



Republic of the Philippines
 Department of Environment and Natural Resources
MINES AND GEOSCIENCES BUREAU

North Avenue, Diliman, Quezon City, Philippines

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May 19, 2016

**IN RE: APPEAL OF CONCORDE
 INTERNATIONAL MINERAL MINING
 CORPORATION IN CONNECTION
 WITH THE DENIAL OF
 ITS APPLICATION FOR
 EXPLORATION PERMIT
 DENOMINATED AS EXPA-000098-III**

X-----X

NOTICE OF ISSUANCE OF AN ORDER

The President Reg. Mail
Concorde International Mineral Mining Corporation
 3504 Swire Elan Suites Hotel
 Annapolis Street, Greenhills
 San Juan City, 1500 Metro Manila

The Regional Director Reg. Mail
Mines and Geosciences Bureau
Regional Office No. III
 Cleofer's Bldg., Gen. Hizon Street
 2000 San Fernando City, Pampanga

Please be notified that an Order was issued by this Office on even date on the subject, a copy of which is attached.

By Authority of the Director:


EDGARDO D. CASTILLO
 Officer-In-Charge
 Mining Tenements Management Division

Department of Environment and Natural Resources
 Mines and Geosciences Bureau
 Office of the Director

051916-0006



02:4:10 PM 5/19/2016
 Notice of Issuance

"MINING SHALL BE PRO-PEOPLE AND PRO-ENVIRONMENT
 IN SUSTAINING WEALTH CREATION AND IMPROVED QUALITY OF LIFE"

CO-124922



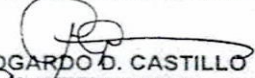
Republic of the Philippines
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North Avenue, Diliman, Quezon City, Philippines
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 INTERNATIONAL MINERAL MINING
 CORPORATION IN CONNECTION
 WITH THE DENIAL OF ITS
 APPLICATION FOR EXPLORATION
 PERMIT DENOMINATED AS
 EXPA-000098-III

CERTIFIED TRUE COPY


 EDGARDO D. CASTILLO
 OFFICER-IN-CHARGE
 MINING TENEMENTS MANAGEMENT DIVISION

X-----X

ORDER

WHEREAS, on September 26, 2007 Concorde International Mineral Mining Corporation (CIMMC) filed its application for Exploration Permit denominated as EXPA-000098-III in the Mines and Geosciences Bureau (MGB) Regional Office (RO) No. III covering an area of 2,564.2828 hectares located in Botolan, Zambales;

WHEREAS, on March 12, 2010, Department of Environment and Natural Resources (DENR) Memorandum Order (DMO) No. 2010-04¹ was issued, providing, among others, for policy directives in cleansing mining applications in all the Regional Offices of the MGB;

WHEREAS, DMO No. 2010-04 took effect on April 1, 2010 after publication in a newspaper of general circulation and registration in the Office of the National Administrative Register;

WHEREAS, Section B of DMO No. 2010-04 provides the grounds for the denial of mining applications, as follows:

"1. Strict implementation of the Three (3) Letters-Notice Policy:

The maximum time interval of 30 days between Letter-Notice shall be strictly followed in the implementation of the Three (3) Letters-Notice Policy in exacting compliance with the requirements for the grant of mining tenements and as ground for denial of mining applications.

2. Denial of mining applications due to rejection of the request for Free and Prior Informed Consent:

The rejection of a request for Free and Prior Informed Consent by the rightful Indigenous Peoples concerned as certified by the National Commission on Indigenous Peoples (NCIP) shall be a ground for denial of the mining application concerned: Provided, that such rejection is carried out in accordance with the NCIP's procedural guidelines on securing the Free and Prior Informed Consent.

Subject to the aforesaid guidelines, the mining applicant concerned shall be allowed a maximum of two (2) attempts to

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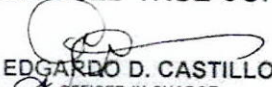
¹ Reforms in the Department Mining Tenement System.

"MINING SHALL BE PRO-PEOPLE AND PRO-ENVIRONMENT
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Department of Environment and Natural Resources
 Mines and Geosciences Bureau
 Office of the Director

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 ORDER


EDGARDO D. CASTILLO
OFFICER-IN-CHARGE
MINING TENEMENTS MANAGEMENT DIVISION

other agencies like the concerned LGU;" and (b) "we also like to point out [that the] application of DMO 2010-04 is contrary to Section 4 of the Civil Code x x x DMO 2010-04 has no provision giving it retroactive effect;"

WHEREAS, DMO No. 2010-04 is procedural in character, hence, an exception to the rule on non-retroactivity as provided in Section 4 of the Civil Code;

WHEREAS, the Supreme Court has held "that procedural laws do not come within the legal conception of a retroactive law, or the general rule against retroactive operation of statutes. They may be given retroactive effect to actions pending and undetermined at the time of their passage and this will not violate any right of a person who may feel that he is adversely affected, inasmuch as there is no vested rights in rules of procedure,"³

WHEREAS, notwithstanding the grounds relied upon by CIMMC in its appeal, the fact remains that the company has clearly failed to comply with the lacking requirements within the prescribed deadlines set under DMO No. 2010-04;

NOW, WHEREFORE, the foregoing premises considered, the Appeal of Concorde International Mineral Mining Corporation dated May 6, 2013 is hereby **DENIED** and the Order dated February 11, 2011 of the Mines and Geosciences Bureau Regional Office No. III **AFFIRMED**.

SO ORDERED.

Quezon City, Philippines, MAY 19 2016

By Authority of the Director:


EDGARDO D. CASTILLO
OIC, Mining Tenements Management Division

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Order
8/19/2016

Department of Environment and Natural Resources
Mines and Geosciences Bureau
Office of the Director

³ Republic of the Philippines represented by the National Centennial Commission, petitioner, v Court of Appeals, et.al., respondents, G.R. No. 141530, March 18, 2003.