

**[DENR MEMORANDUM ORDER NO. 2004-09,
August 31, 2004]**

**SIMPLIFICATION OF PROCEDURES IN THE ISSUANCE OF
MINING CONTRACTS AND PERMITS**

Pursuant to the continuing effort of the Department of Environment and Natural Resources (DENR) to revitalize the minerals industry through the simplification of procedures in the issuance of mining contracts and permits, specially the decentralizing authorities and reducing the processing time of mining applications, additional measures are hereby promulgated for the guidance and compliance of all concerned, as follows:

SECTION 1. Immediate processing of Mining Applications

Within fifteen (15) working days from the receipt of a mining application, the Mines and Geosciences Bureau (MGB) Regional Office (RO) concerned shall determine whether or not the applied area is open to mining applications and forward the cleared mining application to the One-Stop Shop Committee for Area Status and Clearance and subsequent evaluation thereafter, leading to the possible approval of the said mining application. Within the same fifteen (15) working day period, a mining application filed entirely in closed areas pursuant to the pertinent provisions of Section 15 of DENR Administrative Order (DAO) No. 96-40, the revised implementing rules and regulations of Republic Act No. 7942 or the Philippine Mining Act of 1995, as amended, shall be formally denied. In the case of a mining application filed partly in closed areas, the mining applicant shall be formally advised within the same period to excise the closed areas and resubmit the rectified documents within the prescribed period.

SECTION 2. Creation of a One-Stop Shop Committee for the Issuance of Area Status and Clearance for Mining Applications

In support of the Mining Investment Assistance Center, all MGB ROs, in coordination with the DENR ROs, shall establish the "One-Stop Shop Committee" (OSSC) representing the DENR Sectors in the region, to facilitate the issuance of Area Status and Clearance for mining applications and consequently reduce their processing time. All DENR Regional Executive Directors (REDs) and MGB Regional Directors (RDs) shall provide the necessary support to the OSSC by assigning qualified personnel on a part-time basis and by periodically providing updated land classification/land use maps. The Forest management Bureau and Protected Areas and Wildlife Bureau shall likewise assist in providing such information. Within fifteen (15) days from the effectivity of this Memorandum Order, the RED and RD concerned in every region shall submit to the DENR Secretary the special order to constitute and operationalize the OSCC. The RD of the MGB shall be the Chairman of the OSCC.

Immediately thereafter, the OSSC shall hold office and compile all the information on land classification/use/status, including the pertinent maps within their areas of jurisdiction. The OSSC Chairman, upon the recommendation of the OSSC members, shall be authorized to issue the Area Status and Clearance for mining applications following the applicable provisions of DENR Memorandum Order No. 93-03 re: *Guidelines in the Issuance of Area Status and Clearance or Consent for Mining Applications*.

The OSSC shall also immediately initiate the preparation of a master map of the region showing the various land classifications/uses/status in overlays. The RED shall oversee the operations of the OSSC and assist in this undertaking by providing the necessary resources.

SECTION 3. Approval of the Three (3)-Year Development/Utilization Work Program under an Approved MA

The Three (3)-Year Development/Utilization Work Program for the three (3)-year cycle of Mining Operations submitted by a Contractor under an MA or FTAA in the Development or Operating Period shall be filed in and initially evaluated by the MGB RO concerned. Said MGB RO shall complete the initial evaluation thereof within fifteen (15) days upon receipt of the Work Program. Thereafter, the Work Program and comments thereon shall be forwarded to the MGB Central Office for final evaluation and approval or disapproval, as the case may be. The MGB Central Office shall render final action on the Work Program within thirty (30) days upon receipt thereof.

SECTION 4. Approval of Memorandum of Agreement/Option Agreement/Operating Agreement and other similar forms of Agreement under Mining Rights/Applications

Memorandum of Agreement/Option Agreement/Operating Agreement and other similar forms of Agreement, except involving transfer/assignment of mining rights, entered into involving an approved EP, MA, FTAA, or any other mining permit under Republic Act No. 7942, shall be registered with the MGB Central Office/RO concerned and shall be subject to the approval of the MGB Director upon evaluation and recommendation by the RO concerned. The MGB RO concerned shall complete its registration and initial evaluation of the pertinent document(s) within fifteen (15) days upon receipt thereof while the MGB Central Office shall complete its final evaluation/action of the same document(s) within 30 days upon receipt thereof.

Memorandum of Agreement/Option Agreement/Operating Agreement and other similar forms of Agreement entered into involving an application for EP, MA, FTAA, or any other mining permit application, shall be registered with the MGB Central Office/RO concerned and shall form part of the supporting documents of a mining application, subject to the evaluation of the MGB Central Office/RO concerned. Such agreement shall be deemed approved upon approval of the pertinent mining application.

SECTION 5. Consultation with and Prior Approval by the Sanggunian