



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

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JAN 03 2024

**IN RE: DENIAL OF APPLICATION FOR
 EXPLORATION PERMIT OF THE MINERS
 COMPANY, INC. DENOMINATED AS
 EXPA-000048II**

X-----X

NOTICE OF ISSUANCE OF A RESOLUTION

The President

The Miners Company, Inc.
 1301 Estrada St. cor.
 Pres. Sergio Osmeña Highway, Manila

Reg. Mail

The Regional Director

Mines and Geosciences Bureau
 Regional Office No. II
 No. 18 Dalan na Pagayaya corner Matunung
 Regional Government Center
 Carig Sur, Tuguegarao City

Reg. Mail

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



Notice of Issuance

[Handwritten Signature]

ATTY. DANILO U. UYKIENG
 OIC, Director



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



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CERTIFIED TRUE COPY

 DANILO D. DELEÑA
 CHIEF
 MINING TENEMENTS MANAGEMENT DIVISION

IN RE: DENIAL OF APPLICATION FOR
 EXPLORATION PERMIT OF THE
 MINERS COMPANY, INC.
 DENOMINATED AS EXPA-000048II

X-----X

RESOLUTION

Before this Office is the Motion for Reconsideration (MR) dated June 13, 2016 filed by The Miners Company, Inc. (TMCI) to the Order dated May 06, 2016 of this Office, the dispositive portion of which reads:

***NOW, WHEREFORE,** the foregoing premises considered, the undated Appeal of The Miner's Company, Inc. is hereby **DENIED** and the Order dated June 27, 2011 (sic) of the Mines and Geosciences Bureau Regional Office No. II is hereby **AFFIRMED**.*

SO ORDERED.

This case arose from the denial of the application for Exploration Permit denominated as EXPA-000048II by the Mines and Geosciences Bureau (MGB) Regional Office (RO) No. II through the Order dated July 21, 2010 due to failure of TMCI to fully comply with the requirements despite the multiple Letters-Notice in accordance with the Department of Environment and Natural Resources (DENR) Memorandum Order (DMO) No. 99-34¹.

TMCI filed in MGB RO No. II its MR on August 19, 2010, which was granted by that Office through the Order dated September 03, 2010. On October 19, 2011, MGB RO No. II issued an Order declaring as final and executory the Order of July 21, 2010.

The Appeal filed on August 05, 2013 by TMCI was denied by this Office through the Order dated May 06, 2016.

Hence, TMCI filed the instant MR, arguing mainly that:

We respectfully request your Honorable Office to revalidate above subject Order we received last June 1, 2016. The facts cited as the basis of the Order are NOT ACCURATE.

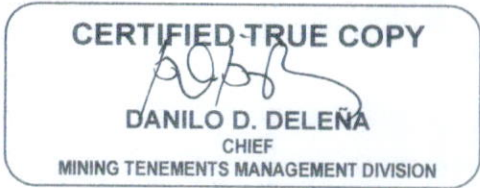
[We] submitted to MGB RO No. II on October 4, 2010 nine documents some of which were submitted previously in their original forms. Attached is a copy of our transmittal letter designated as TMCI-048/L together with the major requirements x x x.



¹ Clarificatory Guidelines in the Implementation of DENR Administrative Order No. 96-40 or Revised Implementing Rules and Regulations of Republic Act No. 7942, otherwise known as the Philippine Mining Act of 1995

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We refer further to the 8th WHEREAS clause of your Order x x x this shows that MGB RO No. II when it issued its October 19, 2011 Order totally ignored and without explanation disregarded our October 4, 2010 letter submission. We, therefore, consider the basis of the Order of Denials by MGB RO No. II and now your Honorable [Office] as inaccurate.

With regard to the 10th WHEREAS clause of your Order stating that TMCI failed to comply with the submission of the enumerated three requirements x x x [we] submit herewith a copy of our October 4, 2010 letter compliance and the three requirements your Order stated that we failed to submit.

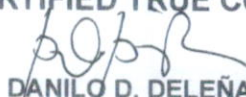
After evaluation of the MR dated June 13, 2016, this Office determined the following:

1. TMCI was able to show proof of its compliance with the Letters-Notice through the Letter dated October 04, 2010, which was received by MGB RO No. II on October 07, 2010, as follows:
 - a. Certification of Posting issued by DENR Provincial Environment and Natural Resources Office (PENRO) – Ilagan, Isabela on July 03, 2007.
 - b. Certification of Posting issued by DENR Community Environment and Natural Resources Office – Cauayan City, Isabela on March 16, 2007.
 - c. Certification of Posting issued by the Municipality of San Guillermo, Isabela on July 05, 2007.
 - d. Certification of Posting issued by the Province of Isabela on July 02, 2007.
 - e. Certification of Posting issued by this Office on February 08, 2007.
 - f. National Commission on Indigenous Peoples Certification Precondition issued on February 19, 2007 with control no. ADO-CP-II-07-02-0658.

However, the submitted a) Certification dated September 29, 2010 issued by Hongkong and Shanghai Banking Corporation attests to the account maintained by Bulawan Resources Corporation and b) audited financial statements is for Corai Resources Phils., Inc. Based on available records, TMCI has not established its relations with such companies. Hence, it is inadmissible as TMCI's proof of financial capability to undertake the Exploration and Environmental Work Programs.

2. TMCI failed to submit its proof of completion of radio announcement of the pertinent Notice of Application.



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DANILO D. DELEÑA
CHIEF
MINING TENEMENTS MANAGEMENT DIVISION


Section 21 of the DENR Administrative Order No. 2010-21² provides that "within five (5) working days from the last date of posting and radio announcement, the authorized officer(s) of the office(s) concerned shall issue a certification(s) that the posting/radio announcement have been complied with."

The Letter dated January 09, 2007 by the Director and Announcer of Filipinas Broadcasting Network, Inc. stating that "after the airing on the radio, a certification shall be issued that radio announcement had been complied with and the same shall be issued to TMCI," cannot be considered as a substantial compliance under Section B.3.c of DMO No. 2010-04 because it does not attest to the completion of the one-week airing of the pertinent Notice of Application.

NOW, WHEREFORE, the foregoing premises considered, the Motion for Reconsideration dated June 13, 2016 of The Miners Company, Inc. is hereby **DENIED** and the Order dated May 06, 2016 of this Office **AFFIRMED**.

SO ORDERED.

Quezon City, Philippines, JAN 03 2024


ATTY. DANILO U. UYKIENG
OIC, Director



² The Consolidated Implementing Rules and Regulations of the Republic Act No. 7942, the Philippine Mining Act of 1995