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Department of Environment and Natural Resources
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**ADMINISTRATIVE ORDER
NO. 2015 - 02**

MAR 10 2015

**SUBJECT : HARMONIZATION OF THE IMPLEMENTATION OF THE
PHILIPPINE ENVIRONMENTAL IMPACT STATEMENT
SYSTEM AND THE PHILIPPINE MINING ACT OF 1995
IN RELATION TO MINING PROJECTS**

Consistent with the continuing effort of the Department of Environment and Natural Resources (DENR) to rationalize the implementation of the *Philippine Environmental Impact Statement System (PEISS)* [Presidential Decree (PD) No. 1586] and the *Philippine Mining Act of 1995* [Republic Act (RA) No. 7942, hereinafter referred to as the Mining Act] in relation to mining projects, the following rules and regulations are hereby promulgated for the information, guidance and compliance of all concerned:

Section 1. Basic Policy. It is the policy of the DENR to address the environmental impacts and safety concerns in the implementation, operation and abandonment/decommissioning/rehabilitation of mining projects.

Section 2. Objective. This Order aims to harmonize compliance, monitoring and reporting systems, and funding mechanisms in accordance with the PEISS and Mining Act requirements.

Section 3. Coverage. This Order shall cover mining projects [considered as Environmentally Critical Projects (Group 1 Category)] as defined in the Revised Procedural Manual for DENR Administrative Order (DAO) No. 2003-30 (*Implementing Rules and Regulations for the PEISS*).

Section 4. General Provisions.

- a. The Environmental Compliance Certificate (ECC) and the Environmental Impact Statement (EIS) shall serve as the basis in the preparation of the Environmental Protection and Enhancement Program (EPEP) and Final Mine Rehabilitation/Decommissioning Plan (FMR/DP). The latter shall be submitted in lieu of the Abandonment Plan as per DAO No. 2003-30.

The Abandonment Plan for the ancillary facilities within the mining project area and covered by a separate ECC shall be integrated in the FMR/DP for the mining project.

- b. A joint financial audit of the Mine Rehabilitation Funds (MRFs) and Environmental Trust Funds (ETFs) by the Environmental Management Bureau (EMB) and Mines and Geosciences Bureau (MGB), using audit guidelines formulated by the same, shall be done periodically.



- c. The Contingent Liability and Rehabilitation Fund (CLRF) Steering Committee and the MRF Committee (MRFC) under DAO No. 2010-21 (*Providing for a Consolidated Department of Environment and Natural Resources Administrative Order for the Implementing Rules and Regulations of Republic Act No. 7942, otherwise known as the "Philippine Mining Act of 1995"*) shall be created in lieu of the Environmental Guarantee Fund (EGF) Committee under DAO No. 2003-30.
- d. The CLRF and the fund allocated for Social Development and Management Program (SDMP), as provided for under DAO No. 2010-21, together with an ETF, shall be established in lieu of the EGF and the Environmental Monitoring Fund (EMF), as provided for under DAO No. 2003-30.

Section 5. Requirements for Mining Companies.

- a. All proposed mining projects covered by this DAO shall set up CLRFs, ETFs and funds for SDMPs, in lieu of the EGFs and the EMFs, to defray the cost of monitoring, compensation for damages, social development, progressive rehabilitation, and final mine rehabilitation/decommissioning.

EGFs and EMFs for ancillary facilities within the mining project area and covered by a separate ECC shall be integrated in the CLRF, ETF and fund for the SDMP for the mining project.

- b. In compliance with the various environmental laws, rules and regulations, all mining projects shall submit Modules 1 to 6 of the Self-Monitoring Reports (SMRs) to the EMB Regional Office (RO) concerned and Module 7 of the SMRs to the MGB RO concerned quarterly. Said modules are the following:

MODULE	TITLE
1	General Information
2	RA No. 6969 Compliance Monitoring
3	RA No. 9275 Compliance Monitoring
4	RA No. 8749 Compliance Monitoring
5	PD No. 1586 Compliance Monitoring
6	RA No. 9003 Compliance Monitoring
7	RA No. 7942 Compliance Monitoring
	7.a EPEP/FMR/DP Implementation
	7.b SDMP Implementation
	7.c SHP Implementation

For Module 5, the reformatted Compliance Monitoring Report (CMR) based on existing DENR-EMB Guidelines shall be followed, while for Module 7, the CMR following the format attached as "**Annex A**" shall be followed.

Section 6. Functions of the Multipartite Monitoring Team. The Multipartite Monitoring Team (MMT) for a mining project shall be operationalized in compliance with both DAO Nos. 2003-30 and 2010-21 and shall be chaired and co-chaired by the EMB RO and MGB RO representatives, respectively. For this purpose, it shall have the following functions:



- a. Monitor the Proponent's compliance with the conditions stipulated in the ECC, Environmental Management Plan (EMP) and Environmental Monitoring Plan (EMoP), and commitments made in the EIA Report, EPEP, FMR/DP, and SDMP;
- b. Validate the Proponent's SMRs;
- c. Submit monitoring/validation reports following the format attached as "**Annex B**" to the:
 - 1). MRFC;
 - 2). EMB Central Office (CO) semi-annually; and
 - 3). EMB and MGB ROs quarterly;
- d. Make available monitoring/validation reports to interested stakeholders;
- e. Receive complaints, gathers relevant information to facilitate determination of validity of complaints or concerns about the project, and transmits to the Proponent concerned, the EMB and MGB ROs, and/or MRFC, as the case may be, the recommended measures to address the complaints, copy furnished the complainant(s); and
- f. Develop its Manual of Operations (MOO) based on the outline attached as "**Annex C**" and has it jointly approved by the EMB and MGB ROs concerned, as endorsed by the MRFC.

As member of the MMT, the representative of the EMB RO concerned shall lead in the monitoring of compliance with various environmental laws, ECC, EMP and EMoP, while the representative of the MGB RO concerned shall lead in the monitoring of compliance with the EPEP/Annual EPEP and FMR/DP.

All other guidelines on MMT operations in the Revised Procedural Manual for DAO No. 2003-30 shall apply to mining projects.

Section 7. Duties and Responsibilities of the MGB Central Office and Regional Offices. The MGB CO and ROs shall:

- a. Assist the EMB CO and ROs in the implementation of the PEISS as provided for under PD No. 1586, DAO No. 2003-30 and other environmental laws;
- b. Participate in the scoping process, review and evaluation of the EIA Reports of proposed mining projects by the EIA Review Committee and/or EMB RO concerned and make appropriate recommendations on the technical aspects of the EIA Reports, particularly on mining, geology, metallurgy, mineral processing, and hydrology, among others;
- c. Initiate and maintain the establishment and operationalization of the CLRF, ETF and SDMP fund, with the EMB CO and ROs regularly updated/informed on the matter;

- d. Train EMB CO and ROs personnel in the implementation of mining laws, rules and regulations, as well as in the technical aspects of mining;
- e. Lead the MMT during the EPEP/Annual EPEP, FMR/DP and SDMP monitoring;
- f. Update the EMB CO and ROs about the current policies on the implementation and enforcement of the Mining Act;
- g. Require the Proponent to remedy any practice connected with mining projects' operations, which is not in accordance with the Mining Act and its implementing rules and regulations.

The MGB Director or Regional Director may issue suspension order for a mining operation, in case of illegal mining, exploration and transport of minerals, imminent danger to life or property due to mine accidents and incidents, such as mine fires, cave-ins and rock falls, among others, and other violations of the Mining Act: *Provided*, That, in cases where the probable violation pertains to their immediate concerns, both the MGB and EMB Directors or Regional Directors shall issue the suspension order; and

- h. Ensure that the findings and recommendations of the MMTs, the EMB CO and its ROs, if warranted, are acted upon.

Section 8. Duties and Responsibilities of the EMB Central Office and EMB Regional Offices. The EMB CO and EMB ROs shall:

- a. Enforce in mining projects the different environmental laws, rules and regulations, especially, the *PEISS* as provided for under PD No. 1586, *Toxic Substances and Hazardous and Nuclear Wastes Control Act of 1990* (RA No. 6969), *Ecological Solid Waste Management Act of 2000* (RA No. 9003), *Philippine Clean Water Act of 2004* (RA No. 9275), and *Philippine Clean Air Act of 1999* (RA No. 8749);
- b. Train MGB CO and ROs personnel in the implementation of the different environmental laws, rules and regulations, especially, PD No. 1586, RA No. 6969, RA No. 9003, RA No. 9275, and RA No. 8749;
- c. Update the MGB CO and ROs about the current policies on the implementation and enforcement of the *PEISS*, environmental standards, and compliance monitoring;
- d. Ensure that personnel from the MGB CO and RO concerned shall participate in the conduct of scoping, review and evaluation of the EIA Reports of proposed mining projects;
- e. Participate in the meetings/functions of the CLRF Steering Committee (CLRFSC), MRFCs and MMTs;
- f. Ensure that the findings and recommendations of the MMTs, the MGB and its ROs, if warranted, are acted upon;

g. Lead the MMT during the ECC, EMP and EMoP compliance monitoring; and

h. Issue Notice of Violation(s), Cease and Desist Order, and/or imposition of fines and penalties upon the Proponent's violation of its ECC and/or the provisions of PD No. 1586, DAO No. 2003-30 and all other environmental laws; and

Section 9. Illegal Mining Operations. In case of an illegal mining operation, the MGB RO concerned shall issue the appropriate stoppage order: *Provided*, That in the case of mining operations with permits issued by the Local Government Units but without ECC, the EMB RO concerned shall issue the appropriate stoppage order.

Section 10. Incentives. The standardization of incentives for members of the MRFC, MMT, CLRFSC and CLRFSC Technical Working Group shall be provided in a separate guideline.

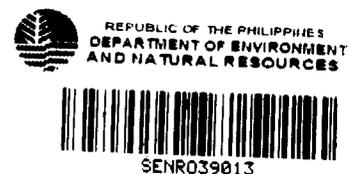
Section 11. Separability Clause. If any clause, sentence, section or provision of this Order is held or declared to be unconstitutional or invalid by a competent court, the remaining parts hereof shall not be affected thereby.

Section 12. Repealing and Amending Clause. All orders, rules and regulations inconsistent with or contrary to the provisions of this Order are hereby repealed or modified accordingly.

Section 13. Effectivity. This Order shall take effect fifteen (15) days following its complete publication in a newspaper of general circulation and registration with the Office of the National Administrative Register.


RAMON J. P. PAJE
Secretary

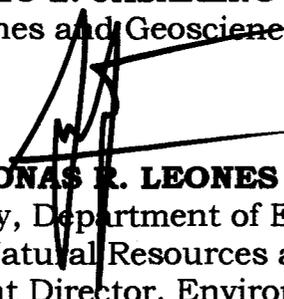
Recommending Approval:



Department of Environment and Natural Resources
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