Republic of the Philippines
Department of Environmental and Natural Resources
Visayas Avenue, Diliman, Quezon City
Tel. Nos. 929-6626 to 29; 929-6633 to 35
926-7041 to 43; 929-6252; 929-1669
Website: http://www.denr.gov.ph / E-mail: web@denrgov.ph

ADMINISTRATIVE ORDER
No. 2017- 10

APR 2 7 2017

SUBJECT: BANNING THE OPEN PIT METHOD OF MINING FOR COPPER, GOLD, SILVER AND COMPLEX ORES IN THE COUNTRY

WHEREAS, the Philippine Constitution provides for the protection and advancement of the right of the people to a balanced and healthy environment in accord with the rhythm and harmony of nature;

WHEREAS, Section 2 of Republic Act (RA) No. 7942, the Philippine Mining Act of 1995, provides that it shall be the responsibility of the State to promote the rational exploration, development, utilization and conservation of mineral resources 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;

WHEREAS,Section 8 of RA No. 7942, provides thatthe Department of Environment and Natural Resources (DENR) shall be the primary agency responsible for the conservation, management, development, and proper use of the State's mineral resources, including those in reservations, watershed areas and lands of the public domain, and that the DENR Secretary shall have the authority to promulgate such rules and regulations as may be necessary to implement the intent and provisions of the Act;

WHEREAS, Executive Order No. 192 provides that the DENR shall have the powers and functions to exercise supervision and control over forest lands, alienable and disposable lands, and mineral resources, and promulgate rules and regulations in accordance with law governing the exploration, development, conservation, extraction, disposition, use and such other activities tending to cause depletion and degradation of natural resources;

WHEREAS, the open pit method of mining, characterized by the extraction of metallic ores from a surface excavation resembling roughly an inverted cone with benches along its walls, has been employed in the Philippine mining industry mainly for the extraction and disposition of copper, gold, silver and complex ores;

WHEREAS, the history of mining in the country shows that most, if not all, open pits have ended up as perpetual liabilities, causing adverse impacts to the environment, particularly due to the generation of acidic and/or heavy metal-laden water, erosion of mine waste dumps and/or vulnerability of tailings dams to geological hazards;

WHEREAS, the records attest that most of the mining disasters in the country were due to tailings spills associated with open pit mining;

WHEREAS, notwithstanding the provisions of the Mining Act on final mine rehabilitation and decommissioning, the fact remains that the rehabilitation of mined-out open pits shall invariably require perpetual maintenance works that shall outlive the existence of the mining companies and, thereby, leave to the unknown the fate of the environment;

WHEREFORE, the foregoing premises considered, the use of the open pit method of mining for the extraction of copper, gold, silver and/or complex ores is hereby prohibited. Mining contractors who have not commenced commercial operation but have approved Declarations of Mining Project Feasibility for open pit mining are given a period of six (6) months to review their planned mining methods accordingly.

All orders and other policy issuances or directives that are contrary or inconsistent with this Administrative Order are hereby superseded or modified accordingly.

This Administrative Order shall take effect fifteen (15) days after publication in a newspaper of general circulationand upon acknowledgement of receipt of a copy hereof by the Office of the National Administrative Register.

REGINA PAZ L. LOPEZ
Secretary

REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
SENR051691

PUBLICATION: The Philippine Star
April 30,2017
ACKNOWLEDGEMENT : U.P. LAW CENTER
May 3,2017