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DENR ADMINISTRATIVE ORDER
No. 2022 - 03

**SUBJECT: REVISED IMPLEMENTING RULES AND REGULATIONS OF
REPUBLIC ACT NO. 7076, OTHERWISE KNOWN AS THE
"PEOPLE'S SMALL-SCALE MINING ACT OF 1991"**

Pursuant to the applicable provisions of Republic Act (RA) Nos. 7076 and 7160, The People's Small-Scale Mining Act of 1991 and The Local Government Code of 1991, respectively; Section 11 of Executive Order (EO) No. 79, in re: "Institutionalizing and Implementing Reforms in the Philippine Mining Sector, Providing Policies and Guidelines to Ensure Environmental Protection and Responsible Mining in the Utilization of Mineral Resources"; and all other applicable laws, the following rules and regulations are hereby promulgated for the guidance and compliance of all concerned:

CHAPTER I
TITLE, POLICY AND OBJECTIVES

SECTION 1. Title. This Administrative Order shall be known as the Revised Implementing Rules and Regulations of RA No. 7076, otherwise known as the "People's Small-Scale Mining Act of 1991".

SECTION 2. Policy. It shall be the policy of the State to promote, develop, protect, and rationalize viable small-scale mining activities in order to generate more employment opportunities and provide an equitable sharing of the nation's wealth and natural resources, giving due regard to existing rights as herein provided under RA No. 7076 and further provided under Section 11 of EO No.79.

SECTION 3. Objectives. This Administrative Order is promulgated towards the attainment of the following objectives:

- a. To ensure the effective and expeditious implementation of the People's Small -Scale Mining Program as provided for under RA No. 7076;
- b. To effect an orderly, systematic, and ecologically balanced administration and disposition of small-scale mining areas;

- c. To regulate the small-scale mining industry, with a view of enhancing its growth and productivity, as well as ensuring environmental protection; and
- d. To provide technical, financial, and marketing assistance; ensure efficient collection of government revenues; adopt best practices; and promote good governance and integrity in the industry.

CHAPTER II DEFINITION

SECTION 4. Definition of Terms. As used in and for purposes of this Administrative Order, the following terms shall mean:

- a. "Active Mining Area" refers to an area under actual exploration, development, utilization or commercial production as determined by the Secretary after the necessary field investigation or verification, including contiguous and geologically-related areas that are supported by an established geological report, being undertaken by the holder of mining permit/contract, operator concerned and/or under contract with an operator, but in no case to exceed the maximum area allowed by law;
- b. "Ancestral Domain" refers to all areas generally belonging to Indigenous Cultural Communities/Indigenous Peoples (ICCs/IPs) comprising lands, inland waters, coastal areas and natural resources therein, held under a claim of ownership, occupied or possessed by ICCs/IPs, by themselves or through their ancestors, communally or individually since time immemorial, continuously to the present except when interrupted by war, *force majeure* or displacement by force, deceit, stealth or as a consequence of government projects or any other voluntary dealings entered into by government and private individuals/corporations, and which are necessary to ensure their economic, social and cultural welfare. It shall include ancestral, forest, pasture, residential, agricultural and other lands individually owned whether alienable and disposable or otherwise, hunting grounds, burial grounds, worship areas, bodies of water, mineral and other natural resources, and lands that may no longer be exclusively occupied by ICCs/IPs but from which they traditionally had access to for their subsistence and traditional activities, particularly the home ranges of ICCs/IPs who are still nomadic and/or shifting cultivators;
- c. "Ancestral Land" refers to land occupied, possessed, and utilized by individuals, families, and clans who are members of the ICCs/IPs since time immemorial, by themselves or through their predecessors in interest, under claims of individual or traditional group ownership, continuously to the present except when interrupted by war, *force majeure* or displacement by force, deceit, stealth, or as a consequence of government projects and other voluntary dealings entered into by government and private individuals/corporations including, but not limited to, residential lots, rice terraces or paddies, private forests, swidden farms and tree lots;
- d. "Angle of Repose" refers to the angle of steepest slope at which material will

remain stable when loosely filed. The maximum angle that an unsupported mount of loose or broken materials will consistently form with the horizontal;

- e. "Annual Safety and Health Program (ASHP)" refers to a program approved by the Regional Office concerned, which ensures just, safe, and humane working environment for small-scale miners or mineral processing plant workers;
- f. "Board" refers to the Provincial/City Mining Regulatory Board composed of the Regional Director concerned of the Mines and Geosciences Bureau as Chairperson, and four (4) members composed of duly appointed representatives of the following offices/sectors: Governor or City Mayor, small-scale miners, large-scale miners and environmental non-government organizations;
- g. "Bureau" means the Mines and Geosciences Bureau (MGB) under the Department;
- h. "Claimowner" refers to a holder of an existing mining right;
- i. "City" refers to an independent component or highly urbanized city as provided under RA No. 7160;
- j. "Community Development and Management Plan (CDMP)" refers to the plan approved by the Regional Office concerned, which aims to assist in the development of responsible, self-reliant, and resource-based host and neighboring communities;
- k. "Compressor Mining" refers to underwater small-scale mining with the workers/miners using compressed/pressurized air for breathing;
- l. "Custom Mill" refers to a plant established by the government or thru a private sector within mineral processing zones intended for the mineral processing of ores, tailings, and/or mine wastes from small-scale mining for a fee;
- m. "Department" refers to the Department of Environment and Natural Resources (DENR);
- n. "Director" refers to the Director of the Mines and Geosciences Bureau;
- o. "Environmental Compliance Certificate (ECC)" is a document issued by the Department/Environmental Management Bureau (EMB) pursuant to Presidential Decree No. 1586 and its implementing rules and regulations;
- p. "Exclusive Economic Zone" refers to the water, sea bottom, and subsurface measured from the baseline of the Philippine Archipelago up to two hundred (200) nautical miles offshore;
- q. "Existing Mining Right" refers to a valid and existing lease, contract, mining patent, agreement or permit covering a mineralized area prior to its declaration as a People's Small-Scale Mining Area or *Minahang Bayan*;
- r. "Flood Cycle" refers to a period of time during which floods or sequence of floods

occur;

- s. "Free Board" refers to the vertical distance between a specified reservoir water surface and the top of the dam without allowance for camber of the top of the dam;
- t. "Government Production Share" refers to the share of the government in a small-scale mining contract as may be determined by the Board. In co-production and joint venture agreements, the government shall, in addition to receiving government shares for the mineral resources as prescribed above, be entitled to compensation for its other contributions that shall be agreed upon by the parties concerned;
- u. "Hydraulicking" means mining with the use of pressurized stream of water;
- v. "Investment" means all capital investments infused by a Small-Scale Mining Contractor, including raw materials and additional land and capital, such as tools, infrastructures, capitalized exploration and development costs, support facilities, and working capital. This investment shall not exceed Ten Million Pesos (PhP10,000,000.00) during the entire term of the Small-Scale Mining Contract, including its renewal(s);
- w. "License" refers to the privilege granted to a person to legitimately pursue occupation as a small-scale miner or processor under RA No. 7076;
- x. "Mill Tailings" refers to materials whether solid, liquid or both segregated from the ores during concentration/milling operations, which have no present economic value to the generator of the same;
- y. "Mill Tailings Storage Facility" refers to a structure used as impoundment/storage area for mill tailings;
- z. "*Minahang Bayan*" or "People's Small-Scale Mining Area" refers to the entire area declared by the Board for the conduct of small-scale mining operations pursuant to RA No. 7076;
- aa. "Mineralized Area" refers to an area with naturally occurring metallic mineral deposits of gold, silver and/or chromite; and/or with non-metallic mineral deposits;
- ab. "Mineral Land" refers to a land in which minerals exist in sufficient quantity and grade to justify the economic utilization of such minerals;
- ac. "Mineral Processing" means the milling, beneficiation, leaching, smelting, calcination or upgrading of ores, minerals, rocks, mill tailings, mine wastes and/or other metallurgical by-products or by similar means to convert the same into marketable products;
- ad. "Mineral Processor's License" refers to the license granted to a small-scale processor to operate custom mill/small-scale mineral processing plant in the treatment of mineral or ore-bearing materials, such as by beneficiation, leaching, cutting, sizing, polishing and/or other similar activities;

- ae. "Mineral Processing Zone" refers to an area duly designated by the local government unit concerned upon recommendation of the Board, with defined metes and bounds specifically for mineral processing, including the mill tailings disposal system;
- af. "Mineral Reservation" refers to an area established and proclaimed as such by the President upon the recommendation of the Director through the Secretary, including all submerged lands within the contiguous zone and Exclusive Economic Zone;
- ag. "Mine Waste" refers to soil and/rock materials from surface or underground mining operations with no present economic value to the generator of the same;
- ah. "Mine Waste Dump" refers to a designated place where the mine waste are accumulated or collected;
- ai. "Petitioner" refers to ICC/IP groups, Local Government Unit (LGU), Small-Scale Miners Cooperatives/Associations/Federations, or MGB/DENR;
- aj. "Potential Environmental Impact Management Plan (PEIMP)" is an environmental management and rehabilitation plan, approved by the Regional Office concerned, for the life of the Small-Scale Mining Contract/Mineral Processor's License;
- ak. "Private Land" refers to a land belonging to any private person or entity, including alienable and disposable land being claimed by a holder, claimant or occupant who has already acquired a vested right thereto under the law although the corresponding certificate or evidence of title/ownership or patent has not been actually issued;
- al. "Processor" refers to a person licensed to operate custom mill/small-scale mineral processing plant in the treatment of mineral or ore-bearing materials, such as by beneficiation, leaching, cutting, sizing, polishing and/or other similar activities;
- am. "Public land" refers to a land of the public domain, including patrimonial property of the government;
- an. "Qualified Person" refers to any Filipino citizen of legal age and with capacity to contract; or a 100% Filipino-owned corporation, partnership, association or cooperative organized or authorized for the purpose of engaging in small-scale mineral processing, with technical and financial capability to undertake mineral processing, duly registered in accordance with law;
- ao. "Regional Director" refers to the Director of the Regional Office of the Bureau;
- ap. "Secretary" refers to the Secretary of the Department;
- aq. "Small-scale miner" refers to Filipino citizens who have organized themselves as an individual miner or cooperative duly licensed by the Department to engage, under the terms and conditions of a Small-Scale Mining Contract, in the extraction of minerals or ore-bearing materials from the ground;

- ar. "Small-Scale Mining" refers to extraction of minerals that relies heavily on manual labor using simple implements and methods and does not use explosives or heavy mining equipment;
- as. "Small-Scale Mining Contract" refers to co-production, joint venture or mineral production sharing agreement between the government and a Small-Scale Mining Contractor for the small-scale utilization of a plot of mineral land inside a People's Small-Scale Mining Area or *Minahang Bayan*;
- at. "Small-Scale Mining Contractor" refers to small-scale miners organized as an individual miner or cooperative registered with the Securities and Exchange Commission (SEC) or with the appropriate government agency, which has entered into an agreement with the government for the small-scale utilization of a plot of mineral land within a People's Small-Scale Mining Area or *Minahang Bayan*;
- au. "Static loading" refers to a condition wherein the load applied to a body or mass is unidirectional and non-varying; and
- av. "Two-year Work Program" refers to the two-year schedule of engineered small-scale mining, including its corresponding budgetary requirement, duly prepared and signed by a licensed Mining Engineer.

Other terms used in this Administrative Order shall have their meaning as defined in other relevant laws and their implementing rules and regulations.

CHAPTER III

REGISTRATION, LICENSING, DECLARATION OF *MINAHANG BAYAN* AND AWARDING OF SMALL-SCALE MINING CONTRACTS

SECTION 5. General Provision. No small-scale mining shall be undertaken outside a *Minahang Bayan* and that no entity shall engage in small-scale mining without a Small-Scale Mining Contract. Likewise, no person shall work or be hired to work in small-scale mining and other similar operations unless registered with the Board.

SECTION 6. Registration and Licensing of Small-Scale Miners. All persons undertaking or intending to undertake small-scale mining operations within a declared *Minahang Bayan* area shall register with the Board as small-scale miner, as the case may be, subject to payment of the corresponding license application fee and the following requirements:

- a. Filipino citizen;
- b. Legal age;
- c. With any government issued ID;
- d. Barangay Clearance as proof of residency; and
- e. Certificate of attended skills and safety trainings conducted by MGB RO concerned.

The application fee, payable to the Provincial/City government concerned, shall be Three Hundred Pesos (PhP300.00), without prejudice to other fees and charges that may be imposed by the local government by way of an ordinance. The collected fees shall be used to defray the expenses of the Board.

The corresponding small-scale miner's license shall be issued by the Board as proof of registration. The small-scale miner's license shall be valid for three (3) years, renewable for like periods.

For the above purpose, the Board shall maintain a registry of small-scale miners within its jurisdiction.

SECTION 7. Areas Open for Declaration as *Minahang Bayan*. The Board shall have the authority to declare and set aside *Minahang Bayan* in mineralized areas onshore suitable for small-scale mining, except in areas closed to mining applications as provided in Section 1 of the Executive Order (EO) No. 79 dated July 6, 2012, and shall not exceed two (2) contiguous meridional blocks, subject to review by the Secretary thru the Director.

The following mineralized areas onshore may be declared by the Board as *Minahang Bayan*:

- a. Public lands not subject to any existing right;
- b. Public lands covered by mining applications, such as:
 1. Areas covered by Exploration Permit applications: *Provided*, That the total proposed area for *Minahang Bayan* within the applied Exploration Permit Area does not exceed two (2) meridional blocks: *Provided, further*, That upon filing of the petition and due notice, the area shall be excised from the coverage of the Exploration Permit Application: *Provided, finally*, That if such petition is denied, the area shall be reverted to the affected Exploration Permit application/Permittee.
 2. Areas covered by applications for mineral agreements: *Provided*, That the proposed area for *Minahang Bayan* within the applied area for mineral agreement does not exceed two (2) meridional blocks: *Provided, further*, That the applicant for the mineral agreement consents to the declaration of his/her/its contract area or parts thereof as a *Minahang Bayan*: *Provided, finally*, That upon declaration of the *Minahang Bayan*, the area shall be excised from the coverage of the Mineral Agreement application or Mineral Agreement, in case the Mineral Agreement application was approved during the processing of the petition for *Minahang Bayan*.
 3. Areas covered by denied applications for mineral agreements but with pending appeal with the Bureau or Department Central Office: *Provided*, That the proposed area for *Minahang Bayan* within the applied area for mineral agreement does not exceed two (2) meridional blocks: *Provided, further*, That upon declaration of the *Minahang Bayan*, the area shall be excised from the coverage of the denied Mineral Agreement application but with pending appeal

with the Bureau or Department Central Office.

Provided, That Exploration Permit (EP) with no Declaration of Mining Project Feasibility (DMPF) application shall be governed by item 1 hereof. *Provided, further*, That EP with DMPF application shall be governed by item 2 hereof. *Provided, finally*, That Mineral Production Sharing Agreement (MPSA) intended for exploration shall be governed by item 1 hereof.

- c. Public lands covered by existing mining rights which are not active mining areas. A mining area is considered inactive if there is no operation for five (5) years from the date of approval of the mining right:
 - 1. Non-renewal of Exploration Period for five (5) years;
 - 2. No approved Exploration Work Program/Exploration Period;
 - 3. No approved Three (3)-Year Work Program; and
 - 4. Non-implementation of activity related to mineral development for five (5) years as verified by the Regional Office concerned.
- d. Private lands, subject to certain rights and conditions, except those with substantial improvements or in bonafide and regular use as a yard, stockyard, garden, plant nursery, plantation, cemetery or burial site, or land situated within one hundred meters (100 m.) from such cemetery or burial site, water reservoir or a separate parcel of land with an area of ten thousand square meters (10,000 sq.m.) or less.
- e. Areas already occupied and actively mined by small-scale miners before August 1, 1987: *Provided*, That such areas are not closed to mining.
- f. No ancestral land may be declared as a people's small-scale mining area without the prior consent of the cultural communities concerned: *Provided*, That, if ancestral lands are declared as people's small-scale mining areas, the members of the cultural communities therein shall be given priority in the awarding of Small-Scale Mining Contracts.

SECTION 8. Suitability of a *Minahang Bayan* for Small-Scale Mining. An area may be considered for declaration as *Minahang Bayan*, subject to the following conditions, as determined by the Regional Office concerned:

- a. **For Gold and Silver Deposits:**
 - 1. Alluvial/Placer deposits of at least one (1) gram per ton gold equivalent grade
 - 2. Epithermal, Vein-type, Disseminated or Porphyry deposits of at least five (5) grams gold per ton grade
- b. **For Chromite Deposits:**
 - 1. For metallurgical chromite – Alluvial/Placer deposits

2. Shallow or near surface deposits

SECTION 9. Procedure in the Declaration of *Minahang Bayan*. The following procedure shall be observed in the declaration of a *Minahang Bayan*:

- a. The Petitioner shall file with the Board a petition for declaration of an area as *Minahang Bayan*, specifying therein the coverage of the proposed area described in geographic coordinates of at least four (4) corners of the proposed area(s) following the meridional block system under Section 11 hereof. Within five (5) days upon receipt of the petition, the Board shall forward the same to the following:
 1. Regional Office concerned – shall check in its control map the status of the proposed area vis-à-vis the prior and existing mining rights and applications, as well as areas closed to mining applications pursuant to the existing laws, rules and regulations;
 2. National Commission on Indigenous Peoples (NCIP) – The Board to obtain the list of ICCs/IPs legitimate leaders to be notified about the petition and shall conduct a consultation with the ICCs/IPs concerned;
 3. Other DENR Sectors concerned – for area status/clearance;
 4. Province/City government concerned – area status/clearance (local issuances re: closed to mining, zoning, agriculture/tourism, among others); and
 5. All *Sanggunian* concerned for the purpose of the pertinent provisions of Sections 26 and 27 of RA No. 7160. At least the majority of the *Sanggunian* concerned shall endorse the declaration of the proposed *Minahang Bayan*. In case of an opposition of a *Sanggunian* concerned, said opposition shall be filed within fifteen (15) days from receipt of the notice, with the Board for resolution;

Result of the area status/clearance from the DENR Sectors and Province/City government concerned shall be submitted to the Board within fifteen (15) days from receipt of the pertinent petition. A copy of the submitted area status/clearance shall be furnished to the Regional Office concerned by the Board.

- b. In case the area is found to be open for declaration as *Minahang Bayan*, the Regional Office concerned shall evaluate within twenty (20) days whether the said area is technically and economically viable for small-scale mining, taking into consideration, among others, the necessary allocation for a mineral processing zone, if mineral processing shall be conducted, and limitations under Section 8 hereof. Representative of affected ICCs/IPs shall be involved in the determination of the area status and evaluation assessment conducted by the Regional Office.

Within fifteen (15) working days from the conduct of the area status and evaluation assessment, the Regional Office concerned shall submit the result of its evaluation to the Board, for consideration. A copy of the evaluation result shall be provided to the Secretary thru the Director.

- c. In case the proposed area is situated inside areas closed to mining applications, the Board shall return the petition.
- d. In case the proposed area is in conflict with existing mining permit(s)/contract(s) or mining application(s) falling within the categories enumerated in paragraphs (b) and (c) of Section 7 hereof, the Board shall formally notify the holder(s) of mining permit(s)/contract(s) or mining applicant(s) concerned of the proposed *Minahang Bayan*, copy furnished the petitioner.
- e. In case the proposed area covers private land(s) as cited in paragraph (d) of Section 7 hereof, the Board shall formally notify the landowner(s) or lawful possessor(s) concerned of the proposed *Minahang Bayan*, copy furnished the petitioner.
- f. Upon receipt of the evaluation done by the MGB RO, the Board shall prepare and cause the posting of the notice of the proposed *Minahang Bayan* on the bulletin boards of the Regional Office concerned and Offices of the Provincial Governor and Municipal/City Mayor concerned, for seven (7) days, copy furnished the Barangay(s) concerned. Where necessary, the Notice shall be in a language generally understood in the locality concerned where it is posted. The Board shall also cause the publication of the same notice once in a newspaper of local or national circulation. The petitioner shall shoulder the cost of publication.
- g. Within five (5) days from the last date of posting and publication, the authorized officer(s) of the office(s) concerned and the publisher of the newspaper concerned shall issue a certification(s) that the posting and publication requirements have been complied with. Any adverse claim, protest or opposition shall be filed directly, within ten (10) days from the date of publication or from the last date of posting, with the Board for resolution.
- h. The Board shall act on all adverse claim, protest or opposition within fifteen (15) days after it is submitted for resolution. The decision of the Board may be appealed to the Secretary within fifteen (15) days from receipt of the decision of the Board.
- i. Where no adverse claim, protest or opposition is filed within the ten (10)-day prescribed period, or upon final resolution of the adverse claim, protest or opposition in favor of the petitioner, the Board shall forward, within three (3) working days upon receipt of all the certificates of compliance with the publication and posting requirements, all the pertinent documents for the declaration of the proposed *Minahang Bayan* to the Secretary thru the Director, for review. The Director shall review the submitted pertinent documents within fifteen (15) working days upon receipt.
- j. If the above requirements are fully complied with, the Secretary shall clear the declaration of the proposed *Minahang Bayan*.
- k. The Board shall declare the area as *Minahang Bayan* thru a resolution within fifteen (15) working days from receipt of the clearance from the Secretary.

- l. The Board shall cause the posting of the notice of declaration of the *Minahang Bayan* on the bulletin boards of the Regional Office concerned and Offices of the Provincial Governor, Municipal/City Mayor concerned, and the Barangay(s) concerned. Where necessary, the notice of declaration shall be in a language generally understood in the locality concerned where it is posted.
- m. The Board may accept applications for Small-Scale Mining Contracts after the posting of the declaration: *Provided*, That for *Minahang Bayan* within areas subject of Section 7(e) hereof, only applications by small-scale miners whose members are part of the ICC therein shall be accepted within the first thirty (30) days: *Provided, further*, That for *Minahang Bayan* outside areas subject of Section 7(e) hereof, only applications by small-scale miners residing in the province or city where the *Minahang Bayan* is located shall be accepted within the first thirty (30) days.

SECTION 10. Application to Enter into a Small-Scale Mining Contract. Licensed small-scale miners with the capacity to contract, subject to the conditions under Section 9(n) hereof, shall file with the Board a Small-Scale Mining Contract application within an area situated in a *Minahang Bayan* together with the following mandatory requirements in five (5) copies:

- a. Duly accomplished application form (Form No. SSM-01);
- b. Application fee of PhP10,000.00 payable to the Provincial/City government concerned, without prejudice to other fees and charges that may be imposed by the local government concerned by way of an ordinance;
- c. For individual—certified photocopy of DTI registration;
- d. For association or cooperative—photocopy of Articles of Association/ Cooperation, By-Laws and Certificate of Registration, duly certified by the Securities and Exchange Commission (SEC) or authorized Government agency(ies) concerned, or Certification from the Bureau/Regional Office concerned that said documents are duly registered in that Office;
- e. Sketch Plan at a convenient scale with location map of the proposed small-scale mining contract area showing its geographic coordinates/meridional block(s) and boundaries in relation to the *Minahang Bayan*, major environmental features and other projects using a National Mapping and Resources Information Authority (NAMRIA) topographic map in a scale of 1:10,000 duly prepared, signed and sealed by a deputized Geodetic Engineer; and
- f. Proposed Two (2)-Year Work Program (Form No. SSM-02).

The authorized capitalization for an application for SSMC shall be Ten Million Pesos (PhP10,000,000.00) with minimum paid up capital of Six Hundred Twenty-Five Thousand Pesos (PhP625,000.00).

Applications with incomplete mandatory requirements shall not be accepted. Within three (3) working days upon receipt of the application, the Board shall check through the *Minahang Bayan* control map if the area is free from conflict and inform the applicant about the status of the area. In case the applied area is in conflict totally, the Board shall return the application. In case the applied area is partially in conflict, the Board shall return the application for revision and resubmission within fifteen (15) working days: *Provided*, That only one (1)

people's Small-Scale Mining Contract may be awarded at any one time to a Small-Scale Mining Contractor in the entire country.

The Certificate of Non-Overlap for areas without ICCs/IPs shall be secured by the Small-Scale Mining Contract application accordance with the existing NCIP rules and regulations and shall be submitted to the Board seven (7) days from receipt of the Certificate.

The Certification Precondition shall be secured by the Small-Scale Mining Contract applicant in accordance with the existing NCIP rules and regulations and shall be submitted to the Board seven (7) days from receipt of the Certificate.

In case the Certification Precondition is not issued within the NCIP's prescribed periods, the Small-scale Mining Contract applicant shall submit the NCIP's Field-Based Investigation Report/Validation Report for the applied area and the Memorandum of Agreement with the ICCs/IPs concerned.

The Small-Scale Mining Contract applicant shall secure an Environmental Compliance Certificate (ECC), which shall be submitted to the Board prior to the issuance of the Small-Scale Mining Contract.

The Potential Environmental Impact Management Plan (PEIMP) (Form No. SSM-03), Community Development Management Plan (CDMP) (Form No. SSM-04) and Annual Safety and Health Program (ASHP) (Form No. SSM-05) shall be submitted to the Board, for approval within fifteen (15) working days from receipt.

SECTION 11. Extent of Small-Scale Mining Contract Area. The Board shall determine the reasonable size and shape of the small-scale mining contract area following the meridional block system established under RA No. 7942, otherwise known as the Philippine Mining Act of 1995, but in no case shall the applied area be less than 1.25 hectares and more than 20 hectares per Small-Scale Mining Contract.

For the above purpose, the Board shall subdivide the meridional block into 64 parcels at 3.75" of latitude and 3.75" of longitude per parcel, containing an area of 1.25 hectares, more or less: *Provided*, That a small-scale mining contract area shall consist of adjacent and contiguous parcels.

All underground openings such as main opening/access/principal passage ways, whether horizontal, vertical or inclined, shall at least have an effective height of 1.5 meters and an effective width of 1.3 meters and a maximum depth of 100meters underground workings, vertically measured from the portal elevation but in no case shall go below Mean Sea Level elevation.

For surface mining, bench height shall be limited to 1.5 meters only. A minimum allowable berm for working area shall be two (2) meters.

Any deviation from the standards shall be subject to the approval of the Board.

SECTION 12. Award of People's Small-Scale Mining Contract. Within fifteen (15) working days upon receipt of all the pertinent requirements, the Board shall award the Small-Scale Mining Contract. A copy of the Small-Scale Mining Contract, together with its supporting documents, shall be forwarded to the Director for information and record within three (3) working days after the registration of the contract with the Board: *Provided*, That the Small-Scale Mining Contractor shall start mining operations within one (1) year from the date of award.

SECTION 13. Terms and Conditions of Small-Scale Mining Contract. The following terms and conditions shall be incorporated in the Small-Scale Mining Contract:

- a. The Small-Scale Mining Contract shall have a term of two (2) years, renewable for like periods: *Provided*, (i) That the Small-Scale Mining Contractor has complied with the terms and conditions of the Small-Scale Mining Contract and the provisions of RA No. 7076 as verified by the Board; (ii) That the application for renewal shall be filed not later than sixty (60) days prior to the expiry of the Small-Scale Mining Contract; (iii) That the application for renewal shall be accompanied by the following:
 1. Duly accomplished application form (refer to Form No. SSM-01);
 2. Proof of payment of Application Fee of Php10,000.00, payable to the Provincial/City government concerned;
 3. Certification from the Board as to the compliance with the terms and conditions of the Small-Scale Mining Contract, which shall be issued not earlier than sixty (60) days prior to the expiration of the Small-Scale Mining Contract;
 4. Proposed Two (2)-Year Work Program covering the renewal period; and
 5. The Potential Environmental Impact Management Plan (PEIMP), Community Development Management Plan (CDMP) and Annual Safety and Health Program (ASHP) shall be approved by the Board within fifteen (15) days from receipt;
- b. The Small-Scale Mining Contract confers upon the Small-Scale Mining Contractor the right to extract and dispose of the authorized minerals within the small-scale mining contract area: *Provided*, That the extracted ore shall not exceed fifty thousand (50,000) metric tons annually;
- c. Updated General Information Sheet or GIS;
- d. The Small-Scale Mining Contractor shall:
 1. Before the conduct of mining operations:
 - i. Establish survey monument of the area;
 - ii. Have an approved PEIMP, CDMP and ASHP;
 2. Conduct small-scale mining in accordance with the Two (2)-Year Work Program, PEIMP, ASHP and CDMP, duly approved by the Board, and the ECC;
 3. Any applicant for SSMC who is not the Petitioner shall reimburse the latter the cost of the expenses for the declaration of the *Minahang Bayan* proportionate

- to the applied contract area;
4. Not undertake hydraulicking or compressor mining at any stage of small-scale mining within the small-scale mining contract area;
 5. Not use mercury in any phase of small-scale mining;
 6. Confine small-scale mining to its small-scale mining contract area;
 7. Abide by DAO No. 97-30, otherwise known as the "Small-Scale Mine Safety Rules and Regulations";
 8. Comply with its obligations to the holder of a mining permit/contract, if applicable;
 9. Sell its production outputs to the *Bangko Sentral ng Pilipinas* (BSP) or thru its accredited traders for eventual sale to the BSP, in the case of gold production;
 10. Pay all taxes, royalties and/or government production share as provided by law at the time the Small-Scale Mining Contract is awarded unless exempted;
 11. Comply with pertinent rules and regulations on environmental protection and conservation, particularly those on tree-cutting, mineral processing and pollution control;
 12. Submit under oath at the end of each quarter a detailed production report and annual financial report to the Board; and
 13. Assume responsibility for the safety of persons working in the mines and compliance with RA No. 9231, an act Providing for the Elimination of the Worst Forms of Child Labor and Affording Stronger Protection for the Working Child, Amending for this purpose Republic Act No. 7610, as Amended, Otherwise Known as the "Special Protection of Children against Child Abuse, Exploitation and Discrimination Act".

CHAPTER IV MINERAL PROCESSING

SECTION 14. General Provision. Small-scale mineral processing shall be undertaken only in Mineral Processing Zones (MPZ) under a Mineral Processing License (MPL): *Provided*, That no mercury shall be used in mineral processing.

SECTION 15. Establishment and Operation of Centralized Custom Mills/Plants and Mineral Processing Zones. Mineral Processing Zones shall be duly designated by the local government unit concerned upon the recommendation of the Board.

In the recovery of gold, custom mills/processing plants shall not use mercury, instead gravity concentration cyanidation and/or other non-mercury recovery methods shall be utilized.

Custom mills/processing plants shall be constructed to cater for the production volume of Small-Scale Mining Contractors. Maximum annual capacity of 50,000 tons per license shall be required and may be composed of modular plants of 5 to 150 tons per day capacity. Capital expenditure for the mill plant shall not be less than Two Million Pesos (PhP2,000,000.00) but not more than Twenty-Five Million Pesos (PhP25,000,000.00).

Custom mills shall be operated in the designated MPZ and shall be constituted as withholding agents for the royalties, production share or other taxes due the government:

Provided, That as withholding agents, such custom mills shall be registered with the Bureau of Internal Revenue Office concerned.

In case processing zone shall be located outside the *Minahang Bayan* and is within mining permit or contract area, the consent of the permittee or the contractor shall be required and the Board shall determine the amount of compensation due the mining applicant(s) or holder(s) of mining permit/contract.

In mining areas where the private sector is unable to establish a custom mill, the Board shall recommend to the Department thru the Director the construction of the custom mill, if viable.

The Department thru the Bureau shall establish or designate assay laboratories to cross-check the integrity of custom mills and to render metallurgical and laboratory services to miners.

SECTION 16. Application for Mineral Processor's License. An application for Mineral Processor's License (MPL) shall be filed by a qualified person either personally or through his/her/its duly authorized representative with the Board, through the Regional Office concerned: *Provided*, That a MPL application shall be accepted only upon payment of the required fees in the amount of Ten Thousand Pesos (Php10,000.00) to the Provincial/City Government concerned, without prejudice to other fees and charges that may be imposed by the local government by way of an ordinance; *Provided further*, That any application with incomplete mandatory requirements shall not be accepted.

Upon payment of the filing fee, the applicant shall submit at least five (5) sets of the following mandatory requirements:

- a. For association or cooperative:
 1. Original or certified true copy of Certificate of Registration issued by the SEC or authorized government agency concerned;
 2. Original or certified true copy of Articles of Association/Cooperation and By-Laws duly certified by the SEC or authorized Government agency(ies) concerned or Certification from the Bureau/Regional Office concerned that said documents are duly registered in that Office, with a minimum authorized capital of Ten Million Pesos (Php10,000,000.00) and not to exceed Two Hundred Million Pesos(Php200,000,000.00);
 3. Location map/sketch plan of the area of the proposed processing plant using NAMRIA topographic map in a scale of 1:50,000 or 1:10,000;
 4. Project Description and plant layout/design including cost of project duly prepared and signed by a licensed Metallurgical Engineer;
 5. Small-Scale Miners License of the duly authorized representative;
 6. Proof of technical competence;
 7. Proof of financial capability such as latest Audited Financial Statement, Annual Report for the preceding year, and credit line(s) and/or proof of bank deposit(s), in the amount that shall not be less than the cost of project; and
 8. Supply contract/agreement with the small-scale mining contractor(s)/ MPL holder(s);

b. For individual miner:

1. Location map/sketch plan of the area of the proposed processing plant using NAMRIA topographic map in a scale of 1:50,000 or 10,000;
2. Project Description and plant layout/design including cost of project duly prepared and signed by a licensed Metallurgical Engineer;
3. Small-Scale Mining License of the duly authorized representative;
4. Proof of technical competence;
5. Proof of financial capability such as latest Audited Financial Statement, Annual Report for the preceding year, and credit line(s) and/or proof of bank deposit(s), in the amount that shall not be less than the cost of project; and
6. Supply contract/agreement with the Small-Scale Mining Contractor(s)/MPL holder.

The Certificate of Non-Overlap for areas without ICCs/IPs shall be secured by the Mineral Processor's License applicant in accordance with the existing NCIP rules and regulations and shall be submitted to the Board seven (7) days from receipt of the Certificate.

The Certification Precondition shall be secured by the Mineral Processor's License applicant in accordance with the existing NCIP rules and regulations and shall be submitted to the Board seven (7) days from receipt of the Certificate.

In case the Certification Precondition is not issued within the NCIP's prescribed periods, the Small-scale Mining Contract applicant shall submit the NCIP's Field-Based Investigation Report/Validation Report for the applied area and the Memorandum of Agreement with the ICCs/IPs concerned.

The Mineral Processor's License applicant shall secure an Environmental Compliance Certificate (ECC), which shall be submitted to the Board prior to the issuance of the Mineral Processor's License.

The Potential Environmental Impact Management Plan (PEIMP), Community Development Management Plan (CDMP) and Annual Safety and Health Program (ASHP) shall be submitted to the Board, for approval within fifteen (15) working days from receipt.

SECTION 17. Processing/Registration/Issuance of a Mineral Processor's License. Upon compliance with all the pertinent requirements, the Board may approve an application for MPL. The Board shall notify the applicant to cause the registration and payment of the required fees within five (5) working days from notification copy furnished the Regional Office concerned.

SECTION 18. Terms and Conditions of Mineral Processor's License. The MPL shall have the following terms and conditions:

a. The Processor shall:

1. Have PEIMP, CDMP and ASHP duly approved by the Board before the conduct of mineral processing operations;

2. Assume full responsibility and be liable for damages to private and/or public property(ies) that may be occasioned by his/her/its operations under the MPL;
 3. Submit to the Board the applicable production and activity reports prescribed in Chapter XXIX of Department Administrative Order (DAO) No. 2010-21. The Board may conduct an on-site validation of the submitted reports subject to the payment of the required verification fees;
 4. Conduct his/her/its operations in accordance with the PEIMP, ASHP, CDMP and ECC;
 5. Conduct his/her/its operations in accordance with the provisions of RA No. 7076, this Administrative Order and DAO No. 97-30 known as "Small-Scale Mine Safety Rules and Regulations";
 6. Respect the right of women workers to participate in policy and decision-making processes affecting their rights and benefits and not discriminate on the basis of gender;
 7. Comply with the provisions of Section 12 of RA 7610 as amended by RA No. 9231;
 8. Pay fees, taxes and other financial obligations in accordance with existing laws, rules and regulations;
 9. Give preference to goods and services produced and offered in the Philippines of comparative quality and cost; and
 10. Utilize the best available appropriate and efficient mineral processing technology;
- b. The term of the MPL shall be for five (5) years, renewable for like periods but not to exceed a total term of twenty-five (25) years: *Provided*, That no renewal of the MPL shall be allowed unless the Processor has complied with all the terms and conditions of the MPL and has not been found guilty of violation of any provision of the RA No. 7076 and other existing laws, rules and regulations and this Administrative Order;
 - c. MPL should only process ores from Small-Scale Mining Contractors and/or other MPL holders;
 - d. Withdrawal by the Processor from the MPL shall not release it from any and all financial, environmental, social, legal and/or fiscal obligations; and
 - e. Such other terms and conditions consistent with the Constitution, RA No. 7076, this Administrative Order and other existing laws, rules and regulations.

CHAPTER V SUPERVISION

SECTION 19. Administrative Supervision over Small-Scale Mining. The Secretary through his representative shall exercise direct supervision and control over the programs and activities of the small-scale miners within the *Minahang Bayan*.

SECTION 20. Provincial/City Mining Regulatory Board. The Board created under

RA No. 7076 shall exercise the following major powers and functions, subject to review by the Secretary:

- a. Declares and segregates existing gold-rich areas for small-scale mining;
- b. Declares, segregates and reserves for the future, mineralized areas/mineral lands as *Minahang Bayan*;
- c. Evaluates and approves PEIMP, CDMP, ASHP;
- d. Awards and registers Small-Scale Mining Contracts and Mineral Processing License;
- e. Formulates its own guidelines and implements rules and regulations related to RA No. 7076;
- f. Settles disputes, conflicts or litigations over conflicting claims within a people's small-scale mining area;
- g. Suspends, cancels and revokes for cause after due process Small-Scale Mining Contracts and Mineral Processor's License;
- h. Submits to the Department and the Bureau a comprehensive Annual Report of the overall operation of the *Minahang Bayan*; and
- i. Performs such other functions as may be necessary to achieve the goals and objectives of RA No. 7076.

SECTION 21. Composition of the Board. The Board shall be composed of the following:

- a. Regional Director concerned or his/her duly authorized representative as Chairperson;
- b. Provincial Governor or City Mayor or his/her representative as Member;
- c. One (1) small-scale mining representative as Member;
- d. One (1) large-scale mining representative as Member; and
- e. One (1) representative from an environmental non-government organization as Member.

Technical Secretariat/Staff shall be provided by the Regional Office concerned.

In areas with existing ICCs/IPs, the Board may issue a resolution to include representations from other agencies, as observer.

In provinces and cities where the Board have not been constituted, the said Board shall be operationalized within three (3) months from the effectivity of this Administrative Order.

SECTION 22. Honorarium of the Board. The chairperson, members and secretariat of the Board shall receive honorarium based on meetings attended at the rate prescribed by pertinent laws subject to existing accounting and auditing procedures.

The Provincial/City government concerned shall allocate funds for the operational expenses, including honorarium, of the Board and its secretariat/staff.

CHAPTER VI RIGHTS

SECTION 23. Easement Rights. Upon the declaration of a *Minahang Bayan*, the Director, thru the Board, in consultation with the holders of mining permits/contracts, operators, or landowners of the affected area, shall determine the right of the small-scale miners to existing facilities, such as mining and logging roads, private roads, port and communication facilities and processing plants which are necessary for small-scale mining, subject to payment of reasonable fees to the parties concerned.

SECTION 24. Rights under a Small-Scale Mining Contract. A Small-Scale Mining Contract entitles the holder the right to extract and dispose of minerals/ores for commercial purposes over the area covered thereby: *Provided*, That in no case shall the Small-Scale Mining Contract be subcontracted, assigned or otherwise transferred.

SECTION 25. Rights of Claimowners. In case a site declared and set as a People's Small-scale Mining Area is covered by an existing mining right, the claimowner and the small-scale miners therein are encouraged to enter into a voluntary and acceptable contractual agreement with respect to the small-scale utilization of the mineral values from the area under claim. In case of disagreement, the claimowners shall be entitled to the following rights and privileges:

- a. Exemption from the performance of annual work obligations and payment of occupation fees, rental, and real property taxes;
- b. Subject to the approval of the Board, free access to the contract area to conduct metallurgical with the operations of the small-scale miners; and
- c. Royalty equivalent to one and one half (1 1/2%) of the gross value of the metallic mineral output or one percent (1%) of the gross value of the nonmetallic mineral output to be paid to the claimowner: *Provided*, That such rights and privileges shall be available only if he is not delinquent in the performance of his annual work obligations and other requirements for the last two (2) years prior to the effectivity of this Act.

SECTION 26. Rights of Private Landowners. The private landowner or lawful possessor shall be notified of any plan or petition to declare his land as a people's small-scale mining area. Said landowner may oppose such plan or petition in an appropriate proceeding and hearing conducted before the Board.

If a private land is declared as a people's small-scale mining area, the owner and the Small-scale Mining Contractors are encouraged to enter into a voluntary and acceptable contractual agreement for the small-scale utilization of the mineral values from the private land: *Provided*, That the owner shall in all cases be entitled to the payment of actual damages which he may suffer as a result of such declaration: *Provided, further*, That royalties paid to the owner shall in no case exceed one percent (1%) of the gross value of the minerals recovered as royalty.

SECTION 27. Ownership of Mill Tailings. In the absence of a prior written agreement, the Small-Scale Mining Contractor concerned, shall be the owner of the mill tailings produced from the custom mill. It may sell the tailings, or have them re-processed in any custom mill: *Provided*, That if the Small-Scale Mining Contractor concerned decides to sell his/her/its mill tailings, the claimowner shall have a pre-emptive right to purchase said mill tailings at the prevailing market price.

The Contractor and Processor shall submit to the Board copy furnished the Regional Office concerned a report on the sale/disposal of mill tailings.

CHAPTER VII ENVIRONMENTAL PROTECTION, COMMUNITY DEVELOPMENT, AND SAFETY AND HEALTH

SECTION 28. Environmental Protection and Community Development and Management Program. To ensure the protection of the environment and the development of host and neighboring communities, the Small-Scale Mining Contractor or MPL holder shall submit a two (2)-year Potential Environmental Impact Management Plan (PEIMP) and Community Development and Management Plan (CDMP) which shall be initially evaluated by the Regional Office concerned within fifteen (15) working days upon receipt and endorsed the same to the Board for approval.

The PEIMP shall provide a description of the expected and considered acceptable impacts in the environment and biodiversity and shall set out the mitigating strategies to be applied based on best practice in environmental and biodiversity management in all stages of small-scale mining operation whenever applicable. The PEIMP shall be based on the Environmental Compliance Certificate.

The CDMP shall be prepared in consultation and in partnership with its host and neighboring communities.

An annual status report of the physical and financial accomplishment on the implementation of PEIMP and CDMP shall be submitted to the Board concerned, subject to annual monitoring/audit.

The Small-Scale Mining Contractor or MPL holder shall set up an Environmental Management and Social Development Fund (EMSDF) to ensure compliance with approved activities, as defined in the PEIMP and CDMP. The EMSDF shall be equivalent to ten percent (10%) of the total operating cost for the whole duration of the contract/permit or One Hundred Thousand Pesos (Php100,000.00), whichever is higher: *Provided*, That EMSDF shall be equally allocated for the implementation of PEIMP and CDMP: *Provided, further*, That for MPL, the EMSDF shall be equivalent to three percent (3%) of the capital requirement. *Provided, finally*, That any shortfall in the amount needed to achieve the objectives of PEIMP and CDMP, shall be shouldered by the Small-Scale Mining Contractor/MPL Holder.

The EMSDF shall be deposited in a Government depository bank after the execution of the Tripartite Memorandum of Agreement among the Small-Scale Mining Contractor or MPL

holder, the Board and the Government depository bank: *Provided*, That the request for withdrawal and disbursement from EMSDF by the Small-Scale Mining Contractor or MPL holder shall be based on its PEIMP and CDMP and shall be submitted to the Board for consideration and approval.

The Secretary, upon the recommendation of the Bureau, is authorized to increase the said fees when national interest and public welfare so require.

SECTION 29. Safety and Health Program. To ensure the safety and health of small-scale miners and mineral processing plant workers, the Small-Scale Mining Contractor and MPL holder shall submit an Annual Safety and Health Program (ASHP) covering its area of operations at least fifteen (15) calendar days before the start of every calendar year. The Small-Scale Mining Contractor and MPL holder shall abide by the provisions of DAO No. 97-30, otherwise known as the “Small-Scale Mine Safety Rules and Regulations”.

SECTION 30. Mine Wastes Dump and Tailings Storage Facility

A. Mine Wastes Dump

The following are the guidelines on:

a. Site Selection of Mine Wastes Dump:

1. Mine wastes dump shall be located far from old growth or virgin forest, proclaimed watershed forest reserves, wilderness areas, mangrove forests, mossy forests, national parks, greenbelts, game refuge, bird sanctuaries and areas proclaimed as marine reserves/marine parks, and tourist zones. As defined by law a buffer of not less than 500 meters from the perimeter shall be maintained;
2. Mine wastes dump shall be located away from water bodies so that water flow after rehabilitation/decommissioning is reduced;
3. Mine wastes dump shall accommodate mine wastes produced from the entire life of small-scale mining operation; and
4. Mine wastes dump shall be designed and constructed above the maximum flood level.

b. Design of Mine Wastes Dump:

1. The expected life of the mine, the geology, hydrology, ecology, land use, topography, climate, area of land available, and vegetation of the site shall be considered in the design (e.g. height, slope, area, shape, etc.) of mine wastes dumps; and
2. Drainage system shall be constructed to handle heavy rainfall event.

c. Construction of Mine Wastes Dump

1. Site disturbance shall be limited and conform with the proposed design;

2. Drainage system shall be constructed during dump build-up and shall enable rainfall run-off to be shed from the dump without causing erosion;
3. Any pre-stripped topsoil shall be stockpiled separately; and
4. Stripped topsoil shall be contained and protected from erosion for future rehabilitation purposes.

B. Mill Tailings Storage Facility

Mill Tailings Storage Facility (MTSF) shall be located far from declared watershed areas and free from spillage, slides, and/or washing away of tailings by surface runoff during heavy rains into adjacent areas and natural drainage systems (tributaries, creeks and/or rivers). The following are the guidelines on:

a. Embankment Design of MTSF:

1. Impoundment close to the coast shall be above the maximum storm surge level;
2. Impoundment formed of earth or earth and rock materials shall be designed and constructed with a factor of safety against failure of at least 1.2 under static loading conditions and at least 0.98 - 1.2 under maximum probable earthquake loading conditions; and
3. Embankments shall also be compacted to no less than ninety percent (90%) of proctor density.

b. Construction of the MTSF:

1. Freeboard requirement during MTSF construction stage shall take into consideration the hydrology/flooding in the area. Decant, and/or water diversion or spillway whenever necessary, shall also be provided;
2. A five (5) year flood cycle shall be considered during MTSF construction stage;
3. Materials to be used for embankment shall be non-acid and non-toxic leachates generating materials; and
4. The MPL holder/s shall submit an "as-built report" to the Board after the MTSF construction.

c. Operation of MTSF:

1. Sufficient freeboard of at least five (5) meters depending on the hydrological/flooding consideration shall likewise be maintained during operating life of the impoundment; A one hundred (100) year flood cycle shall be taken into account during active impoundment operation;
2. Embankment slopes shall be maintained below its angle of repose; a maximum angle of 1.1:1 along the upstream slope and 1.5:1 along the downstream slope; and
3. Whenever practicable, all wastewater from the MTSF shall be recycled and utilized for mining and milling purposes. A zero wastewater discharged shall always be promoted.

There shall be only one (1) MTSF to be constructed within the designated MPZ. The Processor/s shall not be allowed to operate without a MTSF and shall construct and manage

the MTSF with due and equal emphasis on economic and environmental considerations, as well as safety, health, social, and cultural concerns and shall be held liable on the MTSF integrity.

MTSF of small-scale mining operations shall be located, designed, constructed, operated and rehabilitated/decommissioned such that they can be returned to productive long term and agreed land use.

The Board shall monitor and regulate the MTSF. Direct and indirect disposal of mill tailings into natural drainage systems (including rivers and tributaries) and flushing of mill tailings are prohibited. Any water discharge from the MTSF shall conform to the DENR standards.

SECTION 31. Submission of Sworn Annual Report on the Amount of Mine Wastes and Tailings Produced, Contained and/or Utilized. All operating SSMC/MPL Holder shall submit a sworn annual report on the amount of mine wastes and tailings produced, contained, and/or utilized to the Board, copy furnished the Regional Office concerned within fifteen (15) working days after the end of each year using the prescribed format (Form No. SSM-06).

A Small-Scale Mining Contractor/MPL holder with no mine wastes and tailings generated shall likewise submit sworn annual report stating that for the said year no such materials were generated.

The Board or its representative shall conduct annual field verification of the amount of mine wastes and tailings produced, contained and/or utilized by each small-scale mining contractor or mineral processor or its operator using the prescribed format (Form No. SSM-07).

SECTION 32. Small-Scale Mine Wastes and Tailings Fees. Small-scale mine wastes and tailings fees shall be collected annually from each operating SSMC/MPL holder based on existing rates for Mine Wastes and Tailings (MWT). The basic fees shall accrue to the MWT Reserve Fund; *Provided*, That mine wastes and tailings utilized for the following shall be exempted from payment of MWT fees:

- a. Filling materials for underground mine openings;
- b. Filling materials for surface mine openings and tailings storage facility embankment; and
- c. Sold to MPL holder or Mineral Processing Permit holder.

MWT fees shall be payable to the Provincial/City government concerned within forty-five (45) calendar days after the end of the calendar year to be used for payment of compensation for damages caused by any mining/mineral processing operations. Proof of payment of MWT fees shall be submitted to the Board, copy furnished the Regional Office concerned. *Provided*, That any shortfall in the amount needed to compensate claims for damages, shall be shouldered by the SSMC/MPL Holder.

CHAPTER VIII

FISCAL AND REGULATORY PROVISIONS

SECTION 33. Payment of Taxes and Government Production Share. The Small-Scale Mining Contractor/Mineral Processor shall pay to the government the following:

- a. National and local taxes due as provided for in the National Internal Revenue Code;
- b. Royalty, if within mineral reservations; and
- c. Government production share.

SECTION 34. Payment of Occupation Fee. The Small-Scale Mining Contractor shall pay to the government the occupation fee of One Hundred Pesos (PhP100.00) per hectare or a fraction thereof per year which shall be paid to the municipality where the small-scale mining contract area is located: *Provided*, That the initial occupation fee shall be paid on the date the Small-Scale Mining Contract is approved.

SECTION 35. Grounds for Suspension and Administrative Fines. Small-scale mining operations covered by a Small-Scale Mining Contract/Mineral Processor's License may be suspended on the following grounds:

- a. Violation of the safety standards as stated in DAO No. 97-30;
- b. Violation of the terms and conditions of the Small-Scale Mining Contract and Mineral Processor's License;
- c. Late or non-submission of reportorial requirements;
- d. Non-compliance with the approved PEIMP, CDMP and ECC;
- e. Non-compliance with the approved Two (2)-Year Work Program;
- f. SSMC/MPL holders with tailings impoundment/disposal system that were found to have discharged and/or to be discharging solid fractions of tailings into areas other than the approved tailings disposal area shall pay PhP100.00/metric ton, which shall accrue to the SSMWT Reserve Fund. This is without prejudice to other penalties and liabilities imposed upon the Small-Scale Mining Contractor or MPL holder under other existing laws, rules and regulations; and
- g. Late or non-submission of sworn annual report on the amount of mine wastes and tailings produced, contained, and/or utilized –shall mean non-availment of the exemption from payment of MWT fees and a fine of Five Thousand Pesos (PhP5,000.00).

SECTION 36. Cancellation of Small-Scale Mining Contracts/MPL. A Small-Scale Mining Contract/Mineral Processor's License may be cancelled, after due process, on the following grounds:

- a. Gross violation of the terms and conditions of the Small-Scale Mining Contract/Mineral Processor's License;
- b. Failure to operate within one (1) year after the approval of the SSMC/MPL;

- c. Non-payment of fees, taxes, royalties and/or government production share in accordance with this Administrative Order and other applicable laws, rules and regulations for two (2) consecutive years;
- d. Abandonment of the small-scale mining contract area or mineral processing plant for one (1) year by the small-scale miner or mineral processor, respectively;
- e. Any material misrepresentation in any statement made in the application or those made later in support thereof;
- f. When national interest and public welfare so require or for environmental protection or ecological reasons;
- g. When the *Minahang Bayan* has been reverted pursuant to Section 37 hereof;
- h. Violation of any provision of RA No. 7076 and this Administrative Order, and other applicable laws, rules and regulation; and
- i. Violation of the pertinent provisions of DAO 99-32 also known as "Policy Guidelines and Standards for Mine Wastes and Mill Tailings Management" and Section 29 hereof.

The foregoing provisions notwithstanding, the cancellation of a Small-Scale Mining Contract/Mineral Processor's License shall not release the small-scale miner/mineral processor from any and all obligations he/she/it may have.

When Small-Scale Mining Contracts are cancelled for any of the above-mentioned grounds, except for items *f* and *g*, the Secretary, thru the Board, may impose fines of an amount not less than Twenty Thousand Pesos (PhP20,000.00) but not more than One Hundred Thousand Pesos (PhP100,000.00). Non-payment of the fine imposed shall render the Small-Scale Mining Contractor ineligible for other Small-Scale Mining Contracts.

SECTION 37. Reversion of *Minahang Bayan*. The Secretary, upon recommendation of the Director, shall withdraw the status of the people's small-scale mining area when it can no longer be feasibly operated on a small-scale mining basis or when the safety, health and environmental conditions warrant that the same shall revert to the State for proper disposition.

When the government, thru the Board, determines that a *Minahang Bayan* can no longer be legally or feasibly operated on a small-scale basis, the Secretary, thru the Director, shall provide written notice to all Small-Scale Mining Contractors within the area.

CHAPTER IX ASSISTANCE TO SMALL-SCALE MINERS

SECTION 38. Assistance to Small-Scale Miners. The Department, in coordination with the Board and other government agencies concerned, may extend any of the following assistance to small-scale miners:

- a. Organization of small-scale miners into cooperatives or associations;
- b. Technical and financial assistance and social services;
- c. Processing and marketing assistance; and
- d. Generation of ancillary livelihood activities.

CHAPTER X OTHER PROVISIONS

SECTION 39. Sale of Gold. All gold produced from *Minahang Bayan* shall be sold to the BSP, or its duly accredited traders, at prices competitive with those prevailing in the world market regardless of volume or weight.

The Director shall, for the purposes of determining the validity of the registration of SSMS, ensure that a list of registered SSMS is readily made available to the BSP pursuant to Section 9 of the Implementing Rules and Regulations of RA No. 11256.

The sale of the gold shall be in accordance with the requirements as provided in the rules and regulations of the BSP, RA No. 11256 and its Implementing Rules and Regulations.

SECTION 40. Transport of Mineral/Mineral Products. The transport of ores/minerals/mineral products and by-products, including gold bullions, from a *Minahang Bayan* shall be accompanied by an Ore Transport Permit issued by the Board.

The Board shall formulate its own implementing guidelines to govern such transport of ores produced by small-scale miners from a *Minahang Bayan*, consistent with applicable provisions of the existing implementing rules and regulations of RA No. 7942, within three (3) months upon the effectivity of this Administrative Order: *Provided*, That the export of chromite shall be governed by the applicable provisions of DAO No. 2008-20, as modified and clarified under Department Memorandum Order Nos. 2008-04, 2009-01 and 2010-07.

CHAPTER XI PENAL PROVISION

SECTION 41. Penal Sanctions. Violation of any of the provisions of RA No. 7076 or this Administrative Order shall, after conviction, be penalized with imprisonment of not less than six (6) years, and shall include the confiscation and seizure by the Board of the equipment, tools and conveyance used in the commission of the offense.

CHAPTER XII TRANSITORY PROVISIONS

SECTION 42. Actual Occupation by Small-Scale Miners. All declared *Minahang Bayan* shall be recognized unless reverted. All valid and existing SSMC/MPL shall be recognized until their expiration. Renewal of SSMC and MPL shall be governed by the provisions of RA No. 7076 and this Administrative Order.

Existing small-scale processing mills/plants not situated in the designated MPZ shall be relocated within one year upon the effectivity of this Order, unless such location of existing

small-scale processing mills/plants is designated as MPZ. Otherwise, the Board may cancel, revoke or suspend the MPL.

CHAPTER XIII FINAL PROVISIONS

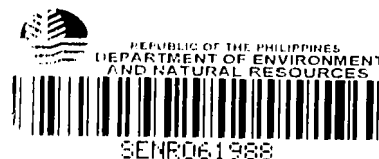
SECTION 41. Repealing Clause. All orders, rules and regulations, and other issuances, or parts thereof, in conflict or inconsistent herewith are hereby repealed and/or modified accordingly.

SECTION 42. Separability And Amending Clause. Any section or provision of this Administrative Order, which is declared unconstitutional shall not affect the other sections or provisions hereof.

The Secretary shall have the authority, inter alia, to amend, revise, add, clarify, supplement, interpret, delete, or make exemptions to any provision of this Administrative Order.

SECTION 43. Effectivity. This Administrative Order shall take effect fifteen (15) days following its complete publication in a newspaper of general circulation and registration in the Office of the National Administrative Register.

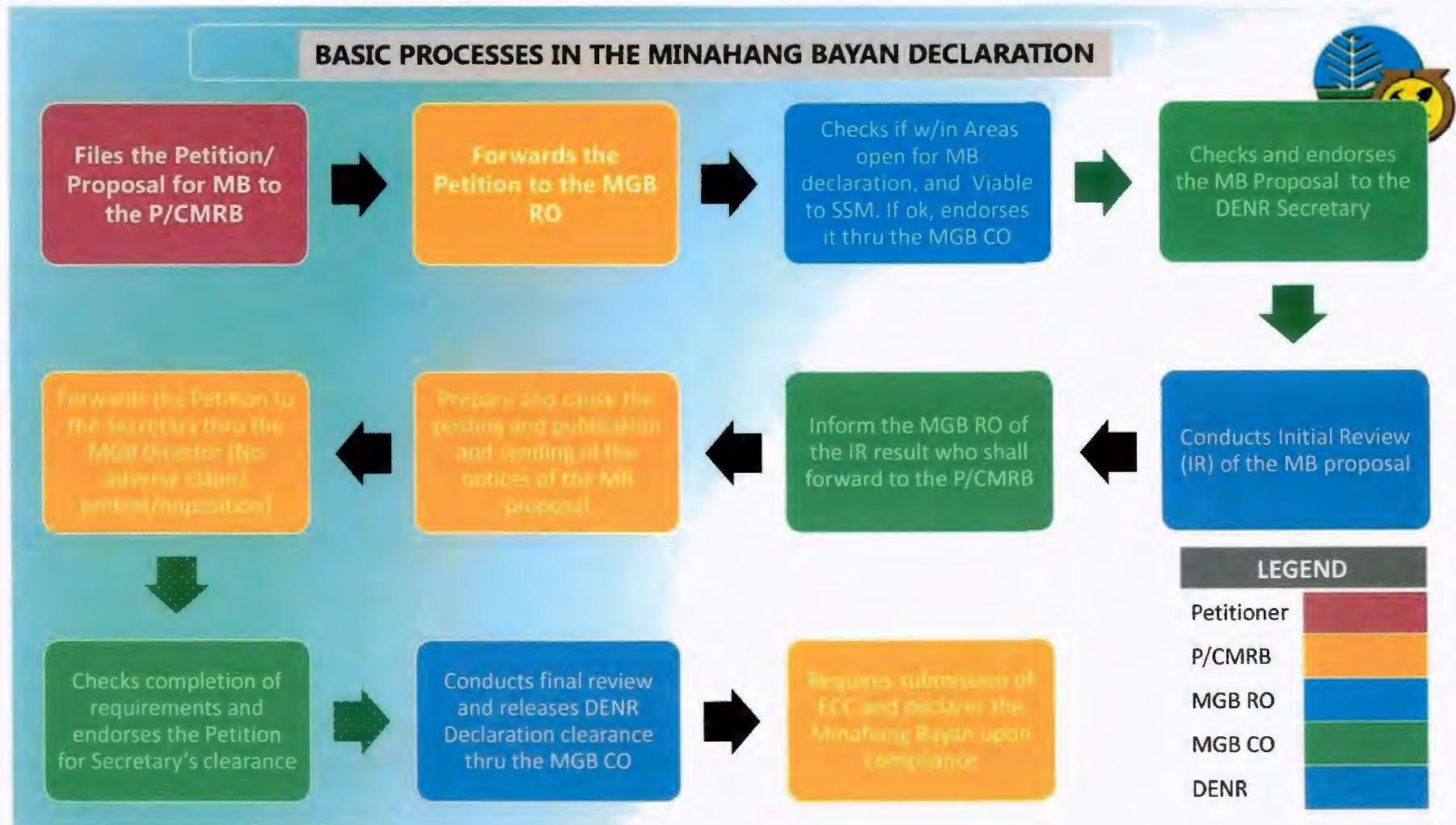

JIM C. SAMPILNA
Acting Secretary



Publication: The Manila Times
March 14, 2022

Acknowledgement: U.P. Law Center
March 14, 2022

BASIC PROCESSES IN THE MINAHANG BAYAN DECLARATION



Application to Enter a Small-scale Mining Contract



1. Duly Accomplished
Notarized Form

2. Application Fee of
P10,000 for non-
metallic and P20,000
for gold, silver and
chromite

3. Copy of Small-scale
miners license

4. Location map of
proposed small
scale mining area

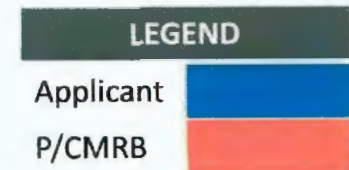
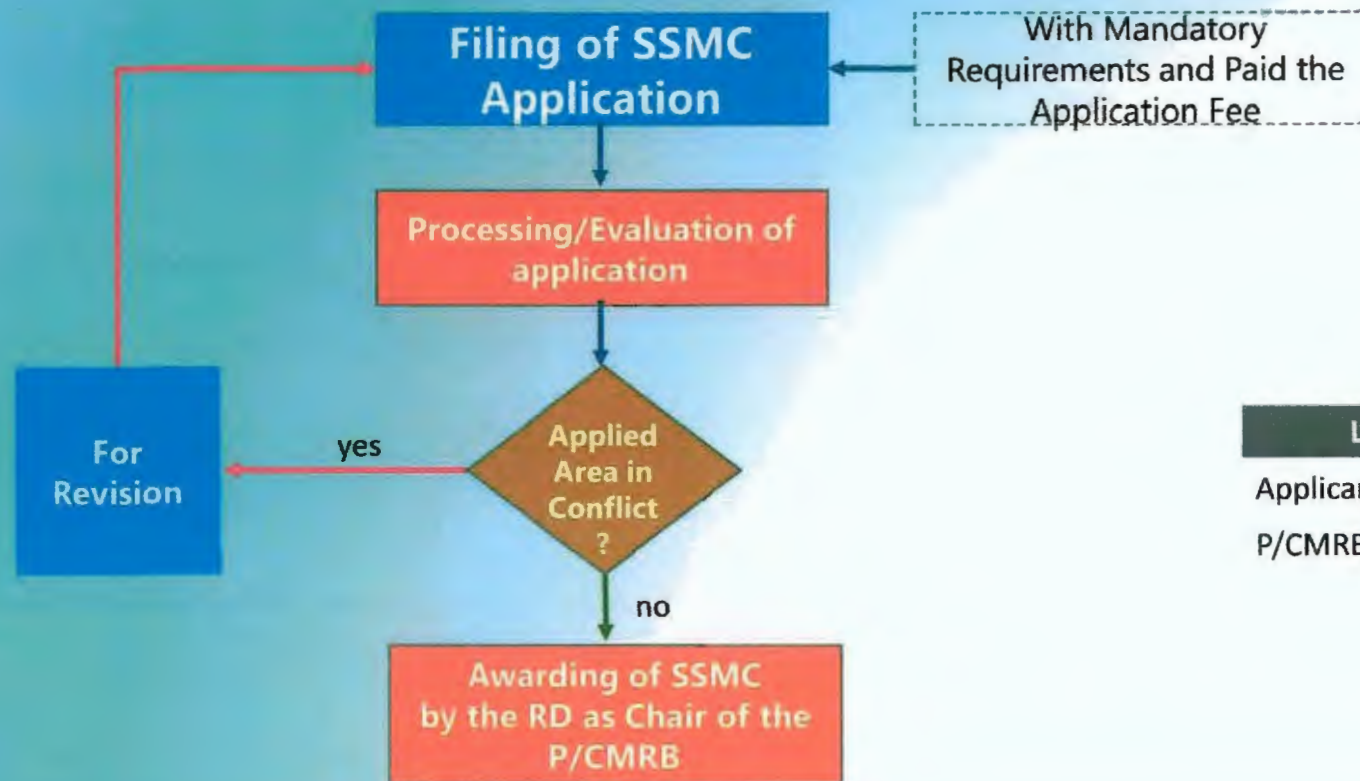
5. Sketch plan of
proposed small
scale mining area

6. Proposed small
scale mining
contract

7. Proposed Two
Year Program

8. PEIMP, ASHP,
CEMCCR and
CDMP

9. Sworn Declaration
of Total area



Processes in Small-Scale Mining Contract Awarding

Evaluation Sheet Re: Proposed Minahang Bayan (Pursuant to DENR AO No. 2015-03)

Proponent/Petitioner:

Contact Person:

Designation/Authority:

Area Location:

Total Area (Has.):

Target Mineral Commodity:



1. Petition/Proposal for Minahang Bayan

2. Area Status (MGB RO)

3. MGB RO Evaluation Report re:

6.1 Technical and Economic viability for small scale-mining;

6.2 Allocation for Mineral Processing Zone (if applicable)

4. Result of DENR-MGB initial review

5. Proofs of Notice:

5.1 To mining tenement holder(s), if applicable per Sections 8.b and 8.c.

5.2 Private landowner(s), if applicable pre Section 8.d

5.3 To NCIP (with request for Compliance Certificate/ Certificate of Non-Overlap)

5.4 To Sangguniang:

5.4.1 Panlalawigan

5.4.2 Bayan/Panlungsod

5.4.3 Barangay

6. Proofs of Posting (at least 7 days);

6.1 MGB RO concerned;

6.2 Prov. Governor's Ofc.;

6.3 Mayor's Ofc.;

6.4 Barangay/s (copy furnished)

7. Proof of Publication



Evaluation Sheet=> cont.

8. PMRB Certification Re:

- 8.1** That there is no formal Protest filed; or
- 8.2** That the favorable Decision has become final & executory

9. Endorsement by the majority of the Sanggunian

10. NCIP Certification:

- 10.1** Certificate of Non-Overlap; or
- 10.2** Certificate of Compliance with corresponding MOA

Form No. SSM-01

REPUBLIC OF THE PHILIPPINES
PROVINCIAL/CITY MINING REGULATORY BOARD
PROVINCE/CITY OF _____

APPLICATION/RENEWAL FOR SMALL-SCALE MINING CONTRACT

APPLICATION NO.:

DATE FILED:

TIME FILED:

LOCATION OF PEOPLE'S SMALL-SCALE MINING AREA OR MINAHANG BAYAN:

SITIO(S):

BARANGAY(S):

MUNICIPALITY:

PROVINCE:

DATE OF DECLARATION: _____

TECHNICAL DESCRIPTION:

Corner No.	Longitude	Latitude

TOTAL AREA (in hectares): _____

NAME OF PEOPLES SMALL-SCALE MINING COOPERATIVE:

OFFICERS:

CONTACT NUMBERS:

LOCATION OF PEOPLE'S SMALL-SCALE MINING AREA OR MINAHANG BAYAN:

SITIO: _____

BARANGAY: _____

MUNICIPALITY: _____

PROVINCE: _____

TECHNICAL DESCRIPTION:

Corner No.	Longitude	Latitude

TOTAL AREA (in hectares): _____

MINERAL COMMODITY: _____

NAME OF PERSON(S) WHO WILL ACT AS LIAISON:

1. In accordance with the provision of Republic Act No. 7076 and its Implementing Rules and Regulations and other related laws, the undersigned _____ for and on behalf of _____ by virtue of the attached duly notarized Special Power of Attorney/Board Resolution, hereby applies for a SMALL SCALE MINING CONTRACT within an area described above;

2. The application fee of P 10,000.00 (for both metallic and non-metallic minerals) has been paid under Official Receipt No. _____ dated _____;

3. This application is filed for the exclusive use and benefit of the applicant and neither directly or indirectly for the benefit of any person, corporation, partnership, association or cooperative;

4. The applicant agrees (in case of gold production) that all gold produced from the contract area shall be sold to the Bangko Sentral ng Pilipinas or its authorized representatives;

5. The applicant agrees that incomplete mandatory requirements shall not be accepted;

6. The applicant also agrees to submit additional requirements should the Provincial/City Mining Regulatory Board deems it necessary for the purpose of determining his/her qualification for the grant of the contract applied for;

7. The applicant further agrees that the statements made in the application or made later in support thereof, shall be considered as conditions and essential parts of the contract that may be granted by virtue thereof and any falsehood in these statements or omission of facts which may alter, change or affect substantially the facts set forth in said statements shall be sufficient cause for the denial of this application or cancellation of the contract granted; and

8. The applicant finally agrees that he/she has read and has thoroughly understood the same and that each and every statement in said application is true and correct.

Affiant/Applicant

SUBSCRIBED AND SWORN to before me on _____ at _____, the
affiant/applicant exhibited to me his/her _____ ID No. _____ issued at
_____ on _____.

Doc. No. ____;
Page No. ____;
Book No. ____;
Series of ____.

Notary Public

**PROPOSED TWO-YEAR
WORK PROGRAM**

1.0 Cooperative Information

- 1.1 Business Name**
- 1.2 Cooperative Name, Address, Telephone, Fax Number**
- 1.3 Contact Person/Designation**

2.0 Project Description

2.1 Project Details

- 2.1.1 Location**
- 2.1.2 Estimated Capital Cost**
- 2.1.3 Commodity**
- 2.1.4 Present Status of the Project (e.g. Development/Construction Stage, Operation Stage or Expansion Stage)**
- 2.1.5 Description of Mining Method**
- 2.1.6 Estimated Daily/Annual Production**
- 2.1.7 Description of Established Custom Mills and Mineral Processing Zones (rated capacity, type of processing)**

2.2 Access/Transportation

- 2.2.1 Road (preference and alternates)**
- 2.2.2 Air Access (origin and destination points)**
- 2.2.3 Shipping and Sale of Commodity**

2.3 Utilities

- 2.3.1 Power Supply Requirements and Alternatives**
- 2.3.2 Water Supply Requirements and Alternatives**

2.4 Mining Equipment

- 2.4.1 List of mobile and fixed equipment for development and construction (specify if leased/purchased)**
- 2.4.2 List of mobile and fixed equipment for mining (specify if leased/purchased)**
- 2.4.3 List of mobile and fixed equipment for mineral processing**

2.5 Workforce Information

- 2.5.1 Total Operational Workforce**
- 2.5.2 Staff Organizational Set-up**
- 2.5.3 Housing Options**

2.6 Development Program

- 2.6.1 State of development**
- 2.6.2 Description of planned activities**

- 2.6.3 Targeted Sites/Areas, accompanied by a sketch map showing areas of planned development sites, camp/housing facilities and other facilities
 - 2.6.4 Schedule and estimated cost per annum
 - 2.6.5 Gantt Chart
- 2.7 Production Schedule and estimated costs per annum
- 3.0 Community Development and Management Program and estimated total costs
- 4.0 Annual Safety and Health Program Cost Estimate
- 5.0 Signature of the Mining Engineer who prepared the Work Program with PRC License and PTR numbers indicated

Form No. SSM-03

**POTENTIAL ENVIRONMENTAL IMPACT MANAGEMENT PLAN (PEIMP)
FOR SMALL-SCALE MINING**

Name of Proponent: _____

Commodity: _____

Business Address: _____

T.I.N. No.: _____

Tel. No.: _____

Fax No. : _____ Email: _____

A. GENERAL INFORMATION

1. Project Location (Brgy., Municipality/City, Province)

2. Project Ownership (Pls. Check)

☐

Single Proprietorship

☐

Partnership

☐

Corporation/Association/Cooperative

(Attach SEC and DTI Certificate of Registration)

3. Capitalization (₱): _____

Project Cost (₱) : _____

B. PROJECT DESCRIPTION

1. Source of Commodity

a. Metes and bounds of the proposed project area (indicate geographic coordinates of all corners):

Corners	Longitude	Latitude

(Please attach 1:10,000 map)

b. Brief description of the project area (forested, cogonal, etc.):

2. Annual Rated Capacity (MT or BCM): _____

3. Estimated mine life: _____

4. Total operational workforce: _____

5. Status of Land Ownership (OCT/TCT/CLT/Emancipation Patent No./ Homestead Patent No./ Stewardship Contract)

(Pls. indicate particulars)

Waived/With Permission from rightful owner: _____

6. Accessibility to the Project Area (Modes/Routes):

a. Distance from the nearest Sitio, Brgy., Municipality/City: _____

b. Length of road to be constructed (km.), if any: _____

c. Brief description of the proposed road/location:

7. Mining/Extraction

☐ Surface Mining

a. Estimated Mining Cost : _____

b. Estimated volume of overburden, if any: _____

c. Size and location of overburden dumpsite or waste dumping/ore stockpile area:

d. Number of trees to be felled or cut, if any, by mining/waste dumping/stockpiling: _____

Species	Endemic (E)/Introduced (I)

- e. Description and number of fixed and mobile equipment used in handling and transport:

Equipment	No. of Units	Description

☐ Underground

- a. Size of opening: _____
b. Estimated mining cost: _____
c. Mining method: _____
d. Description and number of fixed and mobile equipment used in handling and transport:

Equipment	No. of Units	Description

8. Processing/Milling

- a. Method : _____
b. Estimated milling cost : _____
c. Capacity : _____
d. Containment method of waste/tailings disposal : _____
e. Volume of waste/tailings : _____
f. Description and number of fixed equipment used

Equipment	No. of Units	Description

9. Name of nearest river/creek or water body that may be directly affected by the project (within the proposed area):

Name of River/Creek/Waterbody	Classification (A,B,C,D)

10. Name of nearest river/creek or water body that may be indirectly affected by the project (outside the proposed area):

Name of River/Creek/Waterbody	Classification (A,B,C,D)

11. Name (Sitio/Brgy./Municipality) and Population of the Primary and Secondary Impact Areas:

	Sitio/Brgy./Municipality	Population
Primary Impact Area		
Secondary Impact Area		

C. POSSIBLE IMPACTS AND MITIGATING MEASURES (Describe Briefly and please add separate sheet/s, if necessary)

Particular	Impact	Mitigating Measures	Estimated Cost (₱)
AIR	(ex: equipment smoke emission, dust, etc.)		
NOISE	(ex: equipment noise)		
WATER	(ex: siltation of receiving water body/ies)		
LAND	(ex: recontouring, etc.)		
SOCIO-ECONOMIC ENVIRONMENT	(ex: in-migration, employment, etc.)		
TOTAL			

D. REHABILITATION

Areas for Rehabilitation	Rehabilitation/Decommissioning Activities (ex. : backfilling, reforestation/revegetation, removal of fixed equipment, including foundations, and mobile equipment, etc.)	Cost (₱)
Surface Mine		
Underground		
Waste and ore stockpile		
Roads		
Mill Tailings Placement Facility		
Mill plant and other infrastructures		
Others		
TOTAL		

Accountability Statement

This is to certify that all the information in the Potential Environmental Impact Management Plan (PEIMP) are true, accurate and complete. Should we learn of any information which would make the PEIMP inaccurate, we shall bring said information to the attention of the Mines and Geosciences Bureau (MGB).

We hereby bind ourselves jointly and solidarily for any penalties that may be imposed arising from any misrepresentations or failure to state material information in the PEIMP.

In witness whereof, we hereby set our hands this _____ day of _____ at _____.

Name & Signature of Preparer (Dry Seal)

(Mining/Metallurgical Engineer, Geologist)

PRC License Number : _____

PTR Number : _____

Issued On : _____

Issued At : _____

T.I.N. No. : _____

Name & Signature of Proponent/Representative

Designation

Attach the following:

- a. Small scale mining permit**
- b. Environmental Compliance Certificate (ECC)**

Form No. SSM-04

COMMUNITY DEVELOPMENT and MANAGEMENT PROGRAM (CDMP)

(For Small-Scale Mining/Quarrying Operations)

Chapter VII DAO 2015-03

1. INTRODUCTION

- a. Mining Project Background (Brief discussion of the mining project)
- b. Coverage of the Impact Communities (Brief discussion identified host and neighboring communities)
- c. Budgetary Allocation (Discussion of budget allocation)

2. SITE PROFILE OF THE IDENTIFIED HOST AND NEIGHBORING COMMUNITIES

- a. General Location (Area, Location and Accessibility)
- b. Environmental Conditions (Physiography, Flora and Fauna, Rainfall Pattern, etc.)
- c. Socio-Economic Conditions (Basic social services provided such as health, education, infrastructure, etc.)

3. CDMP METHODOLOGY

- a. Simplified Community Assessment (SCA) Process (Data gathering methods such as primary and secondary data, interviews and consultation with residents)
- b. Community Issues/Problems/Concerns (Identified community concerns that need to be addressed in the CDMP)
- c. Community Assessment Results (Identified realistic solutions that should be incorporated in the CDMP)

4. CDMP DEVELOPMENT FRAMEWORK

- a. Program Implementation (Brief discussion on how the Company shall implement the Program such as organizational structure, schedule, etc.)
- b. Program Monitoring (Brief discussion of the frequency of monitoring by the Company and personnel involved)

5. P/P/As MATRIX PRESENTATION

Project/Program /Activity (P/P/A)	Location	Target Beneficiaries	P/P/A Cost	Date of Implementation	Remarks

6. ATTACHMENTS/ANNEXES

(Minutes of Stakeholder Consultation, Attendance Sheet, Maps, Pictures, Tables, Graphs, etc.)

Prepared by:

Position, Company Name

Form No. SSM-05

**GUIDELINE ON THE IMPLEMENTATION OF THE
SAFETY AND HEALTH PROGRAM (SHP) FOR SMALL SCALE MINING**

1. Name and address of the company
 - A. Mine site office and name of mine site officials (location of the mine site.)
2. Organizational structures (company officials and their reporting structure).
3. Type and nature of the project (commodity produced by the mine operation)
4. Brief description of the project or mining operation and the recognized and evaluated risks that may compromise the health and safety of the mine workers or adjoining community.
5. Detailed discussions of the activities to be undertaken in every key element of the ASHP.
 - A. Leadership and Administration
 - Safety and Health Policy (a general policy statement reflecting management's positive attitude and commitment to safety and health.)
 - Safety and Health Engineer / Inspector (There should be a safety engineer/ safety inspector assigned in every shift.)
 - Central Safety and Health Committee (composed of the highest official of the mine/plant.)
 - B. Organizational Rules
 - Formulation / Review of Safety and Health Rules and Regulations (written general safety and health rules and regulations which can be reinforced by standard operating procedures in all aspects of the operation).
 - C. Safety Meetings
 - Central Safety and Health Committee Meetings (the Central Safety and Health Committee (CSHC) should meet once a month.)

D. Management and Employee Training

- Safety and Health Training (Examples of training sessions: eight hours mandatory safety and health training for workers; standard basic life support training; first aid training; fire fighting training; mine rescue training; and proper housekeeping training).

E. Health Control and Services

- Memorandum of Agreement with nearest hospital for medical services.
- Coordination with the Department of Health regarding the Prevention and Control of HIV, TB and Hepatitis B, and Health Promotions on Drug-free workplace, Mental Health, and Healthy Lifestyle as per RA 11058.)

F. Planned Inspections (planned general inspections with established frequency should be conducted on all workplaces.)

G. Accident/Incident Investigation

- Analysis of Accidents (brief analysis of the injuries and illnesses.)
- Creation / Update of Accident Statistics (all injuries, occupational illnesses, property damage, accident and incidents.)

H. Emergency Preparedness

- Creation of Emergency Response Team (a coordinator should be appointed to administer the overall emergency program of the mine/plant operation.
- Emergency teams should be put in place to deal with emergencies and be supported with all appropriate equipment and facilities including emergency power and communication.
- Conduct of Quarterly Emergency Drills (quarterly emergency drills should be conducted. Emergency drill reports should be submitted to the Bureau copy furnished the Regional Office.)

I. Good Housekeeping

- Maintenance of Workplace (good housekeeping should be maintained in all working places through proper housekeeping procedures and activities/practices.)

J. Personal Protective Equipment (PPE)

- Identification of Required PPE as per Job Hazard Analysis (brief analysis on the job hazard in the mine/plant area and determine the PPE needed.)
- Issuance of PPE (PPE should be provided to employees free of charge and worn out PPE should be replaced.)

K. Safety Promotions

- Safety and Health Slogan and Poster (slogans and posters to reinforce the promotion of safety and health consciousness to all employees.)
- Safest Miner Award (awards could be in the forms of cash awards, certificates, plaques, tokens, etc.)
- Healthy Lifestyle (examples: sports fest, Zumba program, etc.)

L. Community Consultation / Program Dissemination

- **Conduct IEC with Impacted Community / Stakeholders (educational workshop about the mine operation.)**

M. Matrix of the Summary of Targeted Activities, Schedule and Budget allocation.

[illegible]

Republic of the Philippines
Department of Environment and Natural Resources
MINES AND GEOSCIENCES BUREAU
North Avenue, Diliman, Quezon City

**ANNUAL REPORT ON MINE WASTES AND TAILINGS
PRODUCED, CONTAINED, AND/OR UTILIZED
FOR THE YEAR 20()**

Small-Scale Mining Contractor/

Mineral Processing Permit Holder: _____

Tenement: _____

Project Location: _____

A. Tonnage of Mine Wastes Produced, Contained, and/or Utilized

<u>Months</u>	<u>A</u> <u>Produced (MT)</u>	<u>B</u> <u>Utilized (MT)</u>	<u>C</u> <u>Contained (MT)</u>
January	xxx,xxx	xxx,xxx	xxx,xxx
February	xxx,xxx	xxx,xxx	xxx,xxx
March	xxx,xxx	xxx,xxx	xxx,xxx
April	xxx,xxx	xxx,xxx	xxx,xxx
May	xxx,xxx	xxx,xxx	xxx,xxx
June	xxx,xxx	xxx,xxx	xxx,xxx
July	xxx,xxx	xxx,xxx	xxx,xxx
August	xxx,xxx	xxx,xxx	xxx,xxx
September	xxx,xxx	xxx,xxx	xxx,xxx
October	xxx,xxx	xxx,xxx	xxx,xxx
November	xxx,xxx	xxx,xxx	xxx,xxx
December	xxx,xxx	xxx,xxx	xxx,xxx
Total	xxx,xxx	xxx,xxx	xxx,xxx

*Formula: C=A-B***B. Manner of Utilization****1. Filling materials**

a. For underground mine openings	xxx,xxx
b. For surface mine openings	xxx,xxx
c. For tailings dams	xxx,xxx
d. For roads	xxx,xxx
e. For housing areas	xxx,xxx
f. For reclamation	xxx,xxx

Subtotal

xxx,xxx

2. Sold to MPL/MPP Holders

xxx,xxx

Total

xxx,xxx

C. Tonnage of Tailings Produced, Contained, and/or Utilized

<u>Months</u>	<u>A</u> <u>Produced (MT)</u>	<u>B</u> <u>Utilized (MT)</u>	<u>C</u> <u>Contained (MT)</u>
January	xxx,xxx	xxx,xxx	xxx,xxx
February	xxx,xxx	xxx,xxx	xxx,xxx
March	xxx,xxx	xxx,xxx	xxx,xxx
April	xxx,xxx	xxx,xxx	xxx,xxx
May	xxx,xxx	xxx,xxx	xxx,xxx

June	xxx,xxx	xxx,xxx	xxx,xxx
July	xxx,xxx	xxx,xxx	xxx,xxx
August	xxx,xxx	xxx,xxx	xxx,xxx
September	xxx,xxx	xxx,xxx	xxx,xxx
October	xxx,xxx	xxx,xxx	xxx,xxx
November	xxx,xxx	xxx,xxx	xxx,xxx
December	xxx,xxx	xxx,xxx	xxx,xxx
Total	xxx,xxx	xxx,xxx	xxx,xxx

Formula: $C=A-B$

D. Manner of Utilization

1. Filling materials	
a. For underground mine openings	xxx,xxx
b. For surface mine openings	xxx,xxx
c. For tailings dams	xxx,xxx
d. For roads	xxx,xxx
e. For housing areas	xxx,xxx
f. For reclamation	xxx,xxx
Subtotal	xxx,xxx
2. Sold to MPL/MPP Holders	xxx,xxx
Total	xxx,xxx

Prepared for:

(Name of Company)

By:

(Affiant)
(Designation/Position)

SUBSCRIBED AND SWORN to before me this ____ day of _____ 20__ at _____, affiant exhibiting to me his/her _____ ID No. _____ issued at _____, on _____.

Doc. No. ____
Page No. ____
Book No. ____
Series of 20__

Form No. SSM-07

Republic of the Philippines
Department of Environment and Natural Resources
MINES AND GEOSCIENCES BUREAU
REGIONAL OFFICE NO. ____

MINE WASTES AND TAILINGS VERIFICATION REPORT

Small-Scale Mining : _____
Contractor/Mineral
Processing Permit
Holder
Project Location : _____
Date of Verification : _____
Period Covered : _____
Verified by : _____

Designation : _____ Signature _____

Verified by : _____

Designation : _____ Signature _____

REPORT ON THE VERIFICATION OF THE TONNAGE OF MINE WASTES AND TAILINGS PRODUCED, CONTAINED AND/OR UTILIZED BY

Company Name

I. INTRODUCTION

Pursuant to the pertinent provisions of Department of Environment and Natural Resources Administrative Order No. 2015-03, the Revised Implementing Rules and Regulations of Republic Act No. 7076, the Peoples Small-Scale Mining Act of 1991, a field verification of the tonnage of mine wastes and tailings generated by _____ and how such material/s were produced, contained and/or utilized for the period/s _____ was conducted by the undersigned at its mine site/plant site/mill site at _____ on _____.

Minas and Geosciences Bureau

Department of Environment and Natural Resources Mine Wastes and Tailings Verification Report

Page No.1

Table No. 1. Basic Information

Name of Small-scale Mining Contractor/Mineral Processor	:	
President	:	
Tenement Number	:	
Date Issued	:	
Date Expiry	:	
Project Type	:	☐ Surface ☐ Underground ☐ Mineral Processing
Type of Wastes	:	☐ Mine Wastes ☐ Tailings
Area Covered	:	
Mineral Commodity	:	
Geographic Coordinates	:	
Contact Person(s)	:	Designation :
Project Operator	:	
Telephone/Fax Number	:	
E-mail Address	:	
Complete Mailing Address	:	

A. Project Location and Accessibility

II. METHODOLOGY

- a. Document review.
- b. Introductory meeting with the company's representative(s) to present the scope, priorities and objectives of the field verification.
- c. Site inspection which will involve observation, actual field/site verification and photo documentation, and interview with company representatives;
- d. Verification Team to discuss, reconcile and summarize findings and recommendations;
- e. Exit conference/meeting with the company representative(s); and
- f. Report preparation.

III. FINDINGS AND OBSERVATIONS

A. Process Flow

This shall contain discussion on the flow of mining and/or mineral processing operations, especially on the generation of mine wastes and tailings.

B. Compliance with the Submission of Report and Payment of Mine Wastes and Tailings Fees

This shall contain discussion on the company's compliance with the submission of sworn annual report, tonnage of mine wastes and tailings produced, contained and/or utilized and status of payment of mine wastes and tailings fees.

**Table No. 2. Status on the Submission of Sworn Annual Report
(MGB Form)**

Prescribed Date of Submission	Actual Date of Submission	Remarks
Within forty-five (45) days from the end of each year.		

Table No. 3. Mine Wastes and Tailings Generation and/or Utilization

Type	Tonnage of Wastes Produced (MT)	Tonnage of Wastes Contained (MT)	Tonnage of Wastes Utilized (MT)	Mode of Utilization (include breakdown)
Mine Wastes				
Tailings				

Table No. 4. Tonnage of Mine Wastes Contained in Wastes Dump/s

Name of Wastes Dump	Period	Tonnage of Wastes Contained (MT)
1.		
2.		
Total		

Table No. 5. Status of Payment of Mine Wastes and Tailings Fees

Type	Period	Tonnage of Wastes Contained (MT)	Amount Paid (PhP)	Date of Payment	Official Receipt No.
Mine Wastes					
Tailings					

Computation of Mine Wastes and Tailings Fees:

Mine Waste and Tailings Fees = [Mine Waste (MT) x PhP0.10/MT] + [Tailings (MT) x PhP.15/MT]

Mine Waste and Tailings Fees = _____

IV. CONCLUSIONS

V. RECOMMENDATIONS

VI. ATTACHMENTS

A. Location Map

B. Mine Wastes and Tailings Sworn Annual Report

C. Photo Documentation with Caption