implication of “effectivity” is that the policy  
175 has completed all the processes required. It is assumed that the processes were  
176 observed and in place, and that requirements were met. Dir. Noble pointed out that  
177 compliance period is different from effectivity period. However, For. Siapno  
178 maintained that there are publication requirements which should be complied with  
179 in order for a policy to take effect.  
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- For. Rey noted that the process of securing an ISO certification is lengthy, hence, the one-year period may not be sufficient. Engr. Sandoval replied that based on records, contractors of metallic minerals were able to meet the one-year compliance period. As such, this should not be different in the case of non-metallic mining contractors. Dir. Noble also pointed out that non-metallic mining contractors have been flagged as early as 2015 to secure an ISO certification in accordance with DAO No. 2015-07, specifically Section 2, 3<sup>rd</sup> paragraph thereof.
  - Still on the discussions regarding Section 2 of DAO No. 2015-07, Dir. Noble noted the inconsistency of the periods in the 1<sup>st</sup> and 3<sup>rd</sup> paragraphs thereof- the 1<sup>st</sup> paragraph talks about the date of the issuance of the DAO, while paragraph 3 is about the effectivity of the DAO. He also explained that in 2015, securing an ISO 14001 certification by non-metallic mining contractors was only an option. For. Rey observed that the 3<sup>rd</sup> paragraph already appears to be an instruction for the non-metallic mining contractors to secure an ISO certification.
  - For. Rey asked For. Mojica if the policy will take effect after its publication, or on the date of the signing thereof even if it is not yet published. For. Mojica replied that effectivity requires publication of the policy and submission to ONAR. Atty. Lanzo maintained that it should be the effectivity of the policy that must be observed due to legal implications.
  - For. Galindon commented that perhaps the IEC of MGB will come in with regard to informing the contractors of non-metallic minerals. Dir. Noble posed a question whether an ISO certification may be secured even without the policy. He pointed out that the certification may be obtained regardless of whether or not there is an existing policy. According to him, possessing an ISO 14001 certification is more of a bragging right on the part of the contractor as this is a badge/seal of good governance and good management system.
  - Going back to the discussions on effectivity, Dir. Noble opined that the period of within one (1) year from effectivity of the Order is already too much a time given to the contractor. For. Siapno stood by her suggestion to use effectivity as reckoning period. Likewise, Atty. Lanzo informed that a provision in the Civil Code states that laws take effect after publication thereof. This is the reason for using effectivity.
  - Dir. Noble maintained that compliance is different from effectivity. For. Siapno remarked that using the date of the DAO is limiting. Atty. Lanzo added that the DENR may be challenged by the stakeholders if the Department imposes the period (date of the policy) without the policy going through the process. For. Siapno also commented that the signed policy is not yet perfected if it is not published. She agreed with the point raised by Atty. Lanzo that the DENR can be challenged in court by the stakeholder. She stressed that even one (1) day matters in terms of compliance; she proceeded to discuss a hypothetical situation to show the implication of using the date of the policy as reckoning period.
  - Engr. Umerez stated that the use of the date of the policy as reference point is to easily determine the period of compliance by the contractor. Ms. Cabeso of Environment Management Bureau (EMB) reacted that all laws have effectivity period as reference.

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- Since DAO No. 2015-07 prescribes the date of the policy as compliance period, Dir. Noble asked about its implication and whether all this time, the MGB has been implementing a problematic provision.
- Engr. Pacis of the Office of Assistant Secretary for Field Operations – Luzon and Visayas (OASFOLV) asked if the period of compliance should indeed be within one (1) year. Dir. Noble reiterated that the non-metallic mining contractors have been flagged as early as 2015 to secure an ISO certification.
- On the query of Dir. Noble whether the proposed policy has undergone review by the MGB’s PTWG, Engr. Umerez replied that it has passed review.
- On Section 4, Dir. Noble informed that the said provision was lifted *in toto* from DAO 2015-07.
- Dir. Noble instructed the MGB to revise the proposed policy based on the comments/recommendations of the body. With regard to the issue on effectivity, he stated that the use of effectivity is not the position of the Chair, although based on rules, the Chair does not vote except to break a tie. He asked the MGB to consult their Legal Division with regard to the issue on the use of the date of the policy.
- For. Siapno moved for the endorsement of the proposed policy for vetting, subject to the revisions, and the clarification of the position of MGB regarding the issue on effectivity vs date of policy. The motion was seconded by For. Rey.

***Agreements:***

1. On the prefatory statement, observe consistency on the use of acronyms;
  2. On Section 1, improve the second paragraph by splitting this into two (2) sentences. The first sentence should end with the word “standards,” and the second sentence will begin with “This is to ensure....:”
  3. On Section 2, add the line “(referred to in this Order as Contractors);”
  4. MGB to consult their Legal Division regarding the use of effectivity vs. date of policy.
- 2. Draft DAO re Amendment on Certain Section of DAO No. 2021-39 or the Creation of the Metropolitan Environmental Offices (MEOs) in the National Capital Region (NCR)**

***Presentation and Discussions:***

- Atty. Lanzo presented the DENR-NCR’s additions (violet font) to the revisions made by the Policy Studies Division (red font) on their proposed policy. She also discussed the comparison between the existing policy and the proposed revisions.
- She remarked that on Section 6, specifically 6.1.1. of DAO No. 2021-39, the process is laden with so much bureaucracy and personnel/staffing requirement, hence, their proposal.



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- On the subject, Dir. Noble suggested doing away with the line “or the Creation...” and using the term “re: Creation...” to introduce/refer to the subject of DAO No. 2021-39 for consistency.
  - Dir. Noble noted the lack of a provision on the objectives of the proposed policy. He suggested that this be added as Section 1. He also proposed that the succeeding sections be about the amendments to the sections tackled. This should then be followed by regular clauses of a policy. Thus, Section 2 should be about amendments to Section 6. The statement/introductory phrase should be: “Section 6 of DAO No. 2021-39 is hereby amended to read as follows:” He also reminded the proponent to observe proper formatting of the policy.
  - On sub-section 6.1.1., Ms. Francisco informed that the MEOs are currently supervised by Undersecretary Juan Miguel T. Cuna of the Field Operations-Luzon, Visayas and Environment (FOLVE) and Assistant Secretary Gilbert C. Gonzales of the Field Operations-Luzon and Visayas. She noted that with the proposed set-up, the budget for the MEOs will be lodged in the DENR-NCR. She asked for clarification on the EMB-NCR’s role which was not included, as it is also part of the MEOs. She also inquired if the MEOs should be under the jurisdiction of a specific Undersecretary; looking at the present-set-up, these are lodged under the Undersecretary for FOLVE since he has jurisdiction over the environment sector. Atty. Lanzo responded that Asec. Gonzales is aware of the proposal to revise the draft policy, and that it was he who spearheaded such proposal.
  - For. Siapno asked if the MEOs are special offices or if these are within the institutionalized offices of the Department. She is under the impression that these are mainstreamed in the regular operations. If mainstreamed, this is in order considering that Usec. Cuna is the Undersecretary for Field Operations and that Asec. Gonzales has jurisdiction over Field Operations-Luzon.
  - Dir. Noble remarked about the background on the creation of the MEOs. He asked the proponent if the proposed set-up has been consulted with the officials concerned. Otherwise, there will be an issue. As a background, For. Mojica mentioned that Asec. Daniel Darius M. Nicer crafted the original policy upon the instruction of former Secretary Roy A. Cimatu. The original proposal was to have Undersecretaries and Assistant Secretaries supervising each MEO. During the previous PTWG deliberation on the said policy, a decision by the PTWG could not be had, hence, a special session with the Field Operations office and DENR-NCR was conducted. It was not clear then who will act as the Undersecretary for MEOs, until DAO 2021-39 was issued. Atty. Lanzo informed that she has no knowledge of the PTWG deliberation on the existing policy.
  - Dir. Noble cautioned on the proposed drastic change to the existing policy considering the story behind the creation of the MEOs. Atty. Lanzo commented that it was the DENR-NCR that was taken aback by the creation of the MEOs for NCR. Hence, their proposal, which was consented upon by Usec. Cuna and spearheaded by Asec. Gonzales.
  - For. Rey noted that looking into the organizational structure under DAO No. 2021-39, there is a specific Undersecretary for MEOs; the Undersecretary for Field

331 Operations and Environment is not even directly linked to the former. There are also  
332 four (4) Assistant Secretaries for the four (4) MEOs. He also noted that even the  
333 Regional Executive Director (RED) of DENR-NCR is not directly involved with the  
334 MEOs; the said official only works under the Undersecretary for MEOs. When  
335 operations of the MEOs was starting, DENR-NCR had no authority to formulate a  
336 work and financial plan (WFP) and request for a budget for these offices, but it was  
337 the RED who requested for the WFP. Considering that there is only one month until  
338 the end of the current administration, it may not be advisable to change the current  
339 set-up. For. Mojica responded that there was an instruction from the higher-ups to  
340 facilitate the proposed policy. Given this, For. Rey suggested that the proposed  
341 policy be pursued, but it will be up to the management to decide during the vetting  
342 process. Dir. Noble agreed and stated that the body will just go through the PTWG  
343 review process.

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- 345 ● Engr. Pacis agreed that the proposed policy should be pushed through. She shared  
346 that previously, Asec. Gonzales was only responsible for Field Operations-Luzon.  
347 However, he was later on designated as the Assistant Secretary for MEOs, as well  
348 as Assistant Secretary for Field Operations-Visayas. Considering that both field  
349 operations are covered by only one WFP, the matter should be decided upon since  
350 this is additional workload for Asec. Gonzales.
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- 352 ● Dir. Noble noted that the original provision of sub-section 6.1.1. provides that the  
353 Secretary shall designate a supervising Undersecretary for the four (4) MEOs, one  
354 (1) Assistant Secretary for each MEO and one (1) Director each MEO. However, the  
355 proposal now provides that the RED shall have direct control and supervision over  
356 the Directors of the four (4) MEOs. He commented about how the proposed policy  
357 can be an amendment when the designation of a Director for each MEO has already  
358 been prescribed in the existing policy. Since there are already designated MEO  
359 Directors, the proposed provision cannot be an amendment. Hence, the proponent  
360 should re-craft the statement. Atty. Lanzo informed that they did not amend Section  
361 6, only sub-sections 6.1. and 6.1.1. of the proposed policy. Dir. Noble commented  
362 that the designation of one Director for each MEO should be retained. He stated that  
363 the proposal is an amendment of an existing policy and not supplementary. Atty.  
364 Lanzo replied that this is already contained in the consolidated amendment.
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- 366 ● On the query of Dir. Noble about the portion of the proposed policy which provides  
367 for the designation of the Directors of MEOs by the Secretary, Atty. Lanzo replied  
368 that this is indicated in the last part of Section 6 under the line "...and shall be headed  
369 by a Director." Dir. Noble commented that since the designation of MEO Directors  
370 is not part of the original concept of the DENR, their assignment should be based on  
371 an action of the Secretary, hence, the phrase "to be designated by the Secretary"  
372 should be added.
- 373
- 374 ● Dir. Noble stated that the original intent is to assign a Director for each MEO, thus,  
375 it should be clear in the proposed policy that the Director is to be designated. Atty.  
376 Lanzo asked if this would matter considering that there are already appointed MEO  
377 Directors. Dir. Noble replied that in case of retirement, no one will take the place of  
378 the previously assigned Director if the designation is not explicitly provided in the  
379 policy.
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- For. Siapno opined that the MEOs should be mainstreamed in the regular operations inasmuch as the DENR-NCR is under the Field Operations. The supervising Undersecretary for the MEOs should be the one who has jurisdiction over the RED. Atty. Lanzo expressed agreement with the suggestion. For. Siapno mentioned that previously, the MEOs were only field offices of the DENR-NCR. Atty. Lanzo added that the field offices are headed by officials whose positions are mere designations.
  - On sub-section 6.1., Dir. Noble asked if there is still a need to indicate that the Secretary shall designate an Undersecretary and Assistant Secretary to supervise the RED of DENR-NCR. For. Rey replied that there is still a need for such statement. Dir. Noble acceded and stated that there is no problem with the statement, as the Undersecretary and Assistant Secretary may be just wearing two (2) different hats (functioning in two capacities). For. Rey remarked that in the organizational structure, the RED is usually supervised by the Undersecretary for Field Operations. If the Undersecretary for MEOs is removed in DAO No. 2021-39, the Undersecretary for Field Operations will still have supervision over the RED. Consequently, the MEOs will be under jurisdiction of the RED, DENR-NCR. Atty. Lanzo remarked that their main concern is in case there will be a different Undersecretary for MEOs. Hence, it is important to mainstream the activity.
  - Dir. Noble reiterated his question if a consultation was done by the proponent. Based on the wordings of the draft policy, it is possible that there will be a different supervising Undersecretary for MEOs. He agreed with the proposal to mainstream the MEOs under the regular functions of the Field Operations. If there really was a consultation, the Undersecretary for MEOs will be removed in the proposed organizational set-up since the MEOs will now be mainstreamed in the operations of the DENR. For. Mojica suggested the issuance of a clarification that the MEOs are already mainstreamed under the Undersecretary for Field Operations.
  - Dir. Noble asked about the retention of sub-section 6.1.2. when the provision regarding the designation of an Undersecretary and Assistant Secretary was already provided for under sub-section 6.1.1. Atty. Lanzo replied that such provision was erased in their version of the draft policy. Dir. Noble asked about the content of the original submission from DENR-NCR. He noted that the statement in the original submission is still inconsistent.
  - On the proposed amendment to Section 8, Atty. Lanzo informed that only item 4 was amended and that the rest (items 1-3) was retained. Relative thereto, Dir. Noble suggested following the prescribed format for items where only the revised provision will be cited, i.e., "SECTION 8. Transitory Provision. xxxxx 4..." Atty. Lanzo informed that such was their format in the Legal Division, NCR, but was changed during the submission to other offices. Dir. Noble suggested deleting the line "RED of the" since the RED was already mentioned in the succeeding lines.
  - For. Rey asked the proponent if a new staffing pattern will be proposed. Atty. Lanzo replied that the staffing pattern will be revised. She then asked for a copy of their submission to PSD. For. Mojica replied that the PSD will provide said copy. She added that the version received by PSD was the one forwarded by the Field Operations office.

- 431 ● The PTWG Secretariat presented the organizational structure. Dir. Noble remarked  
 432 that DENR-NCR may be disadvantaged since it might be answerable to two  
 433 Undersecretaries. He suggested adding that the supervising Undersecretary for  
 434 MEOs should be the Undersecretary for Field Operations.  
 435
- 436 ● Dir. Noble asked if the proposal changes the organizational structure of DENR-  
 437 NCR. For. Rey explained the history of the organizational structure of the region-  
 438 the abolition of the CENRO pursuant to EO 366, the addition of four (4) field offices  
 439 in view of the Manila Bay rehabilitation program, and the creation of the four (4)  
 440 MEOs with the supervising Undersecretary and Assistant Secretaries. The latter  
 441 were designated to coordinate with the local chief executives (LCE) since the  
 442 Directors are being disregarded by LGU officials. It is not practical to have an  
 443 Assistant Secretary for each MEO, hence, the designation of only one (1) said  
 444 official.  
 445
- 446 ● Atty. Lanzo informed about the request of RED Jacqueline Caanca to have a  
 447 meeting with the PSD to further discuss the proposed policy, particularly on whether  
 448 to have a separate Undersecretary for MEOs or to mainstream these under the  
 449 Undersecretary for Field Operations. For. Mojica suggested holding the meeting  
 450 with the Undersecretary for Policy, Planning and International Affairs. Dir. Noble  
 451 added that the meeting should be at the level of the Undersecretaries since the  
 452 proposed policy involves positions and designations.  
 453
- 454 ● For. Rey asked if another Undersecretary specific to MEOs will be added. Dir. Noble  
 455 reiterated his position to mainstream the MEOs under the Field Operations since this  
 456 issue is still unclear/hanging in the draft policy.  
 457
- 458 ● For. Rey suggested including in the consultation the budgetary considerations. Dir.  
 459 Noble also suggested looking into the revision of DAO No. 2021-39 holistically, i.e.  
 460 how it will impact the operations of other offices such as EMB-NCR, MBCO, etc.  
 461 or what will be its inter-relation with other offices.  
 462
- 463 ● Dir. Noble suspended the discussion on the proposed policy, pending the result of  
 464 the discussion of DENR-NCR with the offices concerned.  
 465
- 466 ● For. Siapno moved for the adjournment of the meeting, subject to the agreements.  
 467 The motion was seconded by Atty. Lanzo.  
 468

469 *Agreements:*

- 470
- 471 1. On the subject, delete the line “or the” and replace with “re:”;
  - 472 2. Include a section on Objectives;
  - 473 3. The succeeding sections should pertain to the sections of DAO No. 2021-39 to be  
 474 amended, i.e., “SECTION 2. Amendment to Section 6. Section 6 of DAO No. 2021-  
 475 39 is hereby amended to read as follows:” and “SECTION 3. Amendment to Section  
 476 8 of DAO No. 2021-39...”;
  - 477 4. On the proposed amendment to Section 6, add the line “to be designated by the  
 478 Secretary;”
  - 479 5. Delete sub-section 6.1.2.;

- 480 6. Revise the format for the proposed revision to Section 8, item 4 of DAO No. 2021-  
481 39.  
482 7. On Section 8, item 4, remove the line "RED of the"  
483 8. Add the usual clauses of policies, i.e., Separability, Repealing and Effectivity  
484 clauses; and  
485 9. DENR-NCR to hold a consultative meeting with the Undersecretary for Policy,  
486 Planning and International Affairs.  
487

488 There having no other matters to discuss, the meeting was adjourned at 12:21 PM.  
489  
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492 Prepared by the Secretariat  
493

494 Noted by:  
495

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497  
498 **GLENN MARCELO C. NOBLE**  
499 OIC Director, Policy and Planning Service  
500



**Republic of the Philippines**  
**Department of Environment and Natural Resources**  
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**DENR Administrative Order**  
**No. 2022-\_\_\_\_\_**

**SUBJECT : MANDATING NON-METALLIC MINING CONTRACTORS  
TO SECURE ISO 14001 CERTIFICATION**

Pursuant to the provisions of Section 2 of Republic Act No. 7942, otherwise known as the Philippine Mining Act of 1995, Executive Order (EO) No. 79, Section 2 of EO No. 130 and Section 2 of the Department of Environment and Natural Resources (DENR) Administrative Order (DAO) No. 2015-07 and other pertinent laws, rules and regulations, the following are hereby promulgated for the guidance and compliance of all concerned:

**SECTION 1. Basic Policy.** It is the policy of the State to promote the rational exploration, development, utilization and conservation of the country's mineral resources through the combined efforts of Government and the private sector in order to enhance national growth in a way that effectively safeguards the environment and protect the rights of the affected communities.

The requirement for mining contractors to undergo International Organization for Standardization (ISO) 14001<sup>1</sup> Certification will help achieve sustainable growth by the development of an effective environmental management system in compliance with the internationally acceptable standards. This is to ensure appropriate measures are put in place to achieve minimal negative impacts of mining on the environment.

**SECTION 2. Scope and Coverage.** This Administrative Order shall cover all holders of Mineral Agreements (MA) (referred to in this Order as Contractors) involving non-metallic minerals under the Operating Period.

**SECTION 3. Compliance Period.** All holders of valid and existing MA involving non-metallic minerals under the Operating Period shall secure the ISO 14001 Certification within one (1) year from the effectivity of this Administrative Order. In the case of an Exploration Permit holder or MA holder under Exploration Period who is filing for a Declaration of Mining Project Feasibility (DMPF), the ISO 14001 Certification shall be secured within one (1) year from receipt of the order approving the said DMPF.

**SECTION 4. Liabilities.** The failure by the mining contractor concerned to comply with or maintain the ISO 14001 Certification shall cause the suspension of the pertinent Environmental Compliance Certificate (ECC) and non-issuance of Ore Transport Permit and/or Mineral Ore Export Permit, until such time that the said Certification is secured.

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<sup>1</sup> ISO is a worldwide federation of national standards bodies. ISO 14001 specifies the requirements for an environmental management system that an organization can use to enhance its environmental performance.

**SECTION 5. Separability Clause.** If any provision of this Order shall be held invalid or unconstitutional, the other portions or provisions hereof which are not affected shall continue in full force and effect.

**SECTION 6. Repealing Clause.** All Orders and other similar issuances inconsistent herewith are hereby revoked, amended, or modified accordingly.

**SECTION 7. Effectivity.** This Order shall take effect fifteen (15) days after its publication in a newspaper of general circulation and upon acknowledgement of the receipt of the copy thereof by the Office of the National Administrative Register (ONAR).

**JIM O SAMPULNA, *CESO I***  
Acting Secretary



**Republic of the Philippines**  
**Department of Environment and Natural Resources**  
Visayas Avenue, Diliman, Quezon City  
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**DENR ADMINISTRATIVE ORDER**

No. 2022 - \_\_\_\_\_

**SUBJECT : AMENDMENT ON CERTAIN SECTIONS OF DAO NO. 2021-39 RE: CREATION OF THE METROPOLITAN ENVIRONMENTAL OFFICES IN THE NATIONAL CAPITAL REGION (NCR)**

Pursuant to the good governance principle of bringing the government closer to the people, certain sections of DAO No. 2021-39 are hereby amended as follows:

**SEC 1 OBJECTIVES**

**SEC 2 AMENDMENT TO SECTION 6.** Section 6 of DAO 2021-39 is hereby amended to read as follows:

**SECTION 6. Metropolitan Environmental Offices (MEOs).** Hereby created are four (4) MEOs under the Department of Environment and Natural Resources National Capital Region (DENR NCR), divided into four (4) zones: North, South, East, and West, as indicated in the enclosed map (Annex A) and shall be headed by a Director to be designated by the Secretary.

**6.1 Organizational Structure.** The organizational structure shall be according to the enclosed chart (Annex B, as amended).

**6.1.1 Supervising Officials.** The Regional Executive Director (RED) of the DENR NCR shall have direct control and supervision over the Directors of the four (4) MEOs. The Secretary shall designate an Undersecretary and Assistant Secretary to supervise RED of the DENR NCR.

~~6.1.2 The Secretary shall designate a supervising Undersecretary and an Assistant Secretary to supervise the MEO.~~

In order to streamline the processes through the formulation of a proposed staffing pattern of the MEOs, Section 8 item 4 shall read as:

**SEC 3 AMENDMENT TO SECTION 8 -** Section 8 of DAO 2021-39 is hereby amended to read as follows:

**SECTION 8. Transitory Provision.**

- ~~4. The Directors of the MEOs through the RED of the DENR NCR Regional Executive Director, in consultation with the Human Resources and Development Services, shall formulate a proposed staffing pattern of the MEOs, for submission to the Department of Budget and Management for approval within three (3) months upon approval of this Order.~~



**SECTION 4. Separability Clause.** If any provision of this Order shall be held invalid or unconstitutional, the other portions or provisions hereof which are not affected shall continue in full force and effect.

**SECTION 5. Repealing Clause.** All Orders and other similar issuances inconsistent herewith are hereby revoked, amended, or modified accordingly.

**SECTION 6. Effectivity.** This Order shall take effect fifteen (15) days after its publication in a newspaper of general circulation and upon acknowledgement of the receipt of the copy thereof by the Office of the National Administrative Register (ONAR).

All other provisions of DAO 2021-39 shall remain valid and effective unless otherwise expressly amended or revoked.

This Order shall take effect fifteen (15) days after its publication in a newspaper of general circulation and upon acknowledgment of the receipt of the copy thereof by the Office of the National Administrative Register (ONAR).

**JIM O SAMPULNA, *CESO I***  
Acting Secretary



**DENR-POLICY TECHNICAL WORKING GROUP**

**Highlights of Meeting No. 2022-06**

May 26, 2022, 9:00 AM

5/F, OASPPFASP Conference Room, DENR Building  
Visayas Avenue, Diliman, Quezon City

**I. Attendees**

1. Dir. Glenn Marcelo C. Noble, PPS
  2. For. Llarina S. Mojica, PSD
  3. Ms. Maria Cristina Francisco, OUFOLVE
  4. For. Adeluisa G Siapno, OASLA
  5. For. Flordelino Rey, OASPPFASP
  6. Mr. Gino Sison, BMB
  7. For. Lovella Luzette Galindon, LMB
  8. Ms. Heartleen R. Albajera, OUFOM
  9. For. Donna Riza Gopez, FMB
  10. Ms. Jea Robelo, RBCO
  11. Mr. Daryl Dao, OASFOEM
  12. Ms. Erlynnne Carla Lucero, OASLA
  13. Mr. Henry D. Gervasio, OHEA
  14. Engr. Teodorico A. Sandoval, MGB
  15. Engr. Christian Philip Umerez, MGB
  16. Atty. Alma Lanzo, NCR
  17. Atty. Jofrank Riego, NCR
  18. Ms. Belly M. Cabeso, EMB
  19. Engr. Reina Requieron, OASFISMC
  20. Mr. Elias C. Susaya, Jr., OASFISMC
  21. Ms. Catherine C. Pagkatipunan, LLO
  22. Mr. Eugene D. Parañaque, ERDB
  23. Ms. Chistelle Ira Inocencio, MBCO
  24. Mr. Allan Kliene Ligaya, OASFISMC
  25. Engr. Digna P. Pacis, OASFOLV
  26. Ms. Racouel Malubag, MBCO
  27. Ms. Juanita C. Amola, OASFOWM
- Secretariat (PPS-PSD)
28. Mr. Nehemiah Leo Carlo B. Salvador
  29. Ms. Nim Hydee Eusebio
  30. Ms. Mary Lou Retos
  31. Ms. Maria Theresa Enriquez
  32. For. Emma Liwliwa B. Medina
  33. Ms. Zayrelle Anne U. Suello

**II. Highlights of the Meeting**

The meeting commenced at 9:27 AM and was presided over by Dir. Noble. The Secretariat through For. Mojica called the roll of the attendees. Dir. Noble proceeded to read the agenda for the meeting. For. Siapno moved for the approval of the agenda, seconded by other members of the PTWG.

**1. Draft DENR Administrative Order (DAO) re Mandating Non-Metallic Mining Contractors to Secure ISO 14001 Certification**

***Presentation and Discussions:***

- Engr. Umerez of the Mines and Geosciences Bureau (MGB) presented the background on the crafting of the proposed policy. He informed that on April 30, 2015, the Department issued DAO No. 2015-07 re Mandating Mining Contractors to Secure an International Organization for Standardization (ISO) 14001 Certification. The policy requires all holders of Mineral Agreement (MA) and

32 Financial and Technical Assistance Agreement (FTAA) that are in operating period  
33 and engaged in metallic mining operations to secure an ISO 14001 Certification  
34 within one (1) year from the date of the DAO. In addition, the ISO is a worldwide  
35 federation of national standards bodies. Specifically, ISO 14011 provides the  
36 requirements for an environmental management system (EMS) that an organization  
37 can use to enhance its environmental performance. Moreover, it helps an  
38 organization achieve the objectives of its EMS, which provide value for the  
39 environment, the organization itself, and interested parties.  
40

- 41 ● In continuation, Engr. Umerez explained that pursuant to Section 2 of DAO No.  
42 2015-07, the mandatory compliance with the Certification shall be imposed to MA  
43 and FTAA holders engaged in non-metallic mining operations under a deadline to  
44 be set at the appropriate time. Based on the CY 2019 Environmental Management  
45 Monitoring Checklist, there are 16 ISO 14011 certified companies out of 56  
46 operating non-metallic mines. No information was provided, however, for the other  
47 40 mines since the requirement for a certification was only applicable to operating  
48 metallic mines. In October 2021, the Mining Industry Coordinating Council (MICC)  
49 started the review of mining and quarry operations in relation to their compliance  
50 with existing mining laws, rules and regulations. In relation to the said review, MGB  
51 Director Atty. Wilfredo G. Moncano and the Mine Safety, Environmental and Social  
52 Development Division of the MGB agreed to draft a policy requiring mining  
53 companies engaged in non-metallic operations to secure ISO 14001 Certification.  
54 Considering that only 29% of the total number of operating non-metallic mines have  
55 been ISO 14001 certified since the issuance of DAO No. 2015-07, it is relevant that  
56 the requirement for the establishment of an effective EMS be applied to all operating  
57 mines. Thus, the crafting of this proposed policy.  
58
- 59 ● For. Siapno of the Office of Assistant Secretary for Legal Affairs (OASLA) asked  
60 the proponent what the ISO 14001 is all about. Engr. Umerez replied that it is ISO  
61 14001 series of 2015 and this concerns the Environment Management System (EMS)  
62 of an organization.  
63
- 64 ● For. Gopez of Forest Management Bureau (FMB) asked for clarification on why the  
65 proposed policy was not integrated in the previous policy. In reply, Engr. Umerez  
66 stated that metallic mineral operation was the priority when the previous policy was  
67 crafted. With regard to non-metallic mineral operations, securing an ISO 14001  
68 certification was prescribed as an option only. Engr. Sandoval of MGB added that  
69 the existing policy is connected to the mining audit conducted, which required the  
70 ISO certification. Non-metallic mineral operation was not yet included then.  
71
- 72 ● Ms. Francisco of the Office of Undersecretary for Field Operations – Luzon, Visayas  
73 and Mindanao (OUFOLVE) noted that every ISO has a scope, which means that this  
74 may cover only certain processes or offices or the whole operations. She asked if all  
75 the operations of mining firms must be certified under ISO 14001. Engr. Umerez  
76 replied that it covers all operations of mining firms.  
77
- 78 ● On the question as to why the mandatory securing of ISO 14001 was imposed only  
79 at the present, Dir. Noble agreed with the statement of Engr. Sandoval that it was an  
80 answer to the previous MICC audit, not the mining audit instructed by former  
81 Secretary Gina Lopez. As to scope, it is best if all are covered.

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- Dir. Noble informed that the crafting of the proposed policy was patterned after DAO No. 2015-07. However, a revisit of the policy showed that it has a different format. When the policy was crafted, it was drafted on a different plane. Nevertheless, what is required now is to comply with DAO No. 2021-15, which provides the template for the crafting of policies. The standard format should be followed.
- Dir. Noble informed that when the original draft was forwarded to the Policy Studies Division, the format was similar to that of DAO No. 2015-07. During the small group meeting with the MGB, the Bureau was advised to re-format the same in accordance with the provisions of DAO No. 2021-15.
- On the prefatory statement, For. Siapno noted that the use of acronyms is not consistent. Hence, it was suggested that the proponent do the necessary correction based on this observation.
- For. Rey of the Office of Assistant Secretary for Policy, Planning and Foreign Assisted and Special Projects (OASPPFASP) asked for the definition of the term “contractors” to clarify whether this pertains to the MPSA holders, etc., since there is no section for the definition of terms. Engr. Umerez replied that in the mining sector, the MPSA holders and holders of other agreements are referred to as contractors. For. Rey stressed the importance of incorporating a Definition of Terms in order to clarify the matter.
- Dir. Noble stated that the terms that are being defined in the mining sector are based on Republic Act (RA) No. 7942 or the Mining Act and its Implementing Rules and Regulations (IRR). What only needs to be done is to lift the definition of the term from the Mining Act or its IRR. He asked for suggestions whether to include the definition of term or to only add the line “holders of mineral agreements (MA) or ‘contractors,’” since the mining sector refers to contractors as holders of MA. He also explained that Exploration Permit holders are called permittees, Sand and Gravel Permit holders are referred to as permit holders, and the MA, MPSA holders are called contractors. According to him, this is clear to those are involved in the mineral industry.
- For. Siapno remarked that it is clear that different terms are used in identifying the different clienteles of the Department. However, lines 30 to 32 or Section 2 of the proposed policy already defines who will be covered, which answers the question raised by For. Rey. As a response, For. Rey suggested that instead of contractors just simply use the term mineral agreements holder. Dir. Noble proposed to hold the revisions to be discussed later and move on to the content of the proposed policy.
- Engr. Sandoval informed that the term “contractor” was already defined in the Mining Act. For. Rey replied that based on the usual practice for DENR policies, while a term is already defined in the law, the definition is reiterated in the proposed policy for ease of reference. This will be especially helpful to non-DENR personnel in order for them to easily understand the policy. Dir. Noble concurred and remarked that the term should be stand-alone, hence, will not necessitate searching for its definition. He expressed agreement with the suggestion to define the term “contractor” for those who are going to be involved. For. Rey proposed another

- 132 option so there will be no need to define, which is to enclose the similar term in  
133 parenthesis.  
134
- 135 ● For. Galindon of Land Management Bureau (LMB) noted the inconsistency of the  
136 scope and coverage of the proposed policy with Section 2 of DAO No. 2015-07,  
137 which covers both MA and FTAA holders engaged in non-metallic mining  
138 operations. In response, Dir. Noble asked that Section 50 of DAO No. 2010-21 or  
139 the Consolidated IRR of the Mining Act be revisited to check whether non-metallic  
140 mining operations may be granted an FTAA. When it was found out that said  
141 provision covers only metallic minerals, he mentioned that there was an oversight in  
142 the crafting of Section 2 of DAO No. 2015-07.  
143
  - 144 ● On Section 1, For. Siapno suggested improving the second paragraph by splitting  
145 the lengthy one-sentence-paragraph into two (2) sentences. She proposed that the  
146 first sentence end with the word “standards,” and for the second sentence to begin  
147 with “This is to ensure...” Dir. Noble observed that the first paragraph is similarly  
148 lengthy, hence, he asked whether this should also be split. However, he recalled that  
149 this was lifted from the Mining Act, thus, the formulation should be retained.  
150
  - 151 ● On Section 2, Dir. Noble suggested adding the words “contractors or” to refer to the  
152 holders of MA. Relatedly, For. Siapno proposed citing the “holders of Mineral  
153 Agreements” ahead of the proposed additions re “contractors.” Another suggestion  
154 was raised by Dir. Noble which is to add the phrase “(referred to in this Order as  
155 Contractors).”  
156
  - 157 ● On the query raised regarding the non-inclusion of Exploration Permit in the  
158 coverage, Dir. Noble replied that this was not considered since the exploration period  
159 doesn’t have so much impact in the environment and there is no ECC involved yet  
160 during the exploration period.  
161
  - 162 ● On Section 3, Dir. Noble informed that the heading “Compliance Period” was  
163 indicated as such which is different from DAO No. 2015-07’s “Effective Date” as  
164 agreed during the pre-PTWG meeting. He explained that the reckoning period for  
165 compliance or securing of an ISO 14001 certification by the contractors will be  
166 within one (1) year from the date of issuance/signing of the draft policy. Atty. Lanzo  
167 of the DENR National Capital Region (NCR) informed that there is legal implication  
168 if the effectivity date is not followed/observed. She added that laws are not fully  
169 valid until published.  
170
  - 171 ● Dir. Noble remarked that there is a separate section for effectivity, and that the  
172 compliance period is a different subject. He asked whether it will make a difference  
173 if the compliance period is within six months, etc. Atty. Lanzo replied that this does  
174 not matter. For. Siapno added that the implication of “effectivity” is that the policy  
175 has completed all the processes required. It is assumed that the processes were  
176 observed and in place, and that requirements were met. Dir. Noble pointed out that  
177 compliance period is different from effectivity period. However, For. Siapno  
178 maintained that there are publication requirements which should be complied with  
179 in order for a policy to take effect.  
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- For. Rey noted that the process of securing an ISO certification is lengthy, hence, the one-year period may not be sufficient. Engr. Sandoval replied that based on records, contractors of metallic minerals were able to meet the one-year compliance period. As such, this should not be different in the case of non-metallic mining contractors. Dir. Noble also pointed out that non-metallic mining contractors have been flagged as early as 2015 to secure an ISO certification in accordance with DAO No. 2015-07, specifically Section 2, 3<sup>rd</sup> paragraph thereof.
  - Still on the discussions regarding Section 2 of DAO No. 2015-07, Dir. Noble noted the inconsistency of the periods in the 1<sup>st</sup> and 3<sup>rd</sup> paragraphs thereof- the 1<sup>st</sup> paragraph talks about the date of the issuance of the DAO, while paragraph 3 is about the effectivity of the DAO. He also explained that in 2015, securing an ISO 14001 certification by non-metallic mining contractors was only an option. For. Rey observed that the 3<sup>rd</sup> paragraph already appears to be an instruction for the non-metallic mining contractors to secure an ISO certification.
  - For. Rey asked For. Mojica if the policy will take effect after its publication, or on the date of the signing thereof even if it is not yet published. For. Mojica replied that effectivity requires publication of the policy and submission to ONAR. Atty. Lanzo maintained that it should be the effectivity of the policy that must be observed due to legal implications.
  - For. Galindon commented that perhaps the IEC of MGB will come in with regard to informing the contractors of non-metallic minerals. Dir. Noble posed a question whether an ISO certification may be secured even without the policy. He pointed out that the certification may be obtained regardless of whether or not there is an existing policy. According to him, possessing an ISO 14001 certification is more of a bragging right on the part of the contractor as this is a badge/seal of good governance and good management system.
  - Going back to the discussions on effectivity, Dir. Noble opined that the period of within one (1) year from effectivity of the Order is already too much a time given to the contractor. For. Siapno stood by her suggestion to use effectivity as reckoning period. Likewise, Atty. Lanzo informed that a provision in the Civil Code states that laws take effect after publication thereof. This is the reason for using effectivity.
  - Dir. Noble maintained that compliance is different from effectivity. For. Siapno remarked that using the date of the DAO is limiting. Atty. Lanzo added that the DENR may be challenged by the stakeholders if the Department imposes the period (date of the policy) without the policy going through the process. For. Siapno also commented that the signed policy is not yet perfected if it is not published. She agreed with the point raised by Atty. Lanzo that the DENR can be challenged in court by the stakeholder. She stressed that even one (1) day matters in terms of compliance; she proceeded to discuss a hypothetical situation to show the implication of using the date of the policy as reckoning period.
  - Engr. Umerez stated that the use of the date of the policy as reference point is to easily determine the period of compliance by the contractor. Ms. Cabeso of Environment Management Bureau (EMB) reacted that all laws have effectivity period as reference.

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- Since DAO No. 2015-07 prescribes the date of the policy as compliance period, Dir. Noble asked about its implication and whether all this time, the MGB has been implementing a problematic provision.
- Engr. Pacis of the Office of Assistant Secretary for Field Operations – Luzon and Visayas (OASFOLV) asked if the period of compliance should indeed be within one (1) year. Dir. Noble reiterated that the non-metallic mining contractors have been flagged as early as 2015 to secure an ISO certification.
- On the query of Dir. Noble whether the proposed policy has undergone review by the MGB’s PTWG, Engr. Umerez replied that it has passed review.
- On Section 4, Dir. Noble informed that the said provision was lifted *in toto* from DAO 2015-07.
- Dir. Noble instructed the MGB to revise the proposed policy based on the comments/recommendations of the body. With regard to the issue on effectivity, he stated that the use of effectivity is not the position of the Chair, although based on rules, the Chair does not vote except to break a tie. He asked the MGB to consult their Legal Division with regard to the issue on the use of the date of the policy.
- For. Siapno moved for the endorsement of the proposed policy for vetting, subject to the revisions, and the clarification of the position of MGB regarding the issue on effectivity vs date of policy. The motion was seconded by For. Rey.

***Agreements:***

1. On the prefatory statement, observe consistency on the use of acronyms;
  2. On Section 1, improve the second paragraph by splitting this into two (2) sentences. The first sentence should end with the word “standards,” and the second sentence will begin with “This is to ensure....”
  3. On Section 2, add the line “(referred to in this Order as Contractors);”
  4. MGB to consult their Legal Division regarding the use of effectivity vs. date of policy.
- 2. Draft DAO re Amendment on Certain Section of DAO No. 2021-39 or the Creation of the Metropolitan Environmental Offices (MEOs) in the National Capital Region (NCR)**

***Presentation and Discussions:***

- Atty. Lanzo presented the DENR-NCR’s additions (violet font) to the revisions made by the Policy Studies Division (red font) on their proposed policy. She also discussed the comparison between the existing policy and the proposed revisions.
- She remarked that on Section 6, specifically 6.1.1. of DAO No. 2021-39, the process is laden with so much bureaucracy and personnel/staffing requirement, hence, their proposal.

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- On the subject, Dir. Noble suggested doing away with the line “or the Creation...” and using the term “re: Creation...” to introduce/refer to the subject of DAO No. 2021-39 for consistency.
  - Dir. Noble noted the lack of a provision on the objectives of the proposed policy. He suggested that this be added as Section 1. He also proposed that the succeeding sections be about the amendments to the sections tackled. This should then be followed by regular clauses of a policy. Thus, Section 2 should be about amendments to Section 6. The statement/introductory phrase should be: “Section 6 of DAO No. 2021-39 is hereby amended to read as follows:” He also reminded the proponent to observe proper formatting of the policy.
  - On sub-section 6.1.1., Ms. Francisco informed that the MEOs are currently supervised by Undersecretary Juan Miguel T. Cuna of the Field Operations-Luzon, Visayas and Environment (FOLVE) and Assistant Secretary Gilbert C. Gonzales of the Field Operations-Luzon and Visayas. She noted that with the proposed set-up, the budget for the MEOs will be lodged in the DENR-NCR. She asked for clarification on the EMB-NCR’s role which was not included, as it is also part of the MEOs. She also inquired if the MEOs should be under the jurisdiction of a specific Undersecretary; looking at the present-set-up, these are lodged under the Undersecretary for FOLVE since he has jurisdiction over the environment sector. Atty. Lanzo responded that Asec. Gonzales is aware of the proposal to revise the draft policy, and that it was he who spearheaded such proposal.
  - For. Siapno asked if the MEOs are special offices or if these are within the institutionalized offices of the Department. She is under the impression that these are mainstreamed in the regular operations. If mainstreamed, this is in order considering that Usec. Cuna is the Undersecretary for Field Operations and that Asec. Gonzales has jurisdiction over Field Operations-Luzon.
  - Dir. Noble remarked about the background on the creation of the MEOs. He asked the proponent if the proposed set-up has been consulted with the officials concerned. Otherwise, there will be an issue. As a background, For. Mojica mentioned that Asec. Daniel Darius M. Nicer crafted the original policy upon the instruction of former Secretary Roy A. Cimatu. The original proposal was to have Undersecretaries and Assistant Secretaries supervising each MEO. During the previous PTWG deliberation on the said policy, a decision by the PTWG could not be had, hence, a special session with the Field Operations office and DENR-NCR was conducted. It was not clear then who will act as the Undersecretary for MEOs, until DAO 2021-39 was issued. Atty. Lanzo informed that she has no knowledge of the PTWG deliberation on the existing policy.
  - Dir. Noble cautioned on the proposed drastic change to the existing policy considering the story behind the creation of the MEOs. Atty. Lanzo commented that it was the DENR-NCR that was taken aback by the creation of the MEOs for NCR. Hence, their proposal, which was consented upon by Usec. Cuna and spearheaded by Asec. Gonzales.
  - For. Rey noted that looking into the organizational structure under DAO No. 2021-39, there is a specific Undersecretary for MEOs; the Undersecretary for Field



331 Operations and Environment is not even directly linked to the former. There are also  
332 four (4) Assistant Secretaries for the four (4) MEOs. He also noted that even the  
333 Regional Executive Director (RED) of DENR-NCR is not directly involved with the  
334 MEOs; the said official only works under the Undersecretary for MEOs. When  
335 operations of the MEOs was starting, DENR-NCR had no authority to formulate a  
336 work and financial plan (WFP) and request for a budget for these offices, but it was  
337 the RED who requested for the WFP. Considering that there is only one month until  
338 the end of the current administration, it may not be advisable to change the current  
339 set-up. For. Mojica responded that there was an instruction from the higher-ups to  
340 facilitate the proposed policy. Given this, For. Rey suggested that the proposed  
341 policy be pursued, but it will be up to the management to decide during the vetting  
342 process. Dir. Noble agreed and stated that the body will just go through the PTWG  
343 review process.  
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- 345 ● Engr. Pacis agreed that the proposed policy should be pushed through. She shared  
346 that previously, Asec. Gonzales was only responsible for Field Operations-Luzon.  
347 However, he was later on designated as the Assistant Secretary for MEOs, as well  
348 as Assistant Secretary for Field Operations-Visayas. Considering that both field  
349 operations are covered by only one WFP, the matter should be decided upon since  
350 this is additional workload for Asec. Gonzales.  
351
- 352 ● Dir. Noble noted that the original provision of sub-section 6.1.1. provides that the  
353 Secretary shall designate a supervising Undersecretary for the four (4) MEOs, one  
354 (1) Assistant Secretary for each MEO and one (1) Director each MEO. However, the  
355 proposal now provides that the RED shall have direct control and supervision over  
356 the Directors of the four (4) MEOs. He commented about how the proposed policy  
357 can be an amendment when the designation of a Director for each MEO has already  
358 been prescribed in the existing policy. Since there are already designated MEO  
359 Directors, the proposed provision cannot be an amendment. Hence, the proponent  
360 should re-craft the statement. Atty. Lanzo informed that they did not amend Section  
361 6, only sub-sections 6.1. and 6.1.1. of the proposed policy. Dir. Noble commented  
362 that the designation of one Director for each MEO should be retained. He stated that  
363 the proposal is an amendment of an existing policy and not supplementary. Atty.  
364 Lanzo replied that this is already contained in the consolidated amendment.  
365
- 366 ● On the query of Dir. Noble about the portion of the proposed policy which provides  
367 for the designation of the Directors of MEOs by the Secretary, Atty. Lanzo replied  
368 that this is indicated in the last part of Section 6 under the line "...and shall be headed  
369 by a Director." Dir. Noble commented that since the designation of MEO Directors  
370 is not part of the original concept of the DENR, their assignment should be based on  
371 an action of the Secretary, hence, the phrase "to be designated by the Secretary"  
372 should be added.  
373
- 374 ● Dir. Noble stated that the original intent is to assign a Director for each MEO, thus,  
375 it should be clear in the proposed policy that the Director is to be designated. Atty.  
376 Lanzo asked if this would matter considering that there are already appointed MEO  
377 Directors. Dir. Noble replied that in case of retirement, no one will take the place of  
378 the previously assigned Director if the designation is not explicitly provided in the  
379 policy.  
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- For. Siapno opined that the MEOs should be mainstreamed in the regular operations inasmuch as the DENR-NCR is under the Field Operations. The supervising Undersecretary for the MEOs should be the one who has jurisdiction over the RED. Atty. Lanzo expressed agreement with the suggestion. For. Siapno mentioned that previously, the MEOs were only field offices of the DENR-NCR. Atty. Lanzo added that the field offices are headed by officials whose positions are mere designations.
  - On sub-section 6.1., Dir. Noble asked if there is still a need to indicate that the Secretary shall designate an Undersecretary and Assistant Secretary to supervise the RED of DENR-NCR. For. Rey replied that there is still a need for such statement. Dir. Noble acceded and stated that there is no problem with the statement, as the Undersecretary and Assistant Secretary may be just wearing two (2) different hats (functioning in two capacities). For. Rey remarked that in the organizational structure, the RED is usually supervised by the Undersecretary for Field Operations. If the Undersecretary for MEOs is removed in DAO No. 2021-39, the Undersecretary for Field Operations will still have supervision over the RED. Consequently, the MEOs will be under jurisdiction of the RED, DENR-NCR. Atty. Lanzo remarked that their main concern is in case there will be a different Undersecretary for MEOs. Hence, it is important to mainstream the activity.
  - Dir. Noble reiterated his question if a consultation was done by the proponent. Based on the wordings of the draft policy, it is possible that there will be a different supervising Undersecretary for MEOs. He agreed with the proposal to mainstream the MEOs under the regular functions of the Field Operations. If there really was a consultation, the Undersecretary for MEOs will be removed in the proposed organizational set-up since the MEOs will now be mainstreamed in the operations of the DENR. For. Mojica suggested the issuance of a clarification that the MEOs are already mainstreamed under the Undersecretary for Field Operations.
  - Dir. Noble asked about the retention of sub-section 6.1.2. when the provision regarding the designation of an Undersecretary and Assistant Secretary was already provided for under sub-section 6.1.1. Atty. Lanzo replied that such provision was erased in their version of the draft policy. Dir. Noble asked about the content of the original submission from DENR-NCR. He noted that the statement in the original submission is still inconsistent.
  - On the proposed amendment to Section 8, Atty. Lanzo informed that only item 4 was amended and that the rest (items 1-3) was retained. Relative thereto, Dir. Noble suggested following the prescribed format for items where only the revised provision will be cited, i.e., "SECTION 8. Transitory Provision. xxxxx 4..." Atty. Lanzo informed that such was their format in the Legal Division, NCR, but was changed during the submission to other offices. Dir. Noble suggested deleting the line "RED of the" since the RED was already mentioned in the succeeding lines.
  - For. Rey asked the proponent if a new staffing pattern will be proposed. Atty. Lanzo replied that the staffing pattern will be revised. She then asked for a copy of their submission to PSD. For. Mojica replied that the PSD will provide said copy. She added that the version received by PSD was the one forwarded by the Field Operations office.

- 431 ● The PTWG Secretariat presented the organizational structure. Dir. Noble remarked  
 432 that DENR-NCR may be disadvantaged since it might be answerable to two  
 433 Undersecretaries. He suggested adding that the supervising Undersecretary for  
 434 MEOs should be the Undersecretary for Field Operations.  
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- 436 ● Dir. Noble asked if the proposal changes the organizational structure of DENR-  
 437 NCR. For. Rey explained the history of the organizational structure of the region-  
 438 the abolition of the CENRO pursuant to EO 366, the addition of four (4) field offices  
 439 in view of the Manila Bay rehabilitation program, and the creation of the four (4)  
 440 MEOs with the supervising Undersecretary and Assistant Secretaries. The latter  
 441 were designated to coordinate with the local chief executives (LCE) since the  
 442 Directors are being disregarded by LGU officials. It is not practical to have an  
 443 Assistant Secretary for each MEO, hence, the designation of only one (1) said  
 444 official.  
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- 446 ● Atty. Lanzo informed about the request of RED Jacqueline Caanacan to have a  
 447 meeting with the PSD to further discuss the proposed policy, particularly on whether  
 448 to have a separate Undersecretary for MEOs or to mainstream these under the  
 449 Undersecretary for Field Operations. For. Mojica suggested holding the meeting  
 450 with the Undersecretary for Policy, Planning and International Affairs. Dir. Noble  
 451 added that the meeting should be at the level of the Undersecretaries since the  
 452 proposed policy involves positions and designations.  
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- 454 ● For. Rey asked if another Undersecretary specific to MEOs will be added. Dir. Noble  
 455 reiterated his position to mainstream the MEOs under the Field Operations since this  
 456 issue is still unclear/hanging in the draft policy.  
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- 458 ● For. Rey suggested including in the consultation the budgetary considerations. Dir.  
 459 Noble also suggested looking into the revision of DAO No. 2021-39 holistically, i.e.  
 460 how it will impact the operations of other offices such as EMB-NCR, MBCO, etc.  
 461 or what will be its inter-relation with other offices.  
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- 463 ● Dir. Noble suspended the discussion on the proposed policy, pending the result of  
 464 the discussion of DENR-NCR with the offices concerned.  
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- 466 ● For. Siapno moved for the adjournment of the meeting, subject to the agreements.  
 467 The motion was seconded by Atty. Lanzo.  
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469 ***Agreements:***

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- 471 1. On the subject, delete the line “or the” and replace with “re:”;
  - 472 2. Include a section on Objectives;
  - 473 3. The succeeding sections should pertain to the sections of DAO No. 2021-39 to be  
 474 amended, i.e., “SECTION 2. Amendment to Section 6. Section 6 of DAO No. 2021-  
 475 39 is hereby amended to read as follows:” and “SECTION 3. Amendment to Section  
 476 8 of DAO No. 2021-39....”;
  - 477 4. On the proposed amendment to Section 6, add the line “to be designated by the  
 478 Secretary;”
  - 479 5. Delete sub-section 6.1.2.;

- 479 6. Revise the format for the proposed revision to Section 8, item 4 of DAO No. 2021-  
480 39.  
481 7. On Section 8, item 4, remove the line “RED of the”  
482 8. Add the usual clauses of policies, i.e., Separability, Repealing and Effectivity  
483 clauses; and  
484 9. DENR-NCR to hold a consultative meeting with the Undersecretary for Policy,  
485 Planning and International Affairs.  
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487 There having no other matters to discuss, the meeting was adjourned at 12:21 PM.  
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491 Prepared by the Secretariat  
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493 Noted by:  
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498 **GLENN MARCELO C. NOBLE**  
499 OIC Director, Policy and Planning Service