

DENR Memorandum Circular
No. 2000-01
January 13, 2000

Subject : Errata to Some Provisions of the DENR Memorandum Order No. 99-32 (DMO 99-32) on Policy Guidelines and Standards for Mine Wastes and Mill Tailings Management dated November 24, 1999

In the interest of service and pursuant to Executive Order No. 192, Series of 1987, due to a number of errors, typographical as well as those which were inadvertently included/excluded, DENR Memorandum Order No. 99-32 is hereby amended as follows:

1. Introductory paragraph, Line 4: the phrase "Presidential Decree No. 3931" be changed to "Presidential Decree No. 984";

CHAPTER I - INTRODUCTION

2. **Section 3 - Declaration of Policy**, line 2: the word "permittees" be changed to "permit holders";
3. **Section 4 - Governing Principles**, first paragraph, line 2: the phrase "its use" be changed to "their management" and last paragraph, line 2: the word "this" be changed to "these";
4. **Section 5 - Objectives**, line 1: the word "managed" be changed to "manage";
5. **Section 6 - Definition of Terms:**
 - **Camber:** the clause "which for conservation is estimated at 0.25% of the height for a compacted rockfill and 0.5% of the

height for an earthfill embankment" be added after the word "operation";

- ‘g’, line 1: the character ")” be inserted after “9.81 cm/second²” and the word “ration” be changed to "ratio";
- **Unified Soil Classification System (USCS)**, line 3: the word "sieve" be changed to "sieves";

CHAPTER II - MINE WASTES STORAGE

6. **Section 7 - Mine Wastes Storage Standards**, line 3: the word "decommissioned" be changed to "decommission";

7. **Section 8 - Guidelines on Site Selection of Mine Wastes Storage:**

- Subparagraph c, line 2: the word "low" be changed to "high";
- Subparagraph f, line 2: the word "mine" be changed to "rock",

8. **Section 10 - Guidelines on the Construction of Mine Wastes Storage:**

- Subparagraph f, line 2: the word "contain" be changed to "contained so as" and the word "underground" be changed to "groundwater"

CHAPTER III - MILL TAILINGS STORAGE

9. **Section 17 - Guidelines on the Operation of On-land Mill Tailings Storage:**

- Subparagraph g, line 2: the word "discharged" be changed to "discharge",

10. **"CHAPTER IV - DEEP SEA TAILINGS PLACEMENT"** be inserted between Sections 18 and 19.
11. **Section 20 - Guidelines for the on Site Selection of Deep Sea Tailings Placement:**
 - Subparagraph d, line 2: the word "underwater" be changed to "deep sea";
12. **Section 21 - Guidelines for the Design of Deep Sea Tailings Placement:**
 - Subparagraph f, line 3: the word "underwater" be changed to "deep sea";
 - Subparagraph h, line 1: the word "throughout" be changed to "throughput" and line 2: the word "retrofit" be changed to "retrofitting";
13. **Section 23 - Guidelines on the Operation of Deep Sea Tailings Placement:**
 - Subparagraph c, line I: the word "Underwater" be changed to "Deep sea";
 - Subparagraph c. 1, line 1: the word "underwater" be changed to "deep sea",
14. **"CHAPTER IV - FRAMEWORK TO MANAGE MINE WASTE AND TAILINGS PLACEMENT FACILITIES"** be changed to **"CHAPTER V - FRAMEWORK TO MANAGE MINE WASTES AND MILL TAILINGS STORAGE/PLACEMENT FACILITIES"**

15. The Subheading "**Section 26 - Framework to Manage Mine Waste and Mill Tailings Storage Placement Facilities**" be deleted,

CHAPTER VI - IMPLEMENTATION AND MONITORING

16. **Section 27 - Clearance**, first paragraph, line 2: the word "permittees" be changed to "permit holders";
17. **Section 28 - Monitoring**, lines 2 and 3: the word "permittees" be changed to "permit holders";
18. **Section 29 - Audit**, second paragraph, line 2: the words "Steering Committee" be added after "CLRF";
19. **Section 30 - Non-issuance of Clearance**, line 3: the word "Permittees" be changed to "Permit holders".

CHAPTER VII - FEES, REPORTING REQUIREMENTS AND PENALTIES

20. **Section 31 - Mine Waste and Tailings Fees, Reporting Requirements and Penalties**, line 3: the words "mine waste and" be inserted between "govern" and "tailings";
21. **Section 33 - Penalty**, line 6: the word "government" be deleted;
22. **Section 34 - Additional Reporting Requirement for Deep Sea Tailings Placement System**, line 1: the word "utilizing" be changed to "that shall utilize",

The above modifications shall be published as required by law prior to implementation.

For immediate compliance.

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

Secretary

Published at:

MALAYA January 24, 2000

DENR Memorandum Order

No. 2000- 01

February 02, 2000

**SUBJECT : Compliance With The Transitory
Provision Of DMO No. 99-10.**

To insure the full implementation of Department Memorandum Order (DMO) No. 99-10 re: Guidelines in the Determination of Qualified Persons for Mining Applications and Mining Rights, in relation to the compliance with the minimum authorized capital of P10 Million and paid-up capital of P2.5 Million by all mining applicants with pending mining applications for Mineral Agreement (MA), Exploration Permit (EP) and Financial or Technical Assistance Agreement (FTAA), the following guidelines are hereby promulgated for the compliance by all concerned:

Section 1. Rationale

The Transitory Provision of DMO No. 99-10 prescribes that all mining applicants with pending applications for EP, MA and FTAA shall have nine (9) months from the effectivity of the said Order to comply with the provisions thereof and that failure to do so shall cause the denial of the said applications. However, it is recognized that DMO

No. 99-10 has affected a big number of mining applicants who have to go to the Securities and Exchange Commission (SEC) to seek approval of the amendments to their Articles of Incorporation to comply with the prescribed capitalization, It is also recognized that in many cases, this amendment process is taking more time with the SEC, raising the possibility that the concerned mining applicants may not meet the deadline of the nine (9) month period of compliance, i.e., February 6, 2000. Its implication is that legitimate and serious mining applicants may lose their mining applications for reasons that are not within their control. This situation needs to be rectified.

Section 2. Extension of the Nine (9)-Month Period of Compliance

The 06 February 2000 deadline for compliance with the provisions of DMO No. 99-10 by mining applicants with pending applications for EP, MA and FTAA, shall be extended for another three (3) months or up to May 06, 2000. Failure by the mining applicants to comply with this provision shall cause the denial of their mining applications.

Section 3. Repealing Clause

All memorandum orders and circulars or parts thereof inconsistent with or contrary to the provisions of these guidelines are hereby appealed, amended or modified accordingly.

Section 4. Effectivity

This Order shall take effect fifteen (15) days after its publication in a newspaper of general circulation and fifteen (15) days after registration with the Office of the National Administrative Register.

(Sgd.) ANTONIO H. CERILLES
Secretary

Published at:

MALAYA - February 04, 2000

DENR Memorandum Order

No. 2000 - 03

May 03, 2000

SUBJECT : Final Extension Of Deadline For Compliance With The Transitory Provision of DENR Memorandum Order No. 99-10 And For Other Related Purposes.

To insure that the provisions of DENR, Memorandum Order (DMO) No. 99-10 re: Guidelines in the Determination of Qualified Persons for Mining Applications and Mining Rights are fully implemented, especially Section 5 thereof or the Transitory Provision, this Memorandum Order is hereby promulgated for the compliance by all concerned:

Section 1. Final Extension of Deadline for the Compliance with the Transitory Provision of DMO No. 99-10

The May 6, 2000 deadline for compliance with the provisions of DMO No. 99-10 by concerned mining applicants shall be extended finally for three (3) months or up to August 7, 2000. Failure by the concerned mining applicants to comply with this provision shall cause the denial of their mining applications.

Section 2. Considerations in the Processing of Pending Mining Applications

In the processing or pending applications for Exploration Permit, Mineral Agreement or Financial or Technical Assistance Agreement in relation to the Transitory Provision of DMO No. 99-10, the Mines and

Geosciences Bureau (MGB) shall be guided by the following considerations:

- a. Every concerned mining applicant is required to submit on or before August 7, 2000 the following documents:
 - i. Letter of Intent to comply with DMO No. 99-10;
 - ii. Securities and Exchange Commission (SEC)/Cooperative Development Authority (CDA) - certified copy of approved Articles of Incorporation/Cooperation showing a minimum authorized capital of PhP 10 Million and paid-up capital of PhP 2.5 Million: *Provided*, That in case of a mining applicant who has filed the necessary application for increase in capitalization at the SEC/CDA on or before August 7, 2000 but has not secured the necessary approval on that same date, a certification by the SEC/CDA attesting that such application has been filed on or before August 7, 2000 and that all supporting document have been complied with, shall be accepted as a temporary compliance of this item;
 - iii. Curriculum vitae and track records in mining operations and environmental management of the technical personnel who shall undertake the activities in the submitted Work Program/s; and
 - iv. Affidavit of Undertaking (per Annex A of DMO No. 9-10).
- b. Concerned mining applications wherein the mining applicants have not submitted any of the documents under Items ii, iii and iv above shall be denied by the concerned Regional Office or Central Office of the MGB, as the case may be, thru the issuance of an Order of Denial of Mining Application.

- c. Concerned mining applicants who have complied with the submission of the abovementioned documents on or before August 7, 2000 but determined to have exceeded the maximum areas per Qualified Person pursuant to Sections 3 and 4 of DMO No. 99-10 shall likewise be denied by the concerned Regional Office or Central Office of the MGB, as the case may be, thru the issuance of an Order of Denial of Mining Application.
- d. Concerned mining applications involved in a dispute/case shall have a period of six (6) months after final resolution of said dispute/case to comply with the Transitory Provision or DMO No. 99- 10.

Procedural guidelines may be issued by the MGB Director in the implementation of the foregoing provisions.

Section 3. Repealing and Amending Clause

All existing orders, memoranda, directives or part/s thereof, contrary or inconsistent with the provisions of this Memorandum Order, are hereby repealed, amended and/or modified accordingly.

Section 4. Effectivity

This Memorandum Order shall take effect fifteen (15) days after its complete publication in a newspaper of general circulation and fifteen (15) days after registration with the Office of the National Administrative Register.

(Sgd.) ANTONIO H. CERILLES

Secretary

Published at:

MALAYA - May 06, 2000