



MEMORANDUM ORDER

No. 2005 - 15

OCT 26 2005

SUBJECT: Moratorium on All Mining Operations, Including the Acceptance of New Applications and Approval of Pending Applications for Mining and Environmental Compliance Certificate, In the Municipalities of Don Marcelino, Jose Abad Santos and Malita of the Province of Davao del Sur

In order to spur the economic development of Davao del Sur, one of the most impoverished area in the country, and to rationalize the management and development of mineral wealth of the province as well as ensure the protection of its environment, and in accordance to the provisions of Republic Act (R.A.) No. 7942, otherwise known as The Philippine Mining Act of 1995, R.A. No. 7160 or 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 municipalities 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 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 in an area bounded herein described:

Technical Description

Beginning at the intersection of Latitude 6° 23' 6.78" and Longitude 125° 31' 8.21" as "Corner 1"

Thence, Due east, 11,331.85 meters to Corner 2,
Thence, S 26° 47' W, 22,651.63 meters following the shoreline to Corner 3,
Thence, Due South, 32,052.99 meters following the shoreline to Corner 4,
Thence, S 35° 28' W, 65,483.54 meters following the shoreline to Corner 5,
Thence, Due West, 13,666.23 meters following the shoreline to Corner 6,
Thence, Generally North, 108,767.60 meters following Davao del Sur and Sarangani Province common boundary to Corner 1.



Containing an area of **ONE HUNDRED FORTY FIVE THOUSAND FOUR HUNDRED SEVENTY ONE** hectares, more or less.

B. Geological Assessment and Delineation of Mineralized Zones

1. The Mines and Geosciences Bureau (MGB), in cooperation with its Regional Office No. XI, shall conduct reconnaissance geological work and regional mapping to identify and assess the mineral potential of the proposed mineral reservation area.
2. Semi-detailed to detailed geological mapping and geochemical sampling shall be conducted by the MGB in cooperation with its Regional Office No. XI as follow-up programs in areas identified as having high mineral prospectivity and potential.
3. The MGB shall excise/relinquish/segregate areas from the proposed mineral reservation those areas that show low mineral potential or any portion that are deemed not necessary for mining operations.

C. Environmental Resource Mapping

The Mines and Geosciences Bureau shall conduct an environmental resource mapping to be able to arrive at a holistic evaluation and assessment of land capability, suitability and compatibility.

D. Conduct of Public Hearing

1. The Director of the Mines and Geosciences Bureau or his duly appointed representative shall conduct public hearings to allow all concerned sectors and communities, interested Nongovernmental and People's Organizations, as well as Local Government Units, to air their views regarding the establishment of Mineral Reservation in their respective communities.
2. The public shall be notified by publication in a newspaper of general circulation in the province, as well as by posting in all affected municipalities and barangays, at least thirty (30) days before said hearings are conducted.
3. Proceedings of the public hearing shall be a part of the document to be endorsed to the DENR Secretary for the recommendation to declare the area as mineral reservation.

E. Establishment of Mineral Reservation

Upon conducting a detailed scientific assessment of the proposed mineral reservation area, environmental resource mapping of the area and informing the public of the intention of the government to establish a mineral reservation in their communities, recommendation to establish the delineated area as mineral reservation should be forwarded to the DENR Secretary for endorsement to the President of the Republic of the Philippines.

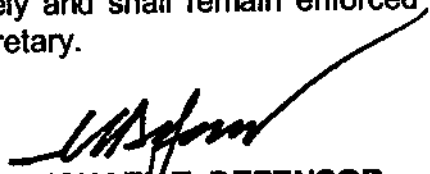


F. Submission of Progress Reports

The Mines and Geosciences Bureau shall regularly submit progress reports to the DENR Secretary thru the Undersecretary for Mining and Legal Affairs.

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




MICHAEL T. DEFENSOR
Secretary