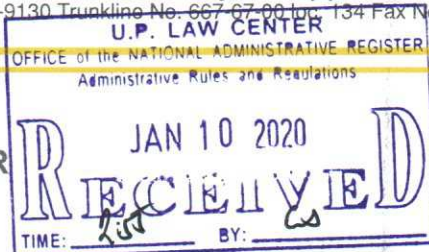




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JAN 10 2020

**MGB MEMORANDUM ORDER**  
NO. 20-001

**SUBJECT: GUIDELINES FOR CARE AND MAINTENANCE PROGRAM FOR MINING PROJECTS**

Pursuant to Department of Environment and Natural Resources (DENR) Administrative Order (DAO) No. 2000-98, the Mine Safety and Health Standards, and Sections 166 and 167 of DAO 2010-21, the Revised Implementing Rules and Regulations of Republic Act (RA) No. 7942, the Philippine Mining Act of 1995, the following rules and regulations are hereby promulgated for the information, guidance and compliance of all concerned:

**Section 1. Title**

The title of this Memorandum Order shall be "*Guidelines for Care and Maintenance Program for Mining Projects.*"

**Section 2. Basic Policy**

It is the policy of the DENR to ensure the integration of environmental protection and stakeholder involvement in every stage of mining operation. Provision for care and maintenance measures shall be integral components of mining operations.

**Section 3. Objective**

This Memorandum Order aims to provide detailed guidelines for Care and Maintenance Program (CMP) for Mining Projects.

**Section 4. Coverage**

All mining tenements, excluding those under Exploration Permit stage/period, and those issued permits by DENR/MGB covering quarrying resources, shall be covered by this Memorandum Order.

**Section 5. Scope**

CMP shall be implemented in case of the following:

- a. Operational Constraints (Voluntary Stoppage) – include any dispute with surface owners or work force, peace and order, flooding, fire, massive landslide and other natural or man-made calamities; and



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IN SUSTAINING WEALTH CREATION AND IMPROVED QUALITY OF LIFE."**

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- b. Suspension (Involuntary Stoppage) – due to non-conformance/s with regulatory provisions of the mining law and its implementing rules and regulations; other pertinent environmental laws, rules and regulations; and the terms and conditions of mining contracts/permits.

## Section 6. General Provisions

The CMP shall include the following: (a) identification of safety and health hazards, environmental and social impacts; (b) mitigating measures; and (c) budget to implement the CMP.

Attached as Annex A is the Outline for the Preparation of Care and Maintenance Program for Mining Projects.

## Section 7. Submission and Approval of CMP

Contractors/Permit Holders with existing mining operations shall submit the CMP to the MGB RO concerned within 30 calendar days after the effectivity of this Memorandum Order.

The MGB RO shall evaluate and approve the submitted CMP within fifteen (15) calendar days from receipt thereof. A Certificate of Approval (COA) shall be issued and the MGB RO shall furnish the MGB Central Office (CO) a copy of the approved CMP and COA. In case the CMP is not acted upon after the prescribed period, the same is deemed approved.

The approved CMP shall form part of the requirements for the approval of Declaration of Mining Project Feasibility (DMPF) for new mining projects and application for ISAGP, MPP and SMEP.

## Section 8. Duration of CMP

The duration of the CMP during voluntary stoppage, *i.e.* operational constraint, shall be for three (3) months.

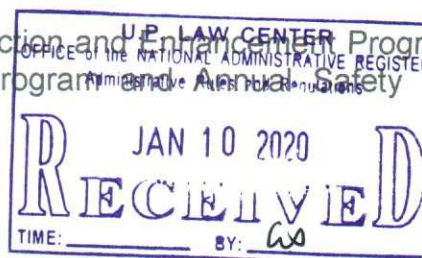
In case of involuntary stoppage, *i.e.* suspension, the CMP shall be implemented until the Suspension Order issued by the government agency concerned is lifted.

## Section 9. Implementation of the CMP

In case of voluntary stoppage, the Contractor/Permit Holder shall notify the MGB RO concerned to implement the CMP, copy furnished the MGB CO. In the event of involuntary stoppage, the Contractor/Permit Holder shall immediately implement the CMP upon receipt of the Suspension Order.

During the implementation of CMP, no extraction and no commercial disposition of mineral ore/products by the Contractor/Permit Holder shall be allowed.

The approved Annual Environmental Protection and Enhancement Program, Annual Social Development and Management Program and Annual Safety and Health



Program including Emergency Response and Preparedness Program shall continuously be implemented during the care and maintenance period.

### Section 10. Resumption of Operations

In case of voluntary stoppage, the Contractor/Permit Holder shall notify the MGB RO concerned in writing, in not less than ten (10) calendar days prior to the intended date of resumption of operation, with the report on the implementation of CMP. The CMP report shall be subject to validation by the MGB RO concerned.

Upon resumption of operation, the Contractor/Permit Holder shall immediately implement its approved Three-Year Development/Utilization Work Program.

### Section 11. Funding

Funds for the approved CMP shall be sourced from the first-year deposit of the Final Mine Rehabilitation and/or Decommissioning Fund (FMRDF).

Withdrawal of the funds for the implementation of the CMP shall be subject to approval by the MGB Regional Director concerned upon clearance from the Contingency Liability Rehabilitation Fund-Steering Committee Chairman.

The Contractor/Permit Holder shall replenish the FMRDF prior to resumption of mining operation.

### Section 12. Reporting, Monitoring and Review

The Contractor/Permit Holder shall regularly submit report on the implementation of the CMP to the MGB RO concerned, copy furnished the MGB CO, subject to validation by the MGB RO concerned.

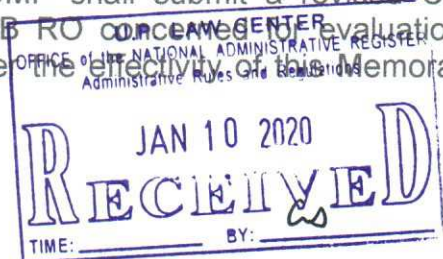
The implementation of the CMP shall be monitored at least once a month or as the need arises by the MGB RO concerned.

The CMP shall be reviewed and/or revised at a date not exceeding two (2) years after its approval and every two (2) years thereafter. The CMP may also be reviewed and/or revised whenever amendments are justified by changes in mining activities; the review and/or revision may be made on the Contractor's/Permit Holder's initiative or as required by the Director/Regional Director concerned. Any revision made in the CMP shall be subject to the approval of the MGB RO concerned.

### Section 13. Transitory Provision

All existing mining projects without CMP shall comply with this Memorandum Order including those with pending applications for renewal.

Contractors/Permit Holders currently under CMP shall submit a revised CMP in accordance with Annex A hereof, to the MGB RO concerned for evaluation and approval, within fifteen (15) calendar days after the effectivity of this Memorandum Order.



The MGB RO shall evaluate and approve the submitted CMP within fifteen (15) calendar days from receipt thereof. The MGB RO shall furnish the MGB CO a copy of the approved CMP.

The Contractor/Permit Holder shall continue to implement the activities provided under its existing CMP until approval of its revised CMP.

#### Section 14. Penalties

Failure of the Contractor/Permit Holder to comply with this Memorandum Order shall suffer the penalty prescribed in the Penal Provision of Republic Act No. 7942 and its Implementing Rules and Regulations and other pertinent environmental laws.

#### Section 15. Separability Clause

If any of these rules and regulations is declared unconstitutional or otherwise defective on any grounds, the remaining parts not affected thereby shall remain valid and in force.

#### Section 16. Repealing and Amending Clause

All orders, circulars and issuances, which are inconsistent herewith, are hereby repealed and/or amended accordingly.

#### Section 17. Effectivity

This Memorandum Order shall take effect immediately. This shall be registered with the Office of the National Administrative Register and posted in the bulletin board/website of MGB Central Office and respective Regional Offices.

  
ATTY. WILFREDO G. MONCANO  
Acting Director

