

1 **MGB MEMORANDUM ORDER**

2 **NO.** _____

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5 **SUBJECT: GUIDELINES FOR CARE AND MAINTENANCE PROGRAM FOR**
6 **MINING PROJECTS**
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8 Pursuant to Department of Environment and Natural Resources (DENR)
9 Administrative Order (DAO) No. 2000-98, the Mine Safety and Health Standards, and
10 Sections 166 and 167 of DAO 2010-21, the Revised Implementing Rules and
11 Regulations of Republic Act (RA) No. 7942, the Philippine Mining Act of 1995, the
12 following rules and regulations are hereby promulgated for the information, guidance
13 and compliance of all concerned:
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15 **CHAPTER I**
16 **INTRODUCTION**
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18 **Section 1. Title**
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20 The title of this Memorandum Order shall be *“Guidelines for Care and Maintenance*
21 *Program for Mining Projects.”*
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23 **Section 2. Basic Policy**
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25 It is the policy of the DENR to ensure the integration of environmental protection and
26 stakeholder involvement in every stage of mining operation. Provision for care and
27 maintenance measures shall be integral components of mining operations.
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29 **Section 3. Objective**
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31 This Memorandum Order aims to provide detailed guidelines for Care and
32 Maintenance Program (CMP) for Mining Projects.
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34 **Section 4. Coverage**
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36 All mining tenements in feasibility study, development and utilization stages, and
37 holders/applicants of Industrial Sand and Gravel Permit (ISAGP), Mineral Processing
38 Permit (MPP) and Special Mineral Extraction Permit (SMEP) shall be covered by this
39 Memorandum Order.
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41 **Section 5. Scope**
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43 CMP shall be implemented in case of the following:

- 44 a. Operational Constraints (Voluntary Stoppage) – include any dispute with surface
45 owners or work force, peace and order, flooding, fire, massive landslide and other
46 extreme natural calamities; and
- 47 b. Suspension (Involuntary Stoppage) – due to non-conformance/s with regulatory
48 requirements.

49 **Section 6. General Provisions**

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

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

55 **Section 7. Submission and Approval of CMP**

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

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

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

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69 **Section 8. Duration of CMP**

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

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

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76 **Section 9. Implementation of the CMP**

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

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

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86 The approved Annual Environmental Protection and Enhancement Program, Annual
87 Social Development and Management Program and Annual Safety and Health
88 Program including Emergency Response and Preparedness Program shall
89 continuously be implemented during the care and maintenance period.

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94 **Section 10. Resumption of Operations**

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

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

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104 **Section 11. Funding**

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106 Funds for the approved CMP shall be provided by the Contractor/Permit Holder which
107 shall be deposited in full in a Government depository bank within seven (7) calendar
108 days upon approval of the CMP and shall be used solely for the implementation of the
109 approved CMP. In the case of mining tenements under feasibility stage, funds for the
110 CMP shall be deposited within sixty (60) days upon the approval of DMPF or Mineral
111 Agreement (MA)/Financial or Technical Assistance Agreement (FTAA).

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113 Withdrawal from the CMP Funds (CMPF) shall be made by the Contractor/Permit
114 Holder only with the written instruction to the bank issued by the MGB RO concerned
115 authorizing the Contractor/Permit Holder to withdraw the amount for the
116 implementation of the CMP.

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118 The Contractor/Permit Holder shall replenish the CMPF prior to resumption of
119 operation.

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121 Any remaining amount, based on the Contractor's/Permit Holder's total CMPF
122 provisions at the end of the MA/FTAA/Permit shall be released back to the
123 Contractor/Permit Holder.

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125 **Section 12. Reporting, Monitoring and Review**

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

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

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

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144 **Section 13. Transitory Provision**

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

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

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

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

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161 **Section 14. Penalties**

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

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167 **Section 15. Separability Clause**

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

171 **Section 16. Repealing and Amending Clause**

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

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176 **Section 17. Effectivity**

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178 This Order shall take effect fifteen (15) calendar days after its complete publication in
179 a newspaper of general circulation and registration with the Office of the National
180 Administrative Register.

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ATTY. WILFREDO G. MONCANO
Acting Director

