



JUN 22 2005

MEMORANDUM ORDER
No. 2005- 11

SUBJECT : Moratorium on All Mining Operations, Including the Acceptance of New Applications and Approval of Pending Applications for Mining and Environmental Compliance Certificates, in Taocanga, Calinawan, Manay, Davao Oriental and Vicinity

In order to provide adequate protection to the environment, especially in view of indiscriminate and illegal small-scale mining operations in Taocanga, Calinawan, Manay, Davao Oriental and its vicinity, and to rationalize mining operations therein as mandated under Republic Act (RA) No. 7942, the Philippine Mining Act of 1995, RA No. 7160, the Local Government Code of 1991, the small-scale mining laws (Presidential Decree No. 1899 and R.A. No. 7076), the environmental laws, and other pertinent laws, rules and regulations, a **MORATORIUM** on all mining and mineral processing operations, including the acceptance of all new applications and approval of pending applications and renewal applications for mining/mineral processing and Environmental Compliance Certificates (ECCs) in the said locality is hereby **ORDERED** for the guidance and compliance of all concerned.

To fully implement this Order, the following guidelines shall govern:

A. Coverage of Moratorium

The Moratorium shall cover the following:

1. All ongoing mining/mineral processing operations in Sitio Taocanga, Barangay Calinawan, Municipality of Manay, Province of Davao Oriental and vicinity.
2. The acceptance of all new applications and approval of all pending applications for mining contracts and permits, including small-scale mining permits/contracts and processor's permit and the corresponding ECCs, for the same areas.

B. Multi-Sectoral Committee on Mining/Mineral Processing Operations

1. There is hereby created a Multi-Sectoral Committee on Mining/Mineral Processing Operations in Sitio Taocanga, Barangay Calinawan, Municipality of Manay, Province of Davao Oriental and vicinity, which shall be chaired by the Department of Environment and Natural Resources (DENR) Region XI Regional Executive Director (RED) and co-chaired by the Provincial Governor of Davao Oriental or his/her duly authorized representative, with membership composed of representatives from the regional offices concerned of the Mines and Geosciences Bureau (MGB) and Environmental Management Bureau (EMB), the PENRO/CENRO concerned, the Provincial Mining Regulatory Board

(PMRB) of Davao Oriental, the Municipal Government concerned and an environmental non-government organization.

2. The Committee shall have the following functions:
 - a. Ensure that the Moratorium Order is effectively enforced and adequately monitored;
 - b. Evaluate and assess current status of mining/mineral processing operations in the area;
 - c. In coordination with the Local Government Units and the communities concerned, immediately formulate and submit to the DENR Secretary thru the Undersecretary for Mining and Legal Affairs a rationalization plan for mining/mineral processing operations in the locality, taking into account the environmental carrying capacity, the adverse environmental impacts of all ongoing and future mining/mineral processing operations in the area and the possibility of establishing a mineral reservation;
 - d. Undertake investigations of complaints and any violations of mining and environmental laws, rules and regulations;
 - e. Prepare and submit to the DENR Secretary thru the Undersecretary for Mining and Legal Affairs specific recommendations and actions plans to implement any necessary actions and impositions to adequately address complaints, violations and/or issues; and
 - f. Submit periodic reports on its observations and recommendations to the DENR Secretary thru the Undersecretary for Mining and Legal Affairs.

All expenses to be incurred by the Multi-Sectoral Committee in the discharge of its functions shall be charged against the funds of the respective offices of the Committee member/s concerned, subject to the usual government accounting and auditing rules and regulations.

This Order shall take effect immediately and shall remain in force and effect until formally lifted or terminated by the DENR Secretary.




MICHAEL T. DEFENSOR
Secretary

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