

**[DENR MEMORANDUM CIRCULAR NO. 98-02,
February 13, 1998]**

**INTERIM GUIDELINES IN THE PROCESSING OF MINING
APPLICATIONS CONSISTENT WITH REPUBLIC ACT NO. 8371**

Consistent with the provisions of Republic Act No. 8371, otherwise known as "The Indigenous Peoples Rights Act of 1997" which took effect on 22 November 1997, and pending the formulation and approval of its Implementing Rules and Regulations (IRR) and the establishment/organization of the National Commission of Indigenous People (NCIP), all mining applications including renewal applications over areas which are not occupied by Indigenous People(s) or not covered by application for or approved Certificate of Ancestral Domain Claim (CADC), shall continue to be accepted, processed and approved: Provided, That the following additional documents shall be required prior to their approval:

- a. Certification from the concerned regional/provincial Office of the Northern/Southern Cultural Communities (ONCC/OSCC) as to the presence/absence of Indigenous People within the applied area: Provided, That such Certification shall be issued on the basis of a field-based investigation of the applied area to be conducted by the said Office;
- b. Certification from the Provincial Special Task Force on Ancestral Domains (PSTFAD) as to the presence or absence of applications for or approved Certificate of Ancestral Domain Claim (CADC);

Mining applications including renewal applications over areas occupied by Indigenous People(s) and/or covered by approved CADCs or CADC application(s) shall be accepted/processed, but the approval of which shall be subject to the provisions of the implementing rules and regulations of Republic Act No. 8371.

This Circular shall take effect immediately and shall be in force until the necessary guidelines/IRR for Republic Act No. 8371 is formulated, approved and in effect.

Adopted: 13 Feb. 1998

(SGD.) VICTOR O. RAMOS
Secretary
