

**DENR Memorandum Order  
No. 99-03  
February 19, 1999**

**SUBJECT : Procedural Guidelines in the Processing and Issuance of Special Quarry Permit to Extract Sand and Lahar Materials in the Mineral Reservation Established and Declared Under Proclamation No. 66 and Other Lahar-Affected Areas in the Provinces of Pampanga, Tarlac, and Zambales.**

In order to provide a mechanism in the proper and effective implementation of Presidential Proclamation No. 66 and its implementing rules and regulations, Department Administrative Order (DAO) 99-03, in consonance with Republic Act No. 7942 and its implementing rules and regulations, DAO 96-40, and so as not to hamper government infrastructure projects including desilting activities in lahar-affected river channels, and to alleviate the economic condition of the people affected by sand and lahar materials, the following guidelines for the processing and issuance for permit are hereby promulgated for the guidance of all concerned:

**Section 1. Eligibility of Special Quarry or Sand and Gravel Permit Applicant.**

Any Filipino individual, with legal capacity to enter into contract, cooperative, partnership and corporation duly organized and registered with the Securities and Exchange Commission (SEC) and other appropriate government agency for the purpose of engaging in mining/quarrying may apply for Special Quarry Permit within the mineral reservation and Sand and Gravel Permit outside of the mineral reservation but within the quarry zone.

## **Sec. 2 Maximum Area per Application**

The maximum area that an applicant may apply or hold at any one (1) time in any one (1) province shall be as follows:

- a. Special Quarry Permit filed with the Mines and Geosciences Bureau Regional Office No. III (Regional Office) – One (1) meridional block of five seconds (5'') longitude and ten seconds (10'') latitude or approximately four and one half (4.5) hectares more or less.
- b. Industrial Sand and Gravel Permit filed with the Regional Office-Four (4) meridional blocks or eighteen (18) hectares more or less but shall not be less than two (2) meridional blocks or nine (9) hectares more or less.
- c. Commercial Sand and Gravel Permit filed with the Local Government Units (LGU) Five (5) hectares or its meridional block equivalent.

Provided, that in cases of application for Commercial Sand and Gravel Permit covering the applicant's titled property where the applied area is impractical to conform with the meridional blocks then the boundaries of the applied area shall be defined by specific technical descriptions in geographical coordinates. Provided, that it will not exceed the maximum area allowed under this guidelines. Provided further, that in the survey plan, the applied area should be indicated on what meridian block/s of 5'' longitude and 10'' latitude it falls.

## **Sec. 3 Acceptance of Application.**

An application for Special Quarry Permit or Industrial Sand and Gravel Permit shall be filed with the Regional Office in five (5) sets upon payment of the following fees:

- a. Filing fee – ₱ 10.00
- b. Processing fee – ₱ 500.00
- c. P.D. 1856, as amended for a and b - ₱ 20.00

The Secretary is authorized to increased the above fees when the national interest and public welfare so require, upon recommendation of the Director.

An application for Commercial Sand and Gravel Permit shall be filed with the Provincial/City Provincial Mining Regulatory Board (P/CMRB) upon payment of fees to be prescribed by the said Board.

#### **Sec. 4 Mandatory Requirements for Permit Application.**

The application for Special Quarry Permit (MGB Form No. \_\_\_) shall be filed with the Regional Office either personally or through its duly authorized representative, accompanied by the following mandatory requirements.

- a. Survey Plan of the applied area, prepared and signed by a licensed Geodetic Engineer;
- b. Area Clearance from the concerned Government agencies/LGU(s) that maybe affected by the permit application or written permission from the landowner(s) and surface owner(s) of the applied area;
- c. Certification from the Natural Resources Development Corporation (NRDC) that the applied area is within the identified and delineated Quarry Zone as provided under Section 5 of DAO 99-03 and the same is free of any conflict;
- d. Quarry Operational Plan prepared by a licensed Mining Engineer or Geologist and duly approved by the NRDC;
- e. Environmental Compliance Certificate (ECC) issued by the Department of Environment and Natural Resources Regional Office No. III (DENR Regional Office) or a commitment to submit an ECC prior to the approval of permit in the absence of programmatic Environmental Impact Statement (EIA);

- f. Proof of technical competence of the personnel who shall undertake the activities in accordance with the submitted and approved Work Program/Quarry Operational Plan;
- g. Photocopy of Articles of Incorporation/Partnership/Cooperation, By-Laws and Certificate of Registration, duly certified by the SEC or concerned authorized Government agency(ies), for corporations/partnerships/cooperatives; and
- h. Other supporting papers as the Regional Office may require or the applicant may submit.

Save in Section 4a, 4d and 4g hereof, all the foregoing mandatory requirements shall be complied with by the applicants for Industrial and Commercial Sand and Gravel Permits in addition to the following:

- 1) Location map/sketch plan of the proposed permit area showing its geographic coordinates/meridional block(s) and boundaries in relation to major environmental features and other projects using NAMRIA topographic map in a scale of 1:50,000 duly prepared, signed and sealed by a Licensed Geodetic Engineer;
- 2) Work Program (MGB Form No. 5-4 or MGB Form No. 6-2) duly prepared, signed and sealed by a licensed Mining Engineer or Geologist or Quarry Operational Plan prepared by a licensed Mining Engineer or Geologist and duly approved by the NRDC; and
- 3) Other supporting papers as the concerned Regional Office/Provincial/City Mining Regulatory Board (P/CMRB) may require or the applicant may submit.

No application, however, shall be accepted unless all the requirements heretofore stated shall have been complied by the applicant.

**Sec. 5 Processing and Area Clearance of Permit Application.**

Within fifteen (15) working days from receipt of the permit application, the concerned Regional Office/P/CMRB shall transmit a copy of the location map sketch plan of the applied area to the concerned Regional Office/pertinent Department sector(s) affected by the permit application for area status, copy furnished the concerned municipality(ies)/city(ies) and other relevant offices or agencies of the Government for their information. Upon notification of the applicant by the concerned Regional Office/P/CMRB as to transmittal of said document to the concerned Regional Office(s)/Department sector(s)/Government agency(ies), it shall be the responsibility of the same applicant to secure the necessary area status/consent/clearance from said Regional Office(s) Department sector(s)/Government agency(ies). The concerned Regional Office(s)/Department sector(s) must submit the area status/consent/clearance on the proposed permit area within thirty (30) working days from receipt of the notice: *Provided*, That the concerned Department sector(s) can not unreasonably deny area clearance/consent without legal and/or technical basis: *Provided, further*, That if the area applied for falls within the administration of two (2) or more Regional Offices/P/CMRB, the concerned Regional Office(s)/P/CMRB which has/have jurisdiction over the lesser area(s) of the application shall follow the same procedure.

In reservations/reserves/project areas under the jurisdiction of the Department/Bureau/Regional Office(s) where consent/clearance is denied, the applicant may appeal the same of the Office of the Secretary.

Within fifteen (15) working days from receipt of the permit application, the concerned Regional Office(s) shall check in the control maps if the area is free/open for mining applications.

If the proposed permit area is open for mining applications, the concerned Regional Office(s) shall give written notice to the applicant to pay the corresponding Regional Office(s) clearance

fee (Annex 5-A of DAO 96-40); *Provided*, That if a portion of the area applied for is not open for mining applications, the concerned Regional Office shall, within fifteen (15) working days from receipt of said written notice, exclude the same from the coverage of permit application: *Provided, further*, That in cases of overlapping of claims/conflicts/complaints from landowners, NGOs, LGUs and other concerned stakeholders, the concerned Regional Director/Provincial Governor/City Mayor shall exert all efforts to resolve the same.

Applications within the mineral reservation, however, shall be exempt from the requirement of this section.

## **Sec. 6 Posting of Permit Application.**

Within fifteen (15) working days from receipt of the application by the Regional Office, it shall issue to the applicant the Notice of Application for permit for posting, which shall be done within fifteen (15) working days from receipt of Notice. The Notice must contain, among others, the name and complete address of the applicant, duration of the permit applied for, extent of operation to be undertaken, area location, geographical coordinates/meridional block(s) of the proposed permit area and location map/sketch plan with index map relative to major environmental features and projects and to the nearest municipalities.

The Regional Office shall cause the posting of two (2) consecutive weeks of the Notice on its bulletin boards as well as in the concerned PENRO(s), CENRO(s), province(s) and municipality(ies), copy furnished the barangay(s) where the proposed permit area is located. Where necessary, the Notice shall be in a language generally understood in the concerned locality where it is posted.

Within thirty (30) calendar days from the last date of posting, the authorized officer(s) of the concerned office(s) shall issue a certification(s) that the posting have been complied with. Any adverse claim, protest or opposition shall be filed directly, within thirty (30) calendar days from the last date of posting, with the Regional Office or through any concerned PENRO and CENRO for filing in the concerned Regional Office for purposes of its resolution by the Panel of Arbitrators pursuant to the provisions of RA 7942 and its Implementing Rules and Regulations. Upon final resolution of any adverse claim, protest or opposition, the Panel of Arbitrators shall issue a Certification to that effect within five (5) working days from the date of finality of resolution thereof. Where no adverse claim, protest or opposition, the Panel of Arbitrators shall likewise issue a Certification to that effect within five (5) working days therefrom.

No permit shall be approved unless the requirements under this Section are fully complied with and any adverse claim/protest/opposition thereto is finally resolved by the Panel of Arbitrators.

### **Sec. 7 Field Verification**

After payment of ₱ 1,000/man/day at the Regional Office, its technical personnel shall conduct field verification so as to confirm that the area contains sufficient volume of quarry materials and that the area applied for has been actually surveyed. Provided, that the minimum verification charge shall be ₱ 3,000.

### **Sec. 8 Approval, Registration and Issuance of a Permit.**

Upon evaluation that all the terms and conditions of the Special Quarry Permit application are in order and that the subject/has been cleared from any conflict, the Regional Office shall forward the Special Quarry Permit to the Mines and

Geosciences Bureau Central Office for final evaluation and approval within thirty (30) calendar days from such evaluation and shall notify the Permit Holder to cause the registration of the same within fifteen (15) working days from receipt of written notice at the Regional Office. Registration is effective only upon payment of filing fee in the amount of ₱ 100.00 and ~~₱~~10.00 for P.D. 1856, as amended. The Regional Office shall officially release the permit to the Permit Holder after registration.

Approval of Sand and Gravel Permit application by the Regional Office/concerned Provincial Governor/City Mayor thru the P/CMRB as well as registration and issuance shall be governed by Section 77 of DAO 96-40.

Failure of the Permit Holder to cause the registration its Permit within the prescribed period shall be sufficient ground for the cancellation of the same.

### **Sec. 9 Temporary Special Quarry/Sand and Gravel Permit.**

To give opportunity for the applicant to operate immediately, the Regional office is hereby authorized to issue Temporary Special Quarry/Sand and Gravel Permit covering sand and lahar materials to applicant whose permit application could not be approved due to lack of ECC or the Notice of Application is yet to be posted. Provided however, that all other requirements relative to the approval of such application have already been complied with and that the necessary surety bond to be determined by the Regional Office to guarantee payment of damages to third parties, if any, has been posted by the applicant.

The Temporary Special Quarry/Sand and Gravel Permit shall be issued for a period not exceeding three (3) months and renewable for similar period until such time that the regular permit has been granted.



**Sec. 10 Separability Clause.**

If any part of this Order is declared unconstitutional or invalid by a competent court, such declaration shall not affect the other part of this Order.

**Sec. 11 Effectivity.**

This Order shall take effect immediately.

**(Sgd.) ANTONIO H. CERILLES**  
Secretary