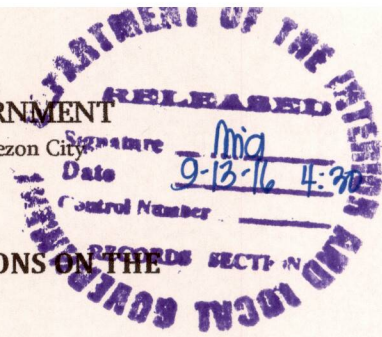


Republic of the Philippines

DEPARTMENT OF THE INTERIOR AND LOCAL GOVERNMENT

DILG-NAPOLCOM Center, EDSA corner Quezon Avenue, West Triangle, Quezon City

http://www.dilg.gov.ph



POLICIES AND GUIDELINES ON LOCAL GOVERNMENT UNIT ACTIONS ON THE CONDUCT OF AUDIT OF ALL MINING SITES

Memorandum Circular No. 2016-123

September 13, 2016

1.0 Background

- 1.1. During the administration's 1st Cabinet Meeting, President Rodrigo Roa Duterte has directed the Department of Environment and Natural Resources, Department of Agrarian Reform and this Department to immediately undertake an audit of all mining sites.
- 1.2. The audit primarily aims to: (a) Determine the adequacy and efficiency of the environmental protection measures of each mining operation; (b) Identify gaps in environmental protection measures; and (c) Determine appropriate penalty/ies in case of violations of the mining and environmental laws.

2.0 Purpose

The purpose of this Memorandum Circular is to ensure the full cooperation and provision of necessary assistance to LGUs hosting mining sites in the conduct of the audit.

3.0 Legal Compliance

- 3.1. All concerned are hereby reminded that the audit of all mining sites will be undertaken in accordance with Republic Act No. 7942, otherwise known as the *Philippine Mining Act of 1995*; Executive Order No. 9 dated July 6, 2012 "*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 DENR Administrative Order No. 2015-07 relative to *Mandating Mining Contractors to Secure ISO 14001*, among others.
- 3.2. Relatedly, Memorandum Order No. 2016-01 dated July 8, 2016 was issued by DENR concerning the *Audit of All Operating Mines and Moratorium on New Mining Projects*, and prescribing its scope, purpose and composition of DENR Mine Audit Team.
- 3.3. Republic Act No. 7160 (Local Government Code of 1991) provides that LGUs have the duty and authority to protect and co-manage the environment and enhance the right of its people to a balanced ecology.

4.0 Scope/Coverage

All Provincial Governors, City and Municipal Mayors, Punong Barangays, DILG Regional Directors, ARMM Regional Governor, and all others concerned

5.0 Policy Content and Guidelines

- 5.1. In line with the President's directive on responsible mining, that is to include the comprehensive review of mining claims on concessions given, and in the interest of common good, as well as to ensure that the concerns of the helpless and the poor are addressed, the audit of all operating mines and a moratorium on the approval of new mining projects were ordered by the DENR through Memorandum Order No. 2016-01.
- 5.2. In support to the above-mentioned directive and pursuant to the DILG's mandate of general supervision over local governments, all concerned LGUs are hereby directed to fully cooperate and support the DENR in the conduct of the audit.
- 5.3. The concerned LGUs may provide assistance in the form of personnel complement, logistics, security of audit team members through the local PNP or BPSO and other related support for the effective and efficient conduct of the audit.
- 5.4. All concerned DILG Regional Directors and the ARMM Regional Governor are hereby directed to:
 - Coordinate and collaborate with DENR and LGU counterparts within their respective areas of jurisdiction in the dissemination and implementation of this Memorandum Circular; and
 - Submit a Report to the Office of the Secretary, through the Bureau of Local Government Supervision, within 10 days after the conduct of each audit, until the audit of all mining sites are completed.
- 5.6. The Report Form is now individually shared to all DILG Regional Offices' official gmail accounts. There is no need to download the said Form. Filling out of the Form is to be done online.

6.0 Penal Provisions

Non-compliance to the provisions of this Memorandum Circular shall be dealt with in accordance with pertinent laws, rules and regulations.

7.0 References

- 7.1. Republic Act No. 7942 dated March 3, 1995
- 7.2. Executive Order No. 79 dated July 6, 2012
- 7.3. DENR Administrative Order No. 2016-01 dated July 8, 2016

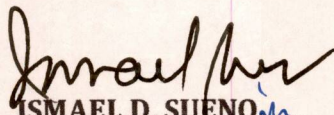
8.0 Repealing Clause

All DILG Memorandum Circulars, directives, orders or other related issuances inconsistent herewith in part or in full, are hereby modified, revoked, or repealed accordingly.

9.0 Effectivity

This Memorandum Circular shall take effect immediately.

10.0 Approving Authority



ISMAEL D. SUENO

Secretary



11.0 Feedback

For related queries, kindly contact the Bureau of Local Government Supervision at Tel Nos. (02) 9289181 or 9250351, or at email address at pacts.blgs@gmail.com or the Mines and Geosciences Bureau at Tel. No. (02) 667 6700 local 122, or email address at central@mgb.gov.ph.

Summary Report Form

Region _____

Compliance to DILG Memorandum Circular Relative to Audit of All Mining Sites

As of _____

| Name of LGU (a) | Date of Audit (b) | Assistance Provided (c) | | | |
|--------------------|----------------------|----------------------------------|--------------------|--|----------------------------------|
| | | Personnel Complement (c.1) | Logistics (c.2) | Security by Local PNP, BPSO (c.3) | Others (please specify) [c.4] |
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Prepared by:

I hereby certify to the accuracy and veracity of information contained in this report

Regional Focal Person on Mining Concerns Designate or Duly Authorized Representative

Regional Director or Duly Authorized Official

Instructions:

- 1) For column a, specify the name of LGU hosting mining site/s
- 2) For column b, indicate the date when the audit was conducted
- 3) Under columns c.1, c.2 and c.3, put number 1 if the concerned LGUs had provided such assistance, otherwise put number 0, if there is none, during the conduct of the audit
- 4) For column c.4, indicate the other assistance provided by the LGU, if there is