

**[DENR MEMORANDUM ORDER NO. 2010-04,
March 12, 2010]**

REFORMS IN THE DEPARTMENT MINING TENEMENT SYSTEM

In line with the ongoing thrust of the Government to revitalize the Philippine minerals industry, the following policy directives are hereby issued for the compliance of all concerned:

A. Expediting the Grant of Mining Contracts and Permits

1. *Issuance of a new Exploration Permit:*

An Exploration Permit application that has complied with all pertinent requirements shall be approved within a **maximum period of 10 weeks** from the date of acceptance of the said application. Attached as "Annex A"* is the pertinent flow chart, for guidance.

2. *First and second renewal of an Exploration Permit:*

An application for the first or second renewal of an Exploration Permit shall be granted **within 15 days** from the date of payment of the pertinent renewal fee: *Provided*, That all the pertinent requirements shall be submitted within 15 days from receipt of the renewed Exploration Permit.

3. *Grant of a Mineral Agreement for Initial Exploration*

A Mineral Agreement application for initial exploration, which has complied with all pertinent requirements, shall be approved within a maximum period of 10 weeks from the date of effectivity of this Order, following as guide the flow chart attached as "Annex A".

4. *Renewal of the Exploration Period of a Mineral Agreement:*

An application for renewal of the Exploration Period of a Mineral Agreement shall be granted **within 15 days** from the date of payment of the pertinent renewal fee: *Provided*, That all the pertinent requirements shall be submitted within 15 days from receipt of the Letter-Notice approving the renewal of the said Exploration Period.

5. *Issuance of Area Status and Clearance for Mining Applications:*

The Mines and Geosciences Bureau (MGB) Regional Office shall now issue the Area Status and Clearance for mining applications previously handled by the One-Stop Shop Committee: *Provided*, That the Regional Executive Director shall provide the MGB Regional Office with timely and updated data and information on land classifications and uses.

6. *Processing of mining applications involved in mining cases or that are the subject of protest/s or opposition/s:*

- a. The processing of a mining application at the regional level shall continue notwithstanding the filing of protest/s or opposition/s¹, subject to their final resolution.
- b. A mining application that has complied with all requirements but is involved in a case in the Mines Adjudication Board (MAB), may be approved, upon the resolution of such case by the MAB and upon the posting of bond to protect the right/s of the third party/ies, notwithstanding the filing of appeals in the Court of Appeals.

B. Cleansing of Mining Applications

1. *Strict implementation of the Three (3) Letters-Notice Policy:*

The maximum time interval of 30 days between Letters-Notice shall be strictly followed in the implementation of the Three (3) Letters-Notice Policy in exacting compliance with the requirements for the grant of mining tenements and as ground for denial of mining applications.

2. *Denial of mining applications due to rejection of the request for Free and Prior Informed Consent:*

The rejection of a request for Free and Prior Informed Consent by the rightful Indigenous Peoples concerned as certified by the National Commission on Indigenous Peoples (NCIP) shall be a ground for denial of the mining application concerned: *Provided*, That such rejection is carried out in accordance with the NCIP's procedural guidelines on securing the Free and Prior Informed Consent.

Subject to the aforesaid guidelines, the mining applicant concerned shall be allowed a maximum of two (2) attempts to secure the Free and Prior Informed Consent from the Indigenous Peoples concerned.

3. *Grounds for denial of mining applications:*

Mining applications that have not complied with any of the following requirements shall also be denied:²

- a. Securing the NCIP Certificate of Non-Overlap within 1 year and NCIP Certification Precondition (Compliance Certificate) within 3 years from the date of NCIP's receipt of the pertinent letter-request from MGB.
- b. Securing the proof of consultation with the *Sanggunian* concerned within 2 years from the date of acceptance of the mining application.
- c. Completion of the publication, posting and radio announcement requirements within 1 year from the date of acceptance of the mining application.