

**MINERAL ACTION PLAN FOR EXECUTIVE ORDER NO. 270 AND 270-A
NATIONAL POLICY AGENDA ON REVITALIZING MINING IN THE PHILIPPINES**

A. POLICY AGENDA: **GOVERNMENT RECOGNIZES THE CRITICAL ROLE OF INVESTMENTS IN THE MINERALS INDUSTRY FOR NATIONAL DEVELOPMENT AND POVERTY ALLEVIATION AND SHALL PROVIDE SUPPORT MECHANISMS FOR A SUSTAINED MINERAL EXPLORATION PROGRAM (including the streamlining of procedures of concerned government agencies and instrumentalities relating to the grant of mining tenements, responsive research and development priorities and capability building for industry manpower).**

ISSUES AND CONCERNS	STRATEGY / ACTION AGENDA	TARGETS / SPECIFIC ACTIVITIES	TIME	INST. INVOLVED
1. Tedious permitting process	1.1 Simplify procedures of DENR and other government agencies on issuance of permits.	1.1.1 NCIP to issue Administrative Order amending existing procedures to simplify the grant of NCIP Certification Precondition/FPIC from 185 days to 107 days and reduce requirement in non-IP areas, without compromising the IP rights and environmental protection.	2004	Lead: NCIP Others: DENR-MGB
		1.1.2 NCIP to decentralize to the NCIP Regional Offices the issuance of Certification Precondition.	2004	Lead: NCIP Others: DENR-MGB
		1.1.3 DENR, DILG and various Leagues of Provinces/ Municipalities/Cities/Barangays to execute a Memorandum of Agreement setting the guidelines for the issuance of proof of consultation/endorsement of mining projects, including withdrawal of endorsements.	2004	Lead: DILG Others: DENR-MGB, LGU Leagues
		1.1.4 DENR to strengthen the One Stop Shop for Area Clearance, Mineral Investment Assistance Center, etc.	2004	Lead: DENR Others: DTI
		1.1.5 DENR/MGB to issue mining permits/contracts in accordance with the new streamlined/ simplified procedures reducing the overall processing time of mining applications from 3 years to 7 months.	2004	Lead: DENR
	1.2 Harmonize the provisions of laws (R.A. No. 7942 and other existing laws, R.A. No. 8371, R.A. No. 7160, etc.) affecting mining.	1.2.1 DENR to seek the opinion of DOJ, whenever necessary, in aid of resolving conflicting laws, rules and regulations concerning minerals development (Mining Act, Local Government Code, IPRA, NIPAS, Omnibus Investment Code, etc.) including the propriety of taxes imposed by LGUs.	2004	Lead: DENR
		1.2.2 DENR to study possible amendments to the Constitution/existing laws (Mining Act, Local Government Code, IPRA, NIPAS, Omnibus Investment Code, etc.) to make them current and responsive.	2004	Lead: DENR Others: DILG, LGUs, DTI, NCIP, DOF, NEDA

ISSUES AND CONCERNS	STRATEGY / ACTION AGENDA	TARGETS / SPECIFIC ACTIVITIES	TIME	INST. INVOLVED
<p>2. Insufficient data on the mineral resources potentials of the country and poor access by the various stakeholders to the available data and information</p>	<p>2.1 Conduct systematic and comprehensive geological, geophysical and geochemical exploration.</p>	<p>2.1.1 DENR to formulate and implement a comprehensive program with identified fund sourcing for mineral exploration.</p>	<p>2004 - onwards</p>	<p>Lead: DENR-MGB Others: DBM, NEDA</p>
		<p>2.1.2 DENR and MGB to delineate areas with high mineral potential in the Philippines, and establish mineral reservation areas.</p>	<p>2004 - onwards</p>	<p>Lead: DENR-MGB</p>
		<p>2.1.3 MGB to complete the 1:50,000 scale quadrangle geologic, geochemical and geophysical maps of the Philippines</p>	<p>2004 - 2008</p>	<p>Lead: DENR-MGB</p>
		<p>2.1.4 DENR to prioritize aforementioned activities for foreign assistance and funding support.</p>	<p>2004 - onwards</p>	<p>Lead: DENR</p>
	<p>2.2 Establish and maintain a mineral resources data base that is readily available to various clientele.</p>	<p>2.2.1 MGB to integrate the various data bases on mineral resources through the Strategic Mineral Information System.</p>	<p>2004 - onwards</p>	<p>Lead: DENR-MGB</p>

B. POLICY AGENDA: CLEAR, STABLE AND PREDICTABLE INVESTMENT AND REGULATORY POLICIES SHALL BE INSTITUTED TO FACILITATE INVESTMENTS IN MINING, LEADING TO A PROSPEROUS MINERALS INDUSTRY.

ISSUES AND CONCERNS	STRATEGY / ACTION AGENDA	TARGETS / SPECIFIC ACTIVITIES	TIME	INST. INVOLVED
1. Supreme Court Decision Nullifying Certain Provisions of the Mining Act of 1995	1.1 Expedite the resolution of the case	1.1.1 DENR to request the OSG to file a Motion for Early Resolution of the case.	2004	Lead: DENR Others: OSG, OP
	1.2 Ensure protection of rights of affected investors	1.2.1 DENR to prepare transition policies for the protection of the rights of the affected investors in case of adverse Supreme Court decision.	2004	Lead: DENR
2. Security of tenure of mining tenements and investments	2.1 Provide stability to agreements, contracts, permits, clearances, ECC, etc.	2.1.1 DENR to ensure due process in cancellation, termination and suspension of mining tenements and activities.	2004 - onwards	Lead: DENR Others: Concerned government agencies.
3. Conflicting Environment and Natural Resources mandates of the DENR	3.1 Pursue the bill creating either a Philippine or National Environmental Protection Agency	3.1.1 DENR to recommend to the President, through the Presidential Legislative Liaison Office (PLLO), to certify the bill as urgent.	2004	Lead: DENR Others: OP
		3.1.3 Mining industry to support for the approval of the bill.	2004	Lead: Chamber of Mines of Phils.
	3.2 Appoint a Presidential Adviser on Mines	3.2.1 DENR to consult the Office of the President on the viability of the President appointing of a Presidential Adviser on Mines.	2004	Lead: DENR
		3.2.2 Mining industry to express in writing its support for the appointment of a Presidential Adviser on Mines by the President.	2004	Lead: Chamber of Mines of Phils.
4. Proposed NIPAS areas in relation to mining	4.1 Consult with all stakeholders including the Minerals Industry in the establishment of NIPAS areas/ Land Use Plans/ Reservation/ Other Land Reclassification	4.1.1 DENR to fully implement the guidelines ensuring the adequate consultations with all stakeholders including the mining industry for the establishment of NIPAS areas, including LGU proclaimed protected areas.	2004 - 2005	Lead: DENR Others: Chamber of Mines of the Phils., LGU
		4.1.2 DENR and NEDA to conduct comprehensive valuation studies to determine appropriate land use.	2004 - 2005	Lead: DENR-Policy
5. Restricted opportunities for mining exploration companies to be listed in the PSE	5.1 Liberalize listing of mining exploration companies in the PSE	5.1.1 SEC and PSE to issue clarification re ?listing of mining exploration companies.	2004	Lead: SEC and PSE

C. POLICY AGENDA : VALUE-ADDING AS A MEASURE OF OPTIMIZING BENEFITS FROM MINERALS SHALL BE PURSUED THROUGH THE DEVELOPMENT OF DOWNSTREAM INDUSTRIES TO ACHIEVE GREATER PRODUCTIVITY AND EFFICIENCY

ISSUES AND CONCERNS	STRATEGY / ACTION AGENDA	TARGETS / SPECIFIC ACTIVITIES	TIME	INST. INVOLVED
<p>1. Lack of information on downstream mineral-based industries</p> <p>2. Locally extracted minerals are not processed into higher value-added mineral-based products due to:</p> <p>2.1 Lack of information on the market and available technologies for mineral-based products</p> <p>2.2 Competition from cheap imported mineral-based products</p>	<p>1.1 Prepare current situational analysis of the minerals value chain for both metallic and non-metallic minerals industries</p> <p>2.1.1 Provide data/ information on new markets, products and available technologies for mineral-based industries</p> <p>2.1.2 Establish capability building programs on available technologies.</p> <p>2.2.1 Assist local mineral-based industries, in increasing efficiency or enhancing competitiveness</p>	<p>1.1.1 DENR to work with DTI/BOI, DOST, the Chamber of Mines of the Phils. (COMP) and the academe, in the preparation of mineral commodity profiles and conduct studies on selected minerals to determine the costs and benefits of establishing downstream industries to complete the minerals value chain.</p> <p>2.1.1.1 MGB, BOI and NEDA to post data/information on new markets and products and available technologies on mineral product processing on mineral-based industries.</p> <p>2.1.1.2 DENR to work with DTI, DFA, and NEDA to build up the database on new markets, products, and technologies.</p> <p>2.1.2.1 DOST and MGB to provide technology extension services on mineral-based industries to the private sector.</p> <p>2.1.2.2 DOST and MGB, in coordination with the Academe and COMP, to conduct training for engineers and researchers on new technologies/products</p> <p>2.2.1.1 DOST to make available its Small and Medium Enterprise Technology Upgrading Program (SET-UP) and Grant-In-Aid (GIA) Program to enhance efficiency of mineral-based industries, including recycling of metals and mineral products.</p> <p>2.2.1.2 DTI to assist in ensuring quality standards of mineral-based products and provide information on competitors abroad.</p>	<p>2004 - 2005</p> <p>2004 - onwards</p> <p>2004 - onwards</p> <p>2004 - onwards</p> <p>2004 - onwards</p> <p>2004 - onwards</p> <p>2004 - onwards</p>	<p>Lead: DENR-MGB Others: DTI-BOI, DOST, COMP, Academe</p> <p>Lead: DENR-MGB, DTI-BOI, NEDA</p> <p>Lead: DENR-MGB, Others: DTI-BOI, DFA, NEDA</p> <p>Lead: DOST and DENR-MGB</p> <p>Lead: DOST and DENR-MGB Others: COMP, Academe</p> <p>Lead: DOST</p> <p>Lead: DTI</p>

ISSUES AND CONCERNS	STRATEGY / ACTION AGENDA	TARGETS / SPECIFIC ACTIVITIES	TIME	INST. INVOLVED
2.3 Lack of investors in mineral-based downstream industries	2.3.1 Promote investments in downstream/ manufacturing mineral-based industries	2.3.1.1 BOI, Philippine Export Zone Authority (PEZA), Phividec Industrial Authority (PIA), etc. to provide rational incentives to mineral-based industries based on the results of the studies on establishing downstream industries.	2004 - onwards	Lead: DTI-BOI, PEZA, PIA, Other agencies managing economic zone
	2.3.2 Provide data/ information on financing program(s) which are available to mineral-based industries	2.3.2.1 DTI and government financing institutions (GFIs) to post data/information on available financing programs on their websites.	2004 - onwards	Lead: DTI/GFIs

D. POLICY AGENDA: SMALL SCALE MINING SHALL BE PROMOTED AS FORMAL SECTOR OF THE MINERAL INDUSTRY AND AS PART OF THE DEVELOPMENT INITIATIVE FOR BOTH DOWNSTREAM AND UPSTREAM INDUSTRIES.

ISSUES AND CONCERNS	STRATEGY / ACTION AGENDA	TARGETS / SPECIFIC ACTIVITIES	TIME	INST. INVOLVED
<p>1. Small-scale miners within mineralized areas covered by existing mining rights and in public lands</p> <p>2. Environmental degradation and unsafe mining practices in SSM areas;</p>	<p>1.1 Develop strategies and program to legitimize SSM operations or co-existence with large scale miners</p>	<p>1.1.1 CDA/LGU to encourage and assist small-scale miners in forming cooperatives.</p>	<p>2004 - onwards</p>	<p>Lead: LGU, DENR-MGB, CDA, PNP, NAPC</p>
		<p>1.1.2 MGB/LGU to assist the small-scale miners and permit holders to forge partnership/“win-win” solutions with large – scale mining rights holder;</p>	<p>2004 - onwards</p>	<p>Lead: LGUs, PMRB, CMRB, DENR-MGB, NAPC</p>
		<p>1.1.3 DENR to identify and proclaim mineral reservations and to allocate 25% of the area to small scale miners, in accordance with existing laws.</p>	<p>2004-onwards</p>	<p>Lead: DENR-MGB Others: LGUs, Communities</p>
	<p>2.1 Institutionalize best practices in small scale mining particularly in Environmental Protection Measure</p>	<p>2.1.1 LGU to ensure that SSM Permits and Sand and Gravel Permits are issued, taking into consideration pertinent environmental laws, rules and regulations.</p>	<p>2004 - onwards</p>	<p>Lead: PMRB, CMRB, LGUs Others: DENR-MGB, EMB, PNP</p>
		<p>2.1.2 DENR-EMB-MGB to conduct IEC campaign on SSM operations including the risks, impacts and environmental effects of mining;</p>	<p>2004 - onwards</p>	<p>Lead: DENR-MGB, EMB Others: PMRB, CMRB, LGUs</p>
		<p>2.1.3 LGU to designate mineral processing zone with common engineered tailings pond;</p>	<p>2004 - onwards</p>	<p>Lead: LGU DENR-EMB- MGB Others: PMRB, CMRB</p>
		<p>2.1.4 DENR-EMB-MGB to conduct studies on the environmental effects of small-scale mining including sand and gravel and quarrying.</p>	<p>2004 - onwards</p>	<p>Lead: DENR-MGB, EMB Others: LGUs</p>

ISSUES AND CONCERNS	STRATEGY / ACTION AGENDA	TARGETS / SPECIFIC ACTIVITIES	TIME	INST. INVOLVED
3. Lack of social development and livelihood	3.1 Formulate and develop social development programs for small-scale mining communities.	2.1.5 DENR and LGU to develop programs for responsible small-scale mining including environmental management, tailings disposal system and site rehabilitation. 2.1.6 LGU through the recommendation of the PMRB/CMRB/MGB to impose appropriate penalties to violator/s of environmental and mine safety rules and regulations. 3.1.1 LGU with the support of the DENR and DSWD to undertake a comprehensive study on the socio-economic conditions of small-scale mining both on metallic and non-metallic minerals. 3.1.2 DENR-MGB to assist LGU in the formulation of Social Development and Management Programs (SDMP) for SSM Communities with due consideration to their physical and social infrastructure needs and possible upland migration. 3.1.3 DSWD and other concerned agencies to develop alternative sources of livelihood such as jewelry making, handicrafts, biodiversity conservation projects, etc.	2004-onwards 2004 - onwards 2004 - onwards 2004 - onwards	Lead: LGU DENR-EMB- MGB Others: Small-scale miners, NAPC, PMRB, CMRB Lead: LGU DENR-EMB- MGB Others: PMRB, CMRB Lead: LGU DENR, DSWD, NAPC Lead: LGU DENR, DSWD, NAPC
4. Absence of PMRB/CMRB in some provinces and cities	4.1 Ensure the creation and operationalization of PMRB/CMRB per RA No. 7076	4.1.1 DILG, in consultation with the Leagues of Governors and City Mayors, to implement the formulation of PMRB/CMRB in compliance with RA No. 7076. 4.1.2 DENR to write concerned Governors/City Mayors for the creation of PMRB/CMRB.	2004 2004	Lead: DILG Leagues, LGUs Lead: DENR LGUs

ISSUES AND CONCERNS	STRATEGY / ACTION AGENDA	TARGETS / SPECIFIC ACTIVITIES	TIME	INST. INVOLVED
5. Inappropriate and unresponsive small scale mining laws, rules and regulations;	5.1 Amend RA 7076 and PD 1899 giving emphasis to environmental protection and to make it more responsive to the needs of the small scale miners;	5.1.1 MGB to review the existing provisions of RA 7076 and PD 1899, with emphasis on: ?? Environmental, Mine Safety and Health Standards ?? Child Labor ?? Social Protection, Development Fund and penalties for violators ?? etc. 5.1.2 DENR to recommend to the President, through the PLLO, to certify the bill as urgent. 5.1.3 DENR to prepare the proposed Magna Carta for small scale miners.	2005 - 2007 2004 2004	MGB/LGU and other concerned government agencies and NGO's Lead: DENR Others: OP Lead: DENR
6 Lack of information on mineralized area for small-scale mining (SSM) areas.	6.1 Identify and evaluate potential SSM areas.	6.1.1 DENR to conduct inventory, geological verification and assessment of possible SSM areas for both metallic and non-metallic minerals, and disseminate information therefore. 6.1.2 DENR to identify appropriate mining/quarrying technologies and market demands. 6.1.3 DENR, LGUs, PMRB, CMRB to identify, allocate and declare mineralized zones as People's Small-scale Mining Areas consistent with the land use plans of LGU concerned.	2004 - onwards 2004 - onwards 2004 - onwards	Lead: DENR Lead: DENR Lead: DENR PMRB, CMRB, LGU Others: NCIP, NAPC

E. POLICY AGENDA: EFFICIENT TECHNOLOGIES SHALL BE ADOPTED TO ENSURE THE JUDICIOUS EXTRACTION AND OPTIMUM UTILIZATION OF NON-RENEWABLE MINERAL RESOURCES TO ENHANCE SUSTAINABILITY

ISSUES AND CONCERNS	STRATEGY / ACTION AGENDA	TARGETS / SPECIFIC ACTIVITIES	TIME	INST. INVOLVED
<p>1. Inadequate research and development (R&D) and trainings in mineral-based technology</p>	<p>1.1 Assimilate available state of the art technologies.</p>	<p>1.1.1 DENR-MGB to conduct research on mining methods, and processing and smelting technologies (especially for nickel, iron, chromite, alumina, and limestone and similar non-metallic minerals) with application of new techniques gained from trainings and workshops attended local/abroad and adoption of appropriate hardware and software.</p>	<p>2004 - 2008</p>	<p>Lead: DENR-MGB Others: DOST, NEDA, NAMRIA, ERDB, LGUs, Industry groups, Academe, Professional Organizations</p>
	<p>1.2 Institutionalize research and development to provide the necessary scientific and technical support to the minerals sector</p>	<p>1.1.2 DENR-EMB-MGB to conduct research on mine waste water treatment (i.e. detoxification, etc); mine rehabilitation systems; deep-sea tailings disposal methods; environmental monitoring, and standards.</p>	<p>2004 - 2008</p>	<p>Lead: DENR, EMB and MGB</p>
		<p>1.2.1 DENR-MGB to prioritize the allocation of funds and/or tapping foreign/local development assistance for the reactivation/modernization of government units involved in R&D for the mineral sector;</p>	<p>2004 - onwards</p>	<p>Lead: DENR-MGB Others: DBM, NEDA</p>
		<p>1.2.2 DENR-MGB to maintain a validated and updated mineral occurrence database with the use of appropriate hardware and tasks specific specialized software;</p>	<p>2004 - onwards</p>	<p>Lead: DENR-MGB</p>
	<p>1.3 Provide training and upgrade skills to meet industry needs</p>	<p>1.3.1 DENR-MGB to formulate and prioritize the development and capacity building through trainings, higher education and international exposures.</p>	<p>2004 -onwards</p>	<p>Lead: DENR-MGB</p>
		<p>1.3.2 DENR-MGB, with the assistance of FASPO-DENR, to access assistance from local and/or foreign development agencies by developing and conducting joint projects and research activities including technology transfer agreements.</p>	<p>2004 -onwards</p>	<p>Lead: DENR-MGB Others: DENR-FASPO</p>
		<p>1.3.3 DENR-MGB to establish R&D facilities for technology transfer.</p>	<p>2005-2010</p>	<p>Lead: DENR-MGB Others: DENR-ERDB, DOST, Academe</p>

ISSUES AND CONCERNS	STRATEGY / ACTION AGENDA	TARGETS / SPECIFIC ACTIVITIES	TIME	INST. INVOLVED
2. Weak linkages/ cooperation among academe, industry, government and communities in research and development	2.1 Strengthen linkages and collaborative activities with industry stakeholders	<p>2.1.1 DENR-MGB to formulate appropriate agreement instrument to harness and utilize the technology triangle – industry, academe/scientific community and government.</p> <p>2.1.2 DENR-MGB to establish local and international linkages with the academe, private sector, and other concerned government agencies for researches, trainings, networking, information exchange, etc. in the minerals sector through joint projects, MOAs and MOUs.</p>	<p>2004 - onwards</p> <p>2004 - onwards</p>	<p>Lead: DENR-MGB</p> <p>Others: Mining/ quarry contractors LGU, Academe R&D Organizations PCIERD, ERDB</p>

F. POLICY AGENDA: PROTECTION OF THE ENVIRONMENT SHALL BE OF PARAMOUNT CONSIDERATION IN EVERY STAGE OF A MINING OPERATION; MITIGATION AND PROGRESSIVE REHABILITATION MEASURES SHALL BE INTEGRAL COMPONENTS OF MINING OPERATIONS. DECOMMISSIONING AND/OR FINAL MINE REHABILITATION SHALL BE SUPPORTED BY THE MOST APPROPRIATE ENVIRONMENTAL FINANCIAL SURETY.

ISSUES AND CONCERNS	STRATEGY / ACTION AGENDA	TARGETS / SPECIFIC ACTIVITIES	TIME	INST. INVOLVED
1. Physical Impacts posed to the environment and/or the community, e.g., land disturbance, pollution, etc.	1.1 Integrate environmental considerations covering the life of the mine as part of the planning and design of mineral development projects.	1.1.1 DENR-EMB-MGB to rationalize the Environmental Impact Assessment (EIA) process for mining projects and Environmental Protection and Enhancement Program (EPEP) with emphasis on Environmental Risk Assessment (ERA), Health Impact Assessment, environmental performance surety, social acceptability, etc.	2004	Lead: DENR-EMB-MGB Others: Industry
		1.1.2 DENR to rationalize effluent standards for mine-related activities.	2004	Lead: DENR Others: Industry
		1.1.3 DENR to review and amend the current Memorandum of Understanding forged between the EMB and MGB	2004	Lead: DENR-EMB-MGB
	1.2 Promote Third Party Audits as an integral component of mining operations	1.2.1 DENR to encourage Third Party Audit of mining operations;	2004	Lead: DENR-EMB-MGB
		1.2.2 DENR and DTI to provide recognitions/awards/incentives to mining firms that excel in environmental management and protection;	2004	Lead: DENR-EMB-MGB
	1.3 Require engineered tailings dams	1.3.1 DENR to rationalize existing technical guidelines and standards for Mine Waste and Mill Tailings Management with emphasis on safety factor,	2004	Lead: DENR-EMB-MGB
	1.4 Implement Final Mine Rehabilitation and Decommissioning Programs (FMRDP) and post abandonment land use requirements of the Mining Act and the EIA System.	1.4.1 DENR to ensure strict implementation of Progressive Rehabilitation of mining projects;	2004 – onwards	Lead: DENR-EMB-MGB
		1.4.2 DENR to establish guidelines for environmental performance surety to take care of the FMRDP and post-abandonment;	2004	Lead: DENR-EMB-MGB

ISSUES AND CONCERNS	STRATEGY / ACTION AGENDA	TARGETS / SPECIFIC ACTIVITIES	TIME	INST. INVOLVED
2. Social Impacts on the community and the environment, e.g., in-migration, change in cultural character, etc.	2.1 Promote the Social Development and Management Program (SDMP) of mining projects. 2.2 Promote Corporate Social Responsibility (CSR) within the mining industry.	2.1.1 DENR to fully implement the SDMP requirement for mining projects. 2.1.2 DENR to conduct IEC on the SDMP provisions of the Mining Act. 2.2.1 DENR to conduct IEC and training in the implementation of CSR.	2004 – onwards 2004 – onwards 2004 – onwards	Lead: DENR-EMB-MGB Lead: DENR-EMB-MGB Lead: DENR-EMB-MGB

G. POLICY AGENDA: **THE ECOLOGICAL ENVIRONMENTAL SUSTAINABILITY OF AREAS AFFECTED BY MINING OPERATION (including biodiversity resources and small island ecosystem shall be safeguarded in order to protect public welfare, safety and environmental quality). THE RIGHTS OF AFFECTED COMMUNITIES (including the rights of indigenous cultural communities, especially the free and prior informed consent requirement, shall be protected).**

ISSUES AND CONCERNS	STRATEGY / ACTION AGENDA	TARGETS / SPECIFIC ACTIVITIES	TIME	INST. INVOLVED
1. Biodiversity and small island concerns in relation to mining	1.1 Incorporate biodiversity and small-island ecosystem concerns in the EIA process for mining projects in biodiversity-rich areas and small islands.	1.1.1 DENR to formulate and implement guidelines on the assessment of impact for identified biodiversity-rich areas and small island ecosystems as part of the EIA process 1.1.2 DENR to expand the Review Committee membership to include PAWB in areas rich in biodiversity;	2004 – 2005 2004	Lead: DENR Lead: DENR

H. POLICY AGENDA: MINING OPERATIONS SHALL BE PURSUED WITHIN THE FRAMEWORK OF MULTIPLE LAND USE AND SUSTAINABLE UTILIZATION OF MINERALIZED AREAS.

ISSUES AND CONCERNS	STRATEGY / ACTION AGENDA	TARGETS / SPECIFIC ACTIVITIES	TIME	INST. INVOLVED
1. Conflicting land uses	1.1 Identify a rational and science-based valuation tool to determine the best and alternative uses of the areas including high biodiversity and conservation/protection areas.	1.1.1 DENR to convene multi-disciplinary group to come up with parameters and method of valuation that will be agreed upon by the stakeholders before adoption. 1.1.2 DENR to set graduated conditions based on natural resources endowment of areas and technology to be utilized. 1.1.3 DENR to implement a policy that valuation will be site specific. 1.1.4 NEDA/HLURB to encourage LGUs to incorporate mining in their Comprehensive Land Use Plans. 1.1.5 NEDA to consider mining as a major land classification/use in the proposed National Land Use Act. 1.1.6 DENR to harmonize the provisions of the proposed Sustainable Forest Management Act for submission to Congress vis -à-vis Mining Act of 1995.	2004 -2006 2004-2005 2004-2007 2004 – onwards 2004 - onwards 2004-2007	Lead: DENR Lead: DENR Lead: DENR Lead: NEDA, HLURB Others: DENR, LGUs Lead: NEDA Lead: DENR

I. POLICY AGENDA: REMEDIATION AND REHABILITATION OF ABANDONED MINES/SITES SHALL BE ACCORDED TOP PRIORITY TO ADDRESS THE NEGATIVE IMPACTS OF PAST MINING PROJECTS.

ISSUES AND CONCERNS	STRATEGY / ACTION AGENDA	TARGETS / SPECIFIC ACTIVITIES	TIME	INST. INVOLVED
<p>1. Lack of government policy/ies on abandoned mines and closure of mines that operated/ operating prior to the Philippine Mining Act of 1995</p> <p>2. Possible redevelopment of abandoned/idle/inactive mines</p>	1.1 Develop policy/ies on abandoned mines	1.1.1 DENR to pursue appropriate policy that will address existing abandoned mines and prevent future abandoned mines.	2004 - 2007	Lead: DENR Others: DSWD, DOH, Congress
	2.1 Conduct Mine Viability and Environmental Assessment (MVEA)	2.1.1 DENR to formulate MVEA Guideline/s	2004	Lead: DENR
		2.1.2 NEDA and DENR to work out funding sources/schemes for the conduct/ implementation of MVEA.	2005 - onwards	Lead: DENR, NEDA Others: NRMDC, PMO-DoF, Congress, Malacañan
		2.1.3 DENR to lead the conduct of MVEA on abandoned mines/sites based on a prioritization list.	2005 - onwards	Lead: DENR Others: NRMDC, PMO-DoF, LGUs, Other Stakeholders
		2.1.4 DENR to recommend options re?preparation of a feasibility study for viable projects or development/implementation of final mine decommissioning and rehabilitation for non-viable projects	2004 - onwards	Lead: DENR and/or Mining Company
	2.2 Assist in the redevelopment of abandoned mines/ sites	2.2.1 BOI to provide incentives for the redevelopment of abandoned mines/sites.	2004 - onwards	Lead: DTI-BOI
	2.3 Implement final mine decommissioning and rehabilitation	2.3.1 DENR to compel mining contractors to develop and implement final mine decommissioning and rehabilitation for non-viable projects.	2004 - onwards	Lead: DENR and/or Mining Company and other govt. agencies (e.g. DSWD, DOH)
		2.3.2 DENR to effect mine closure in coordination with other concerned government agencies for projects where the mining contractors no longer exist.	2004 - onwards	Lead: DENR and/or Mining Company and other govt. agencies (e.g. DSWD, DOH)

ISSUES AND CONCERNS	STRATEGY / ACTION AGENDA	TARGETS / SPECIFIC ACTIVITIES	TIME	INST. INVOLVED
3. Physical Impacts posed to the environment and/or the community by abandoned mines	3.1 Implement remediation/engineering measures on prioritized critical mines/ sites	3.1.1 DENR, in coordination with the concerned mining contractor, to develop and implement remediation/engineering measures in the prioritized critical mines/sites.	2004 – onwards	Lead: DENR Others: LGU, Mining Contractor, Mining Communities
4. Insufficient government policy in funding the implementation of FMRDP for existing and new mines.	4.1 Develop policy/ies on environmental financial surety (EFS)	4.1.1 DENR to formulate policy on EFS. 4.1.2 DENR to develop incentive scheme/s for mining contractors implementing mine/site rehabilitation projects.	2004 - 2005 2004 - 2005	Lead: DENR, DOJ, DOF Lead: DENR, DTI

J. POLICY AGENDA: THE ECONOMIC AND SOCIAL BENEFITS DERIVED FROM MINING SHALL BE EQUITABLY SHARED BY AND AMONG VARIOUS UNITS OF GOVERNMENT, AS WELL AS THE AFFECTED COMMUNITIES.

ISSUES AND CONCERNS	STRATEGY / ACTION AGENDA	TARGETS / SPECIFIC ACTIVITIES	TIME	INST. INVOLVED
1. Local government units do not receive their equitable share from mineral wealth on time.	1.1 Ensure appropriate payment of excise tax and other taxes and fees by mining companies through information sharing among concerned institutions	1.1.1 DENR to promote the payment by the mineral industry of relevant taxes/fees.	2004 - onwards	Lead: DENR Others: DILG, LGUs
		1.1.2 BIR and DENR-MGB to complete the guidelines on the MOA on exchange of information on production volume and value, marketing contracts, prices of minerals, etc.	2004	Lead: BIR, DENR-MGB
		1.1.3 BIR and DILG in consultation with League of Local Government to forge a MOA on the exchange of information	2004	Lead: BIR, DILG, LGUs
		1.1.4 BIR to revise the regular reporting requirements from the different RDOs in charge of tax collection.	2004 - onwards	Lead: BIR, DENR-MGB, LGUs, DILG
		1.1.5 DILG, in coordination with NSO and LMB, to provide BIR with an official list of all LGUs broken down into province, cities and municipalities, together with updated data on population and land area.	2004 - onwards	Lead: DILG Others: NSO, DENR-LMB
		1.1.6 DENR-MGB to provide BIR a list of all mining operators and related information relevant to the collection of taxes.	2004 - onwards	Lead: DENR-MGB
		1.1.7 BIR, in consultation with the DENR-MGB, to issue clarificatory guidelines on the excise tax computation for metallic and non-metallic minerals.	2004 - onwards	Lead: BIR Others: DENR-MGB
		1.1.8 BIR to provide DILG and LGU Leagues information of its total excise tax collection and their corresponding share	2005 - onwards	Lead: BIR
	1.2 Simplify the procedures for processing the LGU shares in excise taxes.	1.2.1 DILG to disseminate DBM requirements and deadlines to support claims for shares in mining.	2004	Lead: DILG, DBM
		1.2.2 BIR to provide DBM after the end of each year the estimated LGU share on overall excise tax collection from minerals and mineral products.	Every Jan. 31	Lead: BIR, DILG, DBM

ISSUES AND CONCERNS	STRATEGY / ACTION AGENDA	TARGETS / SPECIFIC ACTIVITIES	TIME	INST. INVOLVED
<p>2. Perceived under collection of taxes/ government share from mining & minerals, and</p> <p>3. Perceived sell-out of national patrimony due to excessive incentives to mining projects</p>	<p>1.3 Support the direct remittance of the share of LGU from mineral wealth</p> <p>2.1 Improve reporting requirements from mining operations</p> <p>2.2 Strengthen guidelines in the exportation of minerals and minerals products</p> <p>3.1 Rationalize the grant of incentives to mining & mineral processing projects to ensure the collection of appropriate government share.</p>	<p>1.2.3 BIR to provide DBM with list of allocated share of each municipality in excise tax collection</p>	<p>On or before March 31 of every year</p>	<p>Lead: BIR, DBM</p>
		<p>1.2.4 DBM and BIR to simplify procedure for processing the share of LGUs in the excise tax to facilitate releases.</p>	<p>2004 - onwards</p>	<p>Lead: DBM, BIR, DOF, DILG, Leagues of LGUs</p>
		<p>1.3.1 DENR, in consultation with NEDA, DBM, DILG and DOF, to review and endorse the bill providing for the direct remittance of share of LGU from mineral wealth.</p>	<p>2004-2007</p>	<p>Lead: DENR, Others: DILG, LGU Leagues, DBM, NEDA, DOF</p>
		<p>2.1.1 DENR to require the mandatory submission of annual report on taxes, fees and royalties paid and withheld by mining operators and exploration companies.</p>	<p>2004</p>	<p>Lead: DENR-MGB Others: LGUs</p>
		<p>2.1.2 DENR to require exporters of minerals and minerals products to submit Proof of Final Payment of their product.</p>	<p>2004</p>	<p>Lead: DENR-MGB, BIR</p>
		<p>2.1.3 DENR to require mining companies to register their marketing or sales contracts with the regional offices as a mandatory requirement in the issuance of an OTP.</p>	<p>2004</p>	<p>Lead: MGB-DENR</p>
		<p>2.2.1 Bureau of Customs to issue guidelines to include an Ore Transport Permit as a mandatory requirement in securing Export Clearance.</p>	<p>2004</p>	<p>Lead: DENR-MGB, BOC, BSP</p>
		<p>3.1.1 DTI and PEZA Board in coordination with DENR and DOF-BIR to review and rationalize the guidelines in the granting of incentives to the mining sector, particularly on excise taxes.</p>	<p>2004</p>	<p>Lead: PEZA, DTI DENR-MGB, DOF-BIR</p>
		<p>3.1.2 DOF-BIR to clarify excise tax computations for metallic mineral products particularly mixed nickel sulphides and copper-gold-silver-zinc concentrates including gold bullion, and non-metallic resources</p>	<p>2004</p>	<p>Lead: DOF-BIR</p>

ISSUES AND CONCERNS	STRATEGY / ACTION AGENDA	TARGETS / SPECIFIC ACTIVITIES	TIME	INST. INVOLVED
4. Lack of an acceptable standard for measuring social performance of mining projects	4.1 Develop indicators for the social performance of mining projects	4.1.1 DENR to package a proposal on the development of indicators for social performance of mining projects, including SDMP evaluation/assessment.	2004	Lead: DENR-MGB Others: LGUs and communities, and mining sector
5. Problems on IP share (royalty)	5.1 Ensure that IPs are paid by the mining companies of the royalty due them	5.1.1 NCIP, in consultation with NAPC, IPs/CADC/CADT Holders, Chamber of Mines and DENR to draft MOA on the implementation arrangements for the payment of royalty.	2004	Lead: NCIP, DENR-MGB, Chamber of Mines
	5.2 Formulate guidelines on trust fund management	5.1.2 NCIP, in consultation with NAPC, to conduct a study on the impact of the said royalty payment	2004	Lead: NCIP Others: NAPC
		5.2.1 NCIP, in consultation with NAPC and IPs to draft guidelines on trust fund management.	2004	Lead: NCIP Others: NAPC, IP Holders, DENR

K. POLICY AGENDA: SUSTAINED INFORMATION, EDUCATION AND COMMUNICATION CAMPAIGN SHALL BE VIGOROUSLY PURSUED, JOINTLY WITH THE INDUSTRY AND STAKEHOLDERS, ABOUT THE MINERALS INDUSTRY FOR PURPOSES OF ENHANCING PUBLIC AWARENESS AND RESPECT FOR THE RIGHTS OF COMMUNITIES, AND REACHING INFORMED DECISIONS ON MINING AND RELATED PROJECTS BOTH AT THE NATIONAL AND LOCAL LEVELS.

ISSUES AND CONCERNS	STRATEGY / ACTION AGENDA	TARGETS / SPECIFIC ACTIVITIES	TIME	INST. INVOLVED
1. Lack/ inadequate information regarding the complexities of mining operations	1.1 Institutionalize/ strengthen/ develop linkages with major stakeholders to provide regular avenues for continuing discussions on mining issues.	1.1.1 DENR to enter into agreements and develop partnerships with industry, media organizations/institutions for the conduct of regular discussions, fora, consultation, etc.	2004 - onwards	Lead: DENR-PAO Others: Phil. Information Agency (PIA), concerned gov't agencies
	1.2 Pursue an IEC campaign on mining	1.2.1 DENR to develop a common storyline that will guide all IEC activities on mining (e.g. Communicator's Handbook on Mining and Geology).	2004 - onwards	Lead: DENR-MGB
		1.2.2 DENR to conduct regular radio programs and plugs, press conferences, discussions, fora and consultation meetings.	2004 - onwards	Lead: DENR, PIA
		1.2.3 DENR to document and disseminate cases of best practices, success stories and lessons learned in mining.	2004 - onwards	Lead: DENR, PIA
		1.2.4 DENR to conduct mine visits for stakeholders to showcase best practices, success stories and lessons learned.	2004 - onwards	Lead: DENR
	1.3 Capability-building for DENR and MGB Information Offices	1.3.1 DENR to provide adequate information equipment and appropriate training for effective IEC activities.	2005 - onwards	Lead: DENR
	1.4 Provide a regular funding mechanism for sustained IEC campaign	1.4.1 DENR to amend Section 3 of DAO 2000-99 providing for a mandatory allocation of at least 10% of 1% of the annual direct mining and milling cost for the conduct of coordinated IEC activities of mining projects.	2004	Lead: DENR
		1.4.2 DENR-MGB, in coordination with the industry, to identify and tap possible sources of funds.	2004 - onwards	Lead: DENR

L. POLICY AGENDA: CONTINUOUS AND MEANINGFUL CONSULTATION PROCESS WITH THE INDUSTRY AND ALL OTHER STAKEHOLDERS SHALL BE INSTITUTED, TO INTEGRATE CONCERNS ON MINERALS IN RESOURCE MANAGEMENT POLICY AND PLANNING

ISSUES AND CONCERNS	STRATEGY / ACTION AGENDA	TARGETS / SPECIFIC ACTIVITIES	TIME	INST. INVOLVED	
1. Lack of transparency in Government processes	1.1 Ensure that all policies and programs that will impact on the minerals industry are developed in coordination with stakeholders	1.1.1 DENR to conduct regular meetings/ discussions with other government agencies and all stakeholders.	2004 - onwards	Lead: DENR Others: Industry Groups/ Associations	
	1.2 Operate within structures and mechanisms that will facilitate the delivery of a high standard of accountability and good governance.	1.4.1 DENR to develop/enhance and implement organizational policies to provide guidance on accountability and management obligations.	2004 - onwards	Lead: DENR	
		1.4.2 DENR to post flowcharts, guidelines, requirements, etc. in bulletin boards, website, etc.	2004 - onwards	Lead: DENR	
	2. Inadequate public/ community participation/ consultation mechanism/ process.	2.1 Empower stakeholders to effectively participate in decision-making.	2.1.1 DENR to enhance and maintain public information centers where stakeholders can access balanced information on exploration/mining/ quarrying projects.	2005	Lead: DENR, Others: BOI, Mining Industry and Other Stakeholders
			2.1.2 DENR to develop Public Participation Protocols and Communication and Stakeholder Involvement Guidebook/Manual.	2005	Lead: DENR, Others: NCIP, NAPC, DA/DAR, DILG, LGUs, and Other Stakeholders