

⚡ Mines and Geosciences Bureau Region 3

# Briefer to P/CMRB

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August 9, 2024  
Provincial Capitol, Tarlac

# Presentation OUTLINE

- 01** Laws and Policies on the Devolution of MGB, DENR Functions
- 02** Mandate and Functions of the P/CMRB
- 03** Devolved Functions of the MGB
- 04** Operationalization of the P/CMRBs
- 05** Reconstitution of the P/CMRBs

# 01 **Laws and Policies on the Devolution of MGB, DENR Functions**

<b>RA 7076</b>	<b>An Act Creating a Peoples' Smal-Scale Mining Program and for Other Purposes</b>
<b>RA 7942</b>	<b>The Philippine Mining Act of 1995</b>
<b>CDAO 2010-21</b>	<b>Consolidated IRR of RA 7942</b>
<b>DAO 92-37</b>	<b>Amending certain provisions of DAO 30, s. 1992 re: Guidelines to the Transfer and Implementation of DENR Functions Devolved to the LGUs</b>
<b>DENR MC 97-05</b>	<b>Procedural Guidelines in the Creation of P/CMRB</b>

## 02 Mandate of P/CMRB

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Sec. 24, RA 7076

There is hereby created under the direct supervision and control of the Secretary a **P/CMRB which shall be the implementing agency of the Department** and shall exercise powers and functions, subject to the review by the Secretary.

# 02 Functions of the P/CMRB

## SEC. 24, RA 7076

1. Declare and segregate existing gold-rush areas for small-scale mining.
2. Reserve for the future, mineralized areas/mineral lands for small-scale mining.
3. Awards contracts to small-scale miners.
4. Formulate and implement rules and regulations related to small-scale mining.
5. Settle disputes, conflicts or litigations over conflicting claims within PSSMA.
6. Perform such other functions as may be necessary to achieve the goals and objectives of this Act.

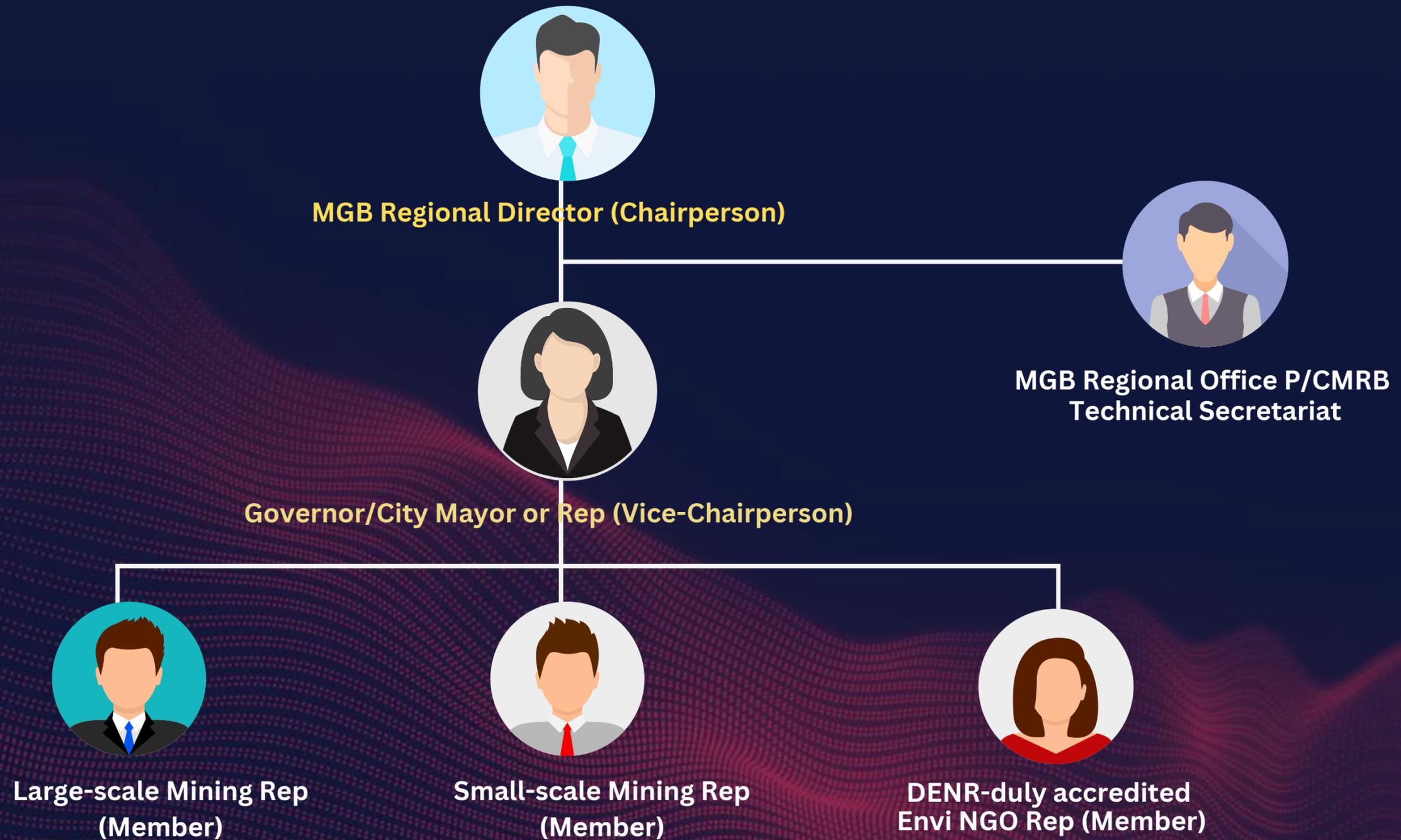
## SEC. 70, CDAO 2010-21

1. Accept, process and evaluate applications for Quarry, Sand and Gravel, Guano, Gemstone Gathering and Small-Scale Mining Permits duly filed with the same.
2. Determine administrative charges and fees for the said Permits.<sup>6</sup>

# 02

## Composition of the P/CMRB

SEC. 25, RA 7076 & SEC. 70, CDAO 2010-21



xxx They shall also discharge the functions and responsibilities of national agencies and offices **devolved** to them pursuant to this Code. *Sec. 17, RA 71609*

## LOCAL GOV'T CODE OF 1991 (RA 7160)

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Pursuant to national policies and subject to supervision, control and review of the DENR, **enforcement of xxx laws xxx limited to xxx pollution control laws, small-scale mining laws and other laws on the protection of the environment, xxx.**

*Sec. 17 b.3.iii, RA 71609*

# 03 Devolved Functions of the MGB

DENR DAO 92-30 AS AMENDED BY DAO 92-37

## *1*

Enforcement of small-scale mining laws involving areas not declared as government mineral reservations, subject to policies, standards and guidelines of the DENR.

# 03 Devolved Functions of the MGB

DENR DAO 92-30 AS AMENDED BY DAO 92-37

## 2

Issuance of permit for guano collection, special permits for pebble picking and to extract sand, gravel and other quarry resources..., the permits thereof shall be issued by the Provincial Governor upon area clearance from the concerned DENR Regional Office and upon the recommendation by the PMRB.

# 03 Devolved Functions of the MGB

DENR DAO 92-30 AS AMENDED BY DAO 92-37

## 3

Verification and adjudication of conflicts on and collection of fees and charges for guano collection and the extraction of sand, gravel and other quarry resources.

# 04 Acceptance, Processing and Evaluation of New Mining Applications by the P/CMRB

SEC. 74-77, 81-85, 89-92, CDAO 2010-21

1. FILING OF MINING APPLICATION

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graph TD; A[1. FILING OF MINING APPLICATION] --> B[2. AREA STATUS/CLEARANCE PROCESSING]; B --> C[3. FILING OF MINING APPLICATION];
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2. AREA STATUS/CLEARANCE  
PROCESSING

3. FILING OF MINING APPLICATION

# 04 Acceptance, Processing and Evaluation of New Mining Applications by the P/CMRB

SEC. 74-77, 81-85, 89-92, CDAO 2010-21

4. FIELD VERIFICATION OF APPLIED AREA

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graph TD; A[4. FIELD VERIFICATION OF APPLIED AREA] --> B[5. FINAL EVALUATION OF MINING APPLICATION]; B --> C[6. P/CMRB DELIBERATION AND ENDORSEMENT];
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5. FINAL EVALUATION OF MINING APPLICATION

6. P/CMRB DELIBERATION AND ENDORSEMENT

# 05 Reconstitution of the P/CMRB

DENR MEMORANDUM CIRCULAR 97-05

PROCEDURAL GUIDELINES IN THE CREATION OF THE P/CMRB



## SALIENT FEATURES

1. The **composition** of the P/CMRB shall be **in full accord** with Sec. 70 of CDAO 2010-21.

# 05 Reconstitution of the P/CMRB

DENR MEMORANDUM CIRCULAR 97-05

PROCEDURAL GUIDELINES IN THE CREATION OF THE P/CMRB



## SALIENT FEATURES

2. The **SO** creating the Board shall be **signed by the DENR Secretary.**

# 05 Reconstitution of the P/CMRB

DENR MEMORANDUM CIRCULAR 97-05

PROCEDURAL GUIDELINES IN THE CREATION OF THE P/CMRB



## SALIENT FEATURES

3. Any part/s included or added **shall be determined through consensus** by the Board and **shall act as observer/s only.**

# 05 Reconstitution of the P/CMRB

DENR MEMORANDUM CIRCULAR 97-05

PROCEDURAL GUIDELINES IN THE CREATION OF THE P/CMRB



## SALIENT FEATURES

4. **Present composition may be sustained** until such time that the pertinent DENR SO creating the Board is signed.

# 05 Reconstitution of the P/CMRB

DENR MEMORANDUM CIRCULAR 97-05

PROCEDURAL GUIDELINES IN THE CREATION OF THE P/CMRB



## MEMBERSHIP QUALIFICATION

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1. Must be an **active and bona-fide member** of and nominated by the organization being represented.

# 05 Reconstitution of the P/CMRB

DENR MEMORANDUM CIRCULAR 97-05

PROCEDURAL GUIDELINES IN THE CREATION OF THE P/CMRB



## MEMBERSHIP QUALIFICATION

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2. Must be a **resident or have established work** relating to the organization in the Province/City covered by the Board.

# 05 Reconstitution of the P/CMRB

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PROCEDURAL GUIDELINES IN THE CREATION OF THE P/CMRB



## MEMBERSHIP QUALIFICATION

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3. In the absence of nominees from the subject province/city, the **CMP/duly organized SSM association based on neighboring province/city**, shall nominate their respective nominees.

# 05 Reconstitution of the P/CMRB

DENR MEMORANDUM CIRCULAR 97-05

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## MEMBERSHIP QUALIFICATION

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4. In the absence of DENR-accredited NGO in the subject province/city, the Board may consider **nominations from DENR-accredited NGO based on neighboring province/city.**

# 05 Reconstitution of the P/CMRB

DENR MEMORANDUM CIRCULAR 97-05

PROCEDURAL GUIDELINES IN THE CREATION OF THE P/CMRB



**MGB,  
RD**

- Notify all concerned on the creation of P/CMRB
- Solicit nominations for membership from them
- Evaluate nominations and forward to MGB, Director with draft DENR SO



**MGB,  
DIR**

- Review the draft SO and accompanying documents
- Endorse to the Secretary through the DENR USec. for Field Operations

# 05 Reconstitution of the P/CMRB

DENR MEMORANDUM CIRCULAR 97-05  
PROCEDURAL GUIDELINES IN THE CREATION OF THE P/CMRB

DENR  
USEC  
OPS

- Review same document and forward appropriate recommendation to the DENR Secretary

DENR  
SEC

- Act accordingly on the MGB, Director/DENR USec. for Field Operatins' recommendation

The approved DENR SO creating the Board shall be disseminated to all concerned

# Compensation of the P/CMRB

## ● Sec. 25, DAO 34, s. 1992

The members of the Board **shall receive compensation based on meetings attended** at the rate prescribed by pertinent laws subject to existing accounting and auditing procedures.

# Compensation of the P/CMRB

## ● DBM Circular No. 72 dated December 2000

Members of the Board may be entitled to **per diems** not exceeding Php 1,000 per session but not to exceed 4 paid sessions or Php 8,000/month.

Support Staff may be granted **honoraria** not exceeding Php 200/session attended but not to exceed 4 paid sessions or Php 800/month.

# Funding Source of the P/CMRB

Funds necessary for the implementation hereof shall be sourced from the **taxes, fees and charges collected from mining contractors**, consistent with Sec. 26 & 27 of DAO 34, s. 1992.

## ◀ Mines and Geosciences Bureau Region 3

# THANK YOU!

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