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Department of Environment and Natural Resources
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MEMORANDUM

TO : All Regional Executive Directors

FROM : The Undersecretary for Field Operations - Luzon, Visayas and Environment
The Undersecretary for Field Operations-Mindanao

SUBJECT : **REITERATION ON AREAS CLOSED TO MINING OPERATIONS**

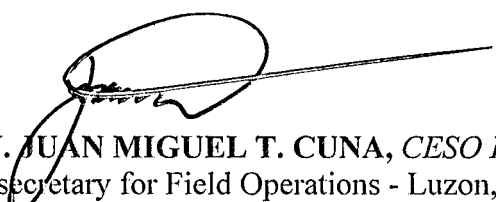
DATE : JUL 17 2023

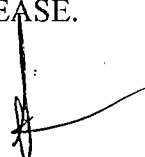
In support to the implementation of responsible and sustainable mining activities in the country, this Office would like to reiterate that mining activities within critical watersheds and proclaimed watershed reservations have been designated as off-limits, in accordance with Item f, Section 19 of Republic Act No. 7942, Series of 1995. This provision specifically prohibits mining in old growth or virgin forests, proclaimed watershed forest reserves, wilderness areas, mangrove forests, mossy forests, national parks provincial/municipal forests, parks, greenbelts, game refuge and bird sanctuaries as defined by law and in areas expressly prohibited under the National Integrated Protected Areas System (NIPAS) under Republic Act No. 7586, Department Administrative Order No. 25, series of 1992, and other laws.

Furthermore, it is important to note that critical watersheds that support existing government dam projects or domestic water supply facilities are declared Wilderness Areas under Item 1 of Letter of Instruction No. 917, Series of 1979, signed by former President Ferdinand E. Marcos. Consequently, these areas should also be strictly off-limits to mining, in accordance with the aforementioned provision of Republic Act No. 7942.

Attached herein are copies of Letter of Instruction No. 917, S. 1979 signed by the then President Ferdinand E. Marcos, and Republic Act No. 7942, S. 1995 otherwise known as The Philippine Mining Act of 1995, for your ready reference.

FOR YOUR INFORMATION AND GUIDANCE, PLEASE.


ATTY. JUAN MIGUEL T. CUNA, *CESO I*
Undersecretary for Field Operations - Luzon,
Visayas and Environment


JOSELIN MARCUS E. FRAGADA, *CESO III*
Undersecretary for Field Operations-Mindanao

Copy furnished:
The Director, Mines and Geosciences Bureau

MEMO NO. 2023 - 600

Let's Go Green!

Letter of Instruction No. 917, s. 1979

Signed on August 22, 1979 (<https://www.officialgazette.gov.ph/1979/08/22/letter-of-instruction-no-917-s-1979/>).

MALACAÑANG

MANILA

LETTER OF INSTRUCTIONS NO. 917

TO: The Minister of Natural Resources

The Minister of Human Settlements

The Minister of Local Government and Community Development

The Director, Bureau of Forest Development

WHEREAS, among the major concerns of government are to ensure the security of the state and provide the citizens with their basic needs, among which is a healthy and wholesome environment;

WHEREAS, it is essential to close certain areas of the public domain from any form of commercial exploitation or similar activities in order that the government objectives on national security and the enhancement of a healthy and wholesome environment as well as the maintenance of adequate water supply for hydro-power generation, irrigation, industrial and domestic needs, and the prevention of flood, droughts, effectivity attained;

NOW, THEREFORE, I, FERDINAND E. MARCOS, President of the Philippines, by virtue of the powers vested in me by law, do hereby direct, as follows:

1. That all mossy forests, protection forests, critical watersheds and proclaimed watershed reservations supporting existing government dam projects or domestic water supply facilities, are hereby declared Wilderness Areas, and shall not be the subject of exploitation of whatever nature;

2. That mangrove forests essentially needed in foreshore protection and the maintenance of estuarine and marine life, including special forests which are the exclusive habitats of rare and endangered Philippine flora and fauna, are likewise declared Wilderness Areas;

3. That within each timber concession, an area of at least five (5%) percent of the total forest land area covered thereby, exclusive of any mossy or protection forest therein, are likewise hereby declared Wilderness Areas; Provided that, The Director of Forest Development shall inform, in writing, all holders of timber licenses affected to identify such areas based on guidelines for the purpose, and upon failure on the part of these licensees to exercise such option within sixty (60) days from date of notice, the Director shall proceed to identify such area or areas and undertake the necessary actions in pursuance to this instruction;

4. That in the interest of national security, all forest lands within a 45-Kilometer radius from Palanan Point in Palanan, Isabela, and such other forest lands as may later on be identified, selected and reserved for similar purposes are declared as Wilderness Area. For this purpose, natural boundaries and readily identifiable landmarks shall be used in defining the boundary of the declared Wilderness Area;

5. That all disputed areas between timber licenses which are not presently the subject of exploitation shall likewise be declared Wilderness Areas;

6. There shall be established, maintained and preserved on areas near, bordering, or surrounding population centers such as barrios, municipalities and cities, Greenbelts, where all forms of development activities shall be strictly controlled. Other government agencies shall assist in the development and maintenance of these Greenbelts;

7. The Minister of Natural Resources upon the recommendation of the Director of Forest Development shall submit to the President, the boundaries of the Wilderness Areas or Greenbelts in consonance with these instructions for proclamation as such.

8. Except for the construction of foot trails, pathways or similar structures intended to make these areas accessible to the public for recreation and similar purposes, occupancy or use of Wilderness Areas is hereby prohibited.

In the case of Greenbelts, all developmental activities that may be undertaken shall be strictly controlled and shall conform with the comprehensive development plan prepared therefor.

9. The Minister of Natural Resources and the Director of Forest Development, in consultation with appropriate agencies of the government, are hereby authorized to promulgate and adopt such measures, rules and regulations as may be necessary for the effective implementation of this

instruction.

Done in the City of Manila, this 22nd day of August, in the Year of Our Lord, Nineteen Hundred and Seventy Nine.

(Sgd.) **FERDINAND E. MARCOS**

Source: **CDAsia** (<http://www.cdasia.com/>).

RESOURCES

- [PDF] [Letter of Instruction No. 917, August 22, 1979](http://www.officialgazette.gov.ph/downloads/1979/08aug/19790822-LOI-0917-FM.pdf)
(<http://www.officialgazette.gov.ph/downloads/1979/08aug/19790822-LOI-0917-FM.pdf>).

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REPUBLIC OF THE PHILIPPINES

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Republic
Act No. 7942
March 03, 1995

SUBJECT: **An Act Instituting a New System of Mineral Resources Exploration, Development, Utilization, and Conservation**

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

CHAPTER I

INTRODUCTORY PROVISIONS

Section 1 Title. This Act shall be known as the Philippine Mining Act of 1995.

Section 2 Declaration of Policy. All mineral resources in public and private lands within the territory and exclusive economic zone of the Republic of the Philippines are owned by the State. It shall be the responsibility of the State to promote their rational exploration, development, utilization and conservation 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 affected communities.

Section 3 Definition of Terms. As used in and for purposes of this Act, the following terms, whether in singular or plural, shall mean:

- (a) "**Ancestral lands**" refers to all lands, exclusively and actually possessed, occupied, or utilized by indigenous cultural communities by themselves or through their ancestors in accordance with their customs and traditions since time immemorial, and as may be defined and delineated by law.
- (b) "**Block**" or "**meridional block**" means an area bounded by one-half (1/2) minute of latitude and one-half (1/2) minute of longitude, containing approximately eighty-one hectares (81 has.).
- (c) "**Bureau**" means the Mines and Geosciences Bureau under the Department of Environment and Natural Resources.
- (d) "**Carrying capacity**" refers to the capacity of natural and human environments to accommodate and absorb change without experiencing conditions of instability and attendant degradation.
- (e) "**Contiguous zone**" refers to water, sea bottom and substratum measured twenty-four nautical miles (24 n.m.) seaward from base line of the Philippine archipelago.

Section 14. Recording System. There shall be established a national and regional filing and recording system. A mineral resource database system shall be set up in the Bureau which shall include, among others, a mineral rights management system. The Bureau shall publish at least annually, a mineral rights management system. The Bureau shall publish at least annually, a mineral gazette of nationwide circulation containing among others, a current list of mineral rights, their location in the map, mining rules and regulations, other official acts affecting mining, and other information relevant to mineral resources development. A system and publication fund shall be included in the regular budget of the Bureau.

CHAPTER III

SCOPE OF APPLICATION

Section 15. Scope of Application. This Act shall govern the exploration, development, utilization and processing of all mineral resources.

Section 16. Opening of Ancestral Lands for Mining Operations. No ancestral land shall be opened for mining operations without the prior consent of the indigenous cultural community concerned.

Section 17. Royalty Payments for Indigenous Cultural Communities. In the event of an agreement with an indigenous cultural community pursuant to the preceding Section, the royalty payment, upon utilization of the minerals shall be agreed upon by the parties. The said royalty shall form part of a trust fund for the socioeconomic well-being of the indigenous cultural community.

Section 18. Areas Open to Mining Operations. Subject to any existing rights or reservations and prior agreements of all parties, all mineral resources in public or private lands, including timber or forestlands as defined in existing laws shall be open to mineral agreements or financial or technical assistance agreement applications. Any conflict that may arise under this provision shall be heard and resolved by the panel of arbitrators.

Section 19. Areas Closed to Mining Applications. Mineral agreement or financial or technical assistance agreement applications shall not be allowed:

- (a) In military and other government reservations, except upon prior written clearance by the government agency concerned;
- (b) Near or under public or private buildings, cemeteries, archeological and historic sites, bridges, highways, waterways, railroads, reservoirs, dams or other infrastructure projects, public or private works including plantations or valuable crops, except upon written consent of the government agency or private entity concerned;
- (c) In areas covered by valid and existing mining rights;

- (d) In areas expressly prohibited by law;
- (e) In areas covered by small-scale miners as defined by law unless with prior consent of the small-scale miners, in which case a royalty payment upon the utilization of minerals shall be agreed upon by the parties, said royalty forming a trust fund for the socioeconomic development of the community concerned; and
- (f) Old growth or virgin forests, proclaimed watershed forest reserves, wilderness areas, mangrove forests, mossy forests, national parks, provincial/municipal forests, parks, greenbelts, game refuge and bird sanctuaries as defined by law in areas expressly prohibited under the National Integrated Protected areas System (NIPAS) under Republic Act No. 7586, Department Administrative Order No. 25, series of 1992 and other laws.

CHAPTER IV

EXPLORATION PERMIT

Section 20. Exploration Permit. An exploration permit grants the right to conduct exploration for all minerals in specified areas. The Bureau shall have the authority to grant an exploration permit to a qualified person.

Section 21. Terms and Conditions of the Exploration Permit. An exploration permit shall be for a period of two (2) years, subject to annual review and relinquishment or renewal upon the recommendation of the Director.

Section 22. Maximum Areas for Exploration Permit. The maximum area that a qualified person may hold at any one time shall be:

- (a) Onshore, in any one province -
 - (1) For individuals, twenty (20) blocks; and
 - (2) For partnerships, corporations, cooperatives, or associations, two hundred (200) blocks.
- (b) Onshore, in the entire Philippines -
 - (1) For individuals, forty (40) blocks; and
 - (2) For partnerships, corporations, cooperatives, or associations, four hundred (400) blocks.
- (c) Onshore, beyond five hundred meters (500m) from the mean low tide level -

effectivity of this Act, shall remain valid, shall not be impaired, and shall be recognized by the Government: **Provided**, That the provisions of Chapter XIV on government share in mineral production-sharing agreement and of Chapter XVI on incentives of this Act shall immediately govern and apply to a mining lessee or contractor unless the mining lessee or contractor indicates his intention to the Secretary in writing, not to avail of said provisions: **Provided, further**, That no renewal of mining lease contracts shall be made after the expiration of its term: **Provided, finally**, That such leases, production-sharing agreements, financial or technical assistance agreements shall comply with the applicable provisions of this Act and its implementing rules and regulations.

Section 113. Recognition of Valid and Existing Mining Claims and Lease/Quarry Applications. Holders of valid and existing mining claims, lease/quarry applications shall be given preferential rights to enter into any mode or mineral agreement with the government within two (2) years from the promulgation of the rules and regulations implementing this Act.

Section 114. Separability Clause. If any of the provision of this Act is held or declared to be unconstitutional or invalid by a competent court, the other provisions hereof shall continue to be in force as if the provisions so annulled or voided had never been incorporated in this Act.

Section 115. Repealing and Amending Clause. All laws, executive orders, presidential decrees, rules and regulations, or parts thereof which are inconsistent with any of the provisions of this Act are hereby repealed or amended accordingly.

Section 116. Effectivity Clause. This Act shall take effect thirty (30) days following its complete publications in two (2) newspapers of general circulation or in the *Official Gazette*.

Approved.

EDGARDO J. ANGARA
President of the Senate Majority Leader

JOSE DE VENECIA, JR.
Speaker of the House of Representative

This Act which is a consolidation of H.B. No. 14471 and S.B. No. 2061 was finally passed by the House of Representative and the Senate of the Philippines on June 5, 1995 and June 2, 1995, respectively.

EDGARDO E. TUMAGAN
Secretary of the Senate

CAMILO L. SABIO
Secretary General, House of Representatives

FIDEL V. RAMOS
President of the Philippines