



Republic of the Philippines
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MEMORANDUM

FOR / TO : The Director
Legal Affairs Service
Financial and Management Service

The Assistant Directors
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, Legislative Liason Office

FROM : The OIC Director
Policy and Planning Service

SUBJECT : **HIGHLIGHTS OF THE POLICY TECHNICAL WORKING
GROUP (PTWG) MEETING NO. 2022-10 HELD ON AUGUST 26,
2022, 9:30 AM**

DATE : 01 SEP 2022

Furnished herewith is the Highlights of the Policy Technical Working Group (PTWG) Meeting No. 2022-10 held on August 26, 2022, 9:30 AM, which tackled the following proposed policies:

1. Draft DENR Administrative Order (DAO) re: "Implementing Rules and Regulations for the Operationalization of the Special Fund under Section 15 Republic Act No. 6969
2. Draft DENR Administrative Order re: "Guidelines for the Classification and Reporting Standards of Exploration Results, Mineral Resources and Mineral Reserves"

For your information.


MELINDA C. CAPISTRANO



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DENR-POLICY TECHNICAL WORKING GROUP

Minutes of Meeting No. 2022-10

August 26, 2022, 9:30 AM

Combination of Virtual via Zoom and In-Person Meeting
PPS-PSD, 3/F DENR Bldg., Visayas Ave., Diliman, Quezon City

I. Attendees

- | | |
|--|---------------------------------------|
| 1. Dir. Melinda C. Capistrano, PPS | 22. Engr. Teodorico A. Sandoval, MGB |
| 2. Dir. Norlito A. Eneran, LAS | 23. Dr. Rogel A. Santos, MGB |
| 3. Asst. Dir. Edna Nuestro, FMB | 24. Ms. Bernadette Buladaco, MGB |
| 4. Asst. Dir. Juancho Pablo S. Calvez, MGB | 25. Ms. Fe Rosalie R. Bation, OASFOWM |
| 5. For. Llarina S. Mojica, PSD | 26. Ms. Shella Mae Toledo, OASFOWM |
| 6. Engr. Roberto Aguda, OASPPFASP | 27. Ms. Ma. Magnolia Danganan, OUPPIA |
| 7. Ms. Kryshlaine T. Raquel, OASPPFASP | 28. Ms. Cyrenaica M. Flaviano, LLO |
| 8. Ms. Encarmila Panganiban, OULAHRLA | 29. Engr. Jose Joel D. Maleon, EMB |
| 9. Ms. Analyn O. Domingo, OUFOM | |
| 10. Ms. Ma. Cristina Francisco, OUFOLVE | Secretariat (PPS-PSD) |
| 11. Mr. Janus Alpaño, EMB | 30. Ms. Anna Michelle I. Lim |
| 12. For. Claudett M. Endozo, FMB | 31. For. Amisol B. Talania |
| 13. For. Dianne Lanugan, FMB | 32. Ms. Nim Hyde Eusebio |
| 14. Atty. Jed Ang, EMB | 33. Ms. Mary Lou Retos |
| 15. Ms. Alexandra M. Llabore, LMB | 34. Ms. Maria Theresa Enriquez |
| 16. Ms. Maria Luisa A. Sajonas, MGB | 35. For. Emma Liwliwa B. Medina |
| 17. Ms. Josefina M. Ocampo, OASFOLVE | 36. Ms. Zayrelle Ann Suello |
| 18. Engr. Liza Socorro G. Manzano, MGB | 37. Ms. Cherry Winsom Holgado |
| 19. Ms. Maritess P. Romena, FASPS | 38. For. Hazel Jasmine Donato |
| 20. Atty. Janice R. Pammit, EMB | 39. Ms. Hilaria G. Magculang |
| 21. Ms. Crister Kae R. Alcaraz, EMB | |

II. Highlights of the Meeting

The meeting commenced at 10:00 AM and was presided over by Dir. Capistrano. She proceeded to read the agenda for the meeting. Dir. Eneran moved for the approval of the agenda, seconded by Asst. Dir. Calvez.

1. Draft DENR Administrative Order (DAO) re Implementing Rules and Regulations for the Operationalization of the Special Fund under Section 15 of Republic Act No. 6969

Presentation and Discussions:

- Atty. Ang informed that the proposed policy is for the operationalization of the Special Fund under Section 15 of RA 6969. He added that it was patterned after several other DAOs which enabled the EMB to utilize the fund for various activities such as policy research.
- He proceeded to present the draft policy line-by-line for discussion of the body. Dir. Eneran asked for the rationale and what prompted the EMB to craft the proposed policy. He also asked about the provisions of the IRR (DAO No. 29, Series of 1992) which tackles the Special Fund. Atty. Ang replied that there is no provision in the IRR giving

flesh to Section 15 of the law. He added that all throughout the implementation of RA 6969, all the fines and penalties accrued to the National Treasury. He compared the similar imposition of fines and penalties under the Clean Water and Clean Air Acts and PD 1586 and the utilization thereof for various activities of the Bureau. He is of the mind that it is just proper that the same provision under RA 6969 be operationalized.

- Atty. Eneran noted that there is a provision under RA 6969 regarding coordination with the Inter-Agency Technical Advisory Council (IATAC). He asked whether the proposed IRR of Section 15 has undergone consultation with the Council. In response, Atty. Ang informed that they are amenable to having the draft policy go through the IATAC. The DENR being the lead agency should spearhead the crafting of the policy, in coordination with the other agencies. Atty. Eneran asked the position of other members whether the proper way is to have the draft policy undergo consultation with the IATAC before going through the DENR PTWG review. He reiterated that under Section 16 of RA 6969, the IRR should go through the IA Technical Advisory Council. Atty. Ang stressed that it is high time that Section 15 be operationalized. Ms. Retos shared that based on the previous review of a draft policy involving other government agencies, it was agreed that the proposed policy should be consulted first with the agencies concerned. Engr. Jose agreed with the operationalization of the Special Fund and shared her previous experience in the field office regarding the utilization of fund of a similar nature. Atty. Eneran concurred that it is high time that the fund be established. Atty. Ang proposed that in order to address the urgency of the draft policy without deviating from the usual practice, copies shall be distributed to other agencies for their inputs/comments/submission of the official position regarding the matter.
- Dir. Eneran asked if the Advisory Council (IATAC) already exists and whether it conducts regular meetings. In reply, Atty. Ang informed that it has been awhile since the body was convened. He asked if inputs from the individual members of the agencies involved may be secured. Dir. Eneran agreed, for as long as there is consultation with other bodies. Asst. Dir. Nuestro shared that when they presented a similar policy before, there was a consensus that the body should be convened first based on the requirements of the law. She opined that such is the best way to proceed with the proposed policy since it is required by the law.
- Dir. Eneran concluded that the agreement is for the EMB to coordinate first with the member agencies prior to PTWG deliberation of the proposed policy.

Agreements:

1. For the EMB to coordinate first with the member agencies before the proposed policy will undergo review by the PTWG.
2. **Draft DAO re Guidelines for the Classification and Reporting Standards of Exploration Results, Mineral Resources and Mineral Reserves**

Presentation and Discussions:

- Asst. Dir. Calvez presented the Philippine Mineral Reporting Code (PMRC), which sets out the minimum standards, recommendations and guidelines for Reporting in the Philippines of Exploration Results, Mineral Resources, and Mineral (Ore) Reserves. According to him, it is akin to the ISO of mining.
- Asst. Dir. Calvez shared that the reporting is guided by the PMRC. A mineral that is a resource on the ground is converted into mineral reserves which is now feasible for mining resource. He provided a comparison of the PMRC 2007 and 2020. He also added that the PMRC is modeled substantially after the International Reporting Template of the Committee of Mineral Reserves International Reporting Standards (CRIRSCO) and

the Australasian Code of Reporting Exploration Results, Mineral Resources and Ore Reserves (JORC Code) of the Australasian Joint Ore Reserves Committee (JORC). According to him, the PMRC 2020 adopts the JORC Code of 2012 and CRIRSCO Template 2019 and is an initiative of the Philippine Mineral Reporting Code Committee (PMRCC) established on November 22, 2018, by professional representative organizations of the mineral industry – Philippine Society of Mining Engineers (PSEM), Geological Society of the Philippines (GSP) and the Society of Metallurgical Engineers of the Philippines (SMEP) together with minerals industry-related organizations and bodies such as Philippine Stock Exchange (PSE), COMP, PABC, the Philippine Mining and Exploration Association (PMEA) and the Philippine Chamber of Coal Mines (PHILCOAL)

- Asst. Dir. Calvez discussed the PMRC milestones from 2008 to 2021. After the updates, PMRC 2020 was established. He stressed that there is a need to have a Code in the Philippines and the importance of being a member of the international group so that any report from metallurgical engineers from the Philippines will be accepted by the member-countries in the CRIRSCO. Thus, the formulation of code in PMRC 2020 was supported by the Mines and Geosciences Bureau (MGB).
- Asst. Dir. Calvez also presented the PMRCC's proposed revisions for the PMRC 2020. He expressed hope that the revision of DAO No. 2010-09 adopting the PMRC of 2020 will be approved within the year.
- On the subject, Dir. Eneran asked for the DAO on the previous guidelines. In reply, Asst. Dir. Calvez informed about DAO No. 2010-09 or the "Providing for the Classification and Reporting Standards of Exploration Results, Mineral Resources and Ore Reserves". The proposed policy will be the adoption of the new Code. Dir. Eneran commented that if the provisions of the proposed policy are similar to those of the previous policy, the focus should only be on the provision/s for amendment. Asst. Dir. Calvez replied that the proposed policy and the former DAO are almost similar. The details of the annexes were the ones changed by the PMRC in 2020, in lieu of the PMRC 2007. Dir. Eneran commented that for purposes of brevity, the other chapters no longer need to be reiterated. It should only be mentioned that DAO No. 2010-09 is revised. Asst. Dir. Calvez informed that the reason for the crafting of the draft policy is in order for the users of the policy to only have one reference containing all the details on the subject, and to no longer refer to the previous policy. Dir. Eneran suggested mentioning that the existing DAO is being amended. Asst. Dir. Calvez replied that this was mentioned in the introductory statement; the PMRC 2020 was mentioned in the first paragraph.
- Engr. Aguda noted that the subject of revision is DAO No. 2010-09 but another policy, DAO No. 2010-21 was cited. Dir. Eneran asked if the DAO No. 2010-21 mentioned in Section 1 is different from/or related to the previous guidelines which is DAO No. 2010-09. Asst. Dir. Calvez replied that DAO No. 2010-09 was mentioned in the Repealing Clause. Engr. Aguda opined that DAO No. 2010-09 should be mentioned at the beginning of the proposed policy, and that the prefatory statement should show the policy that is the subject of revision. Dir. Eneran agreed with the view that if a policy is revised, the subject should already cite the said policy. Asst. Dir. Calvez concurred and stated that they will do the necessary corrections. Dir. Eneran asked Asst. Dir. Calvez to coordinate with the PTWG Secretariat regarding the revision. Engr. Jose asked for clarification whether the scope and coverage may cite that the revisions are only in the annexes. Dir. Eneran stated that in general practice for amending policies, what is only mentioned is the provision amended. In this case, however, the position of the MGB is to reiterate the other provisions of the existing policy. He agreed that such template may be adopted, but it is up for the body to decide or discuss. Engr. Jose suggested the same, but to include one or two sentences that only the annexes are subject of amendment.

- Ms. Ocampo asked on which template should be adopted. She commented that the gap not mentioned and which is not clearly defined or lacking should be the focus of the proposed policy. The provision on the gap will provide clarification on the flow of the proposed policy. Dir. Eneran replied that the stand of the MGB is to retain the previous guidelines, and to revise only the annexes. Asst. Dir. Calvez informed that the changes are in the definition of terms, particularly on the Accredited Competent Person (ACP), which in the existing DAO refers to Competent Person only. He recognized that the body wishes to compare the proposed with the existing DAO and to focus only on the revisions. However, the preference of the MGB is to have only one reference document that will provide for all the details of the regulation. Dir. Eneran reiterated that only the revised provisions may be highlighted.
- For. Lanugan of FMB suggested that the subject be changed, i.e., “Amending Certain Provisions of...” so that what will come out in the proposed policy are only the provisions amended. It will also state that the annexes are amended. Engr. Aguda noted that based on the introduction of Asst. Dir. Calvez, there are changes in the terms used in the proposed policy; even the title itself was changed. He agreed with the suggestion to amend only certain provisions thereof. He added that the body may need to check the other contents of the proposed policy. Asst. Dir. Calvez stated that they are amenable to the comments and suggestions of the body. He informed that such proposal was also discussed in the MGB PTWG but they have agreed to go with the current draft.
- Dir. Eneran asked about the template in amending policies. Ms. Retos said that in amending certain provisions, no need to include all sections and just discuss the provisions being amended. Dir. Eneran decided that prior to finalizing the template, to proceed to the presentation of the draft policy and see where are the amended provisions. He asked MGB to point out the amendments.
- On Section 1, Dir. Eneran asked if there are changes on the previous policy. Asst. Dir. Calvez replied that there were minor changes. Dir. Eneran commented that the Section should provide for the rationale or reason for updating the proposed policy.
- On Section 2, Ms. Retos inquired if there are changes. Asst. Dir. Calvez replied that that “ore reserves” were replaced with “mineral reserves”. Further, he explained that in Section 4 containing the definition of terms, a footnote under the mineral reserve clarifies the replacement of terms in accordance to PRMC of 2020 and CRIRSCO international template reporting.
- On Section 3, Ms. Retos recalled the suggestion of Engr. Jose of SCIS to insert a one or two liner specifying that the amendments include only the annexes. Asst. Dir. Calvez answered that significantly there are revisions as contained in annexes but down the line there are minor changes. It was then proposed to insert a phrase emphasizing that significant changes are contained in the annexes.
- Engr. Jose of SCIS asked the difference between “ore reserves” and “mineral reserves”. Asst. Dir. Calvez answered that “ore reserves” are deposit that can be mined economically while “mineral reserves” is a terminology used to imply that a deposit can be mined economically. To avoid redundancy in using the term “ore reserves”, the term “mineral reserves” was coined and used. This nomenclature was introduced in PRMC.
- Ms. Retos asked the Section where the annexes were mentioned and suggested to include a provision there stating that there were significant amendments to the annex.
- On Section 4, Asst. Dir. Calvez mentioned that the only changes were the replacement of “ore reserves” to “mineral reserves”, addition of “Accredited” to the term “Competent Person” and also the upgrade of PRMC 2007 to 2020.

- Asst. Dir. Calvez proceeded to read the other provisions line-by-line and pointed out those that contain the revisions, such as Section 5 which pertains to the revised annexes. Ms. Retos suggested adding “(Annex A)” after Table 1 and “revised” after the checklist. Asst. Dir. Calvez added that other revisions are in the sections mentioning the mineral reserve and Section 12 regarding the ACP. Dr. Santos added that the section on Transitory Provision was also an addition.
- Asst. Dir. Calvez mentioned that there were no revisions from Section 5 to Section 12, except the changes of terminologies as mentioned previously.
- Engr. Aguda asked who issues the accreditation. Asst. Dir. Calvez listed the group who gives accreditation and cited the process of accreditation including examinations, etc. According to him, there are certain requirements in accrediting a Competent Person. On the other hand, Engr. Jose asked if the accreditation has a renewal process. Dr. Santos of MGB replied that the accreditation is good for three (3) years. He added that the Competent Person should attend accredited seminars.
- Ms. Retos summarized the revisions in the proposed policy and asked the comments of the body regarding the template to be adopted for the proposed policy. Engr. Aguda, Engr. Jose, and For. Mojica recommended adopting the proposal of the MGB to retain the present format. Engr. Jose moved for the adoption of the proposal, seconded by Engr. Aguda.
- Ms. Retos informed that the PTWG Secretariat will provide the MGB with the comments/suggestion of the body, and that the MGB will submit the revised draft policy to PPS.
- Engr. Jose moved for the adjournment of the meeting, seconded by other members of the PTWG.

Agreements:

1. It was agreed that the present form of the proposed policy will be retained, subject to the comments of the PTWG;
2. On the prefatory statement, insert DAO No. 2010-09;
3. On Section 1, provide for the rationale or reason for updating the proposed policy;
4. On Section 3, insert a phrase emphasizing that significant changes are contained in the annexes;
5. On Section 5 add “(Annex A)” after Table 1 and “revised” after the checklist; and
6. The PTWG Secretariat will provide the MGB with the comments of the body, and for the MGB to submit the revised draft policy to PPS.

There having no other matters to discuss, the meeting was adjourned at 11:40 AM.

Prepared by the Secretariat

Noted by:


MELINDA C. CAPISTRANO
 OIC Director, Policy and Planning Service