

REGULATORY OVERSIGHT OF THE P/CMRB



**ENGR. FELIZARDO A. GACAD, JR., CESE
REGIONAL DIRECTOR
MINES AND GEOSCIENCES BUREAU MIMAROPA REGION**

**The functions and challenges of the
P/CMRBs in regulatory oversight,
conflict resolution, and facilitation of
extractives transparency at the local
level**

The opinions expressed in this presentation are solely those of the presenter and not necessarily those of the Mines and Geosciences Bureau (MGB) of the Department of Environment and Natural Resources (DENR)

Whenever it is mentioned, the sources of any information will be acknowledged. when it is not, credit is given to the original owners or sources, as the case may be.

**Republic of the Philippines
Congress of the Philippines
Metro Manila**

Republic Act No. 7942

**AN ACT INSTITUTING A NEW SYSTEM OF MINERAL
RESOURCES EXPLORATION, DEVELOPMENT, UTILIZATION
AND CONSERVATION**

**CHAPTER I
INTRODUCTORY PROVISIONS**

**Section 1. Title. - This act shall be known as the Philippine
Mining Act of 1995.**

1. **State Ownership of Minerals:** All mineral resources in public and private lands within the Philippines are owned by the State. This means any exploration, development, utilization, and conservation must be done through state-issued permits and regulations.
2. **State Responsibility:** The State is responsible for promoting the rational exploration, development, utilization, and conservation of mineral resources. This includes ensuring national development while safeguarding the environment and protecting the rights of affected communities.
3. **Definition of Terms:** The Act defines key terms like "ancestral lands," "block," "Bureau," "carrying capacity," "contiguous zone," and "contract area" to provide clarity and facilitate implementation.
4. **Mineral Agreements:** The Act establishes four types of mineral agreements: Mineral Production Sharing Agreements (MPSAs), Financial or Technical Assistance Agreements (FTAAs), Exploration Permits (EPs), and Mineral Processing Permits (MPPs). Each agreement has specific requirements and limitations.

RA 7942



5. **Prior Informed Consent:** Exploration, development, and utilization of mineral resources within ancestral lands require the free and prior informed consent (FPIC) of affected indigenous cultural communities.
6. **Environmental Protection:** Mining activities must comply with strict environmental regulations and standards to minimize the impact on the environment. The Act requires environmental impact assessments, rehabilitation plans, and the establishment of Environmental Protection and Enhancement Funds.
7. **Social Development and Management Programs:** Mining companies are obligated to implement social development and management programs (SDMPs) to address the needs of communities affected by their operations. These programs should focus on health, education, livelihood, and infrastructure development.

RA 7942

8. **Financial Contributions:** Mining companies must pay various financial contributions to the government, including excise tax on mineral products, mine wastes and tailings fees, and occupation fees. These funds are used for infrastructure development, environmental protection, and social development programs.
9. **Monitoring and Enforcement:** The Mines and Geosciences Bureau (MGB) is responsible for monitoring and enforcing the provisions of the Act. This includes conducting inspections, investigating violations, and imposing penalties for non-compliance.
10. **Community Participation:** The Act encourages community participation in the decision-making process related to mining activities. This includes involving local communities in consultations, public hearings, and monitoring committees.

[REPUBLIC ACT NO. 7076, June 27, 1991]

AN ACT CREATING A PEOPLE'S SMALL-SCALE MINING PROGRAM AND FOR OTHER PURPOSES

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

SECTION 1. Title. - This Act shall be known as the "People's Small-scale Mining Act of 1991."

SEC. 2. Declaration of Policy. - It is hereby declared the policy of the State to promote, develop, protect and rationalize viable small-scale mining activities in order to generate more employment opportunities and provide an equitable sharing of the nation's wealth and natural resources, giving due regard to existing rights as herein provided.

SEC. 24. *Provincial/City Mining Regulatory Board.* - There is hereby created under the direct supervision and control of the Secretary a provincial/city mining regulatory board, herein called the Board, which shall be the implementing agency of the Department, and shall exercise the following powers and functions, subject to review by the Secretary:

- a. Declare and segregate existing gold-rush areas for small-scale mining;
- b. Reserve future gold and other mining areas for small-scale mining;
- c. Award contracts to small-scale miners;
- d. Formulate and implement rules and regulations related to small-scale mining;
- e. Settle disputes, conflicts or litigations over conflicting claims within a people's small-scale mining area, an area that is declared a small-mining area; and
- f. Perform such other functions as may be necessary to achieve the goals and objectives of this Act.

SEC. 25. Composition of the Provincial/City Mining Regulatory Board. - The Board shall be composed of the Department of Environment and Natural Resources' representative as Chairman; and the representative of the governor or city mayor, as the case may be, one (1) small scale mining representative, one (1) big-scale mining representative, and the representative from a non-government organization who shall come from an environmental group, as members.

The representatives from the private sector shall be nominated by their respective organizations and appointed by the Department regional director. The Department shall provide the staff support to the Board.



Republic of the Philippines
Department of Environment and Natural Resources
Visayas Avenue, Diliman, Quezon City
Tel Nos. (632) 929-66-26/28; 929-6635/929-3618/929-4028
IP Phone Trunkline No. 988-3367
Website: <http://www.denr.gov.ph/> E-mail: web@denr.gov.ph

MAR 04 2022

DENR ADMINISTRATIVE ORDER
No. 2022 - 03

**SUBJECT: REVISED IMPLEMENTING RULES AND REGULATIONS OF
REPUBLIC ACT NO. 7076, OTHERWISE KNOWN AS THE
"PEOPLE'S SMALL-SCALE MINING ACT OF 1991"**

Pursuant to the applicable provisions of Republic Act (RA) Nos. 7076 and 7160, The People's Small-Scale Mining Act of 1991 and The Local Government Code of 1991, respectively; Section 11 of Executive Order (EO) No. 79, in re: "Institutionalizing and Implementing Reforms in the Philippine Mining Sector, Providing Policies and Guidelines to Ensure Environmental Protection and Responsible Mining in the Utilization of Mineral Resources"; and all other applicable laws, the following rules and regulations are hereby promulgated for the guidance and compliance of all concerned:

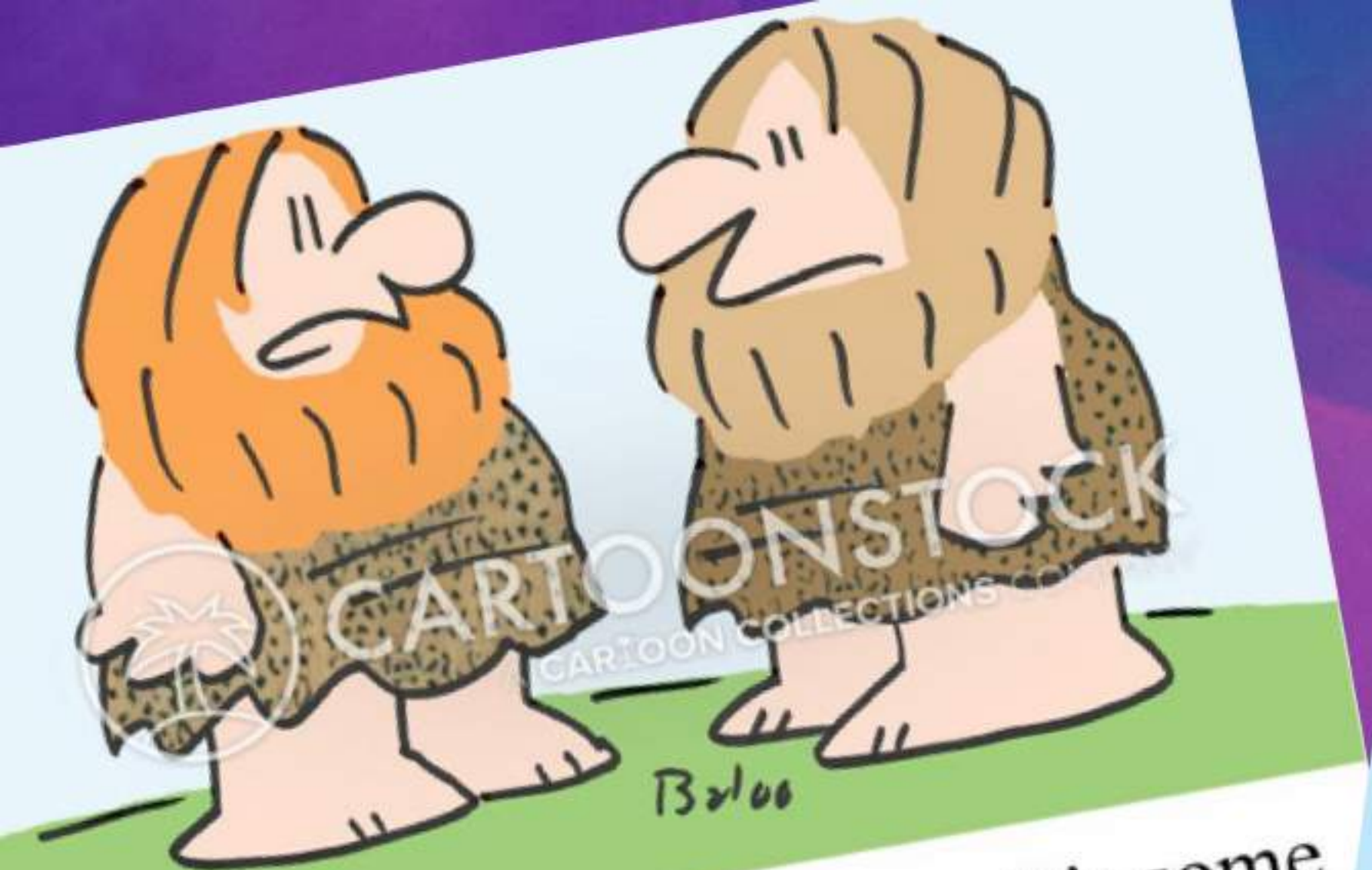
SECTION 21. Composition of the Board. The Board shall be composed of the following:

- a. Regional Director concerned or his/her duly authorized representative as Chairperson;
- b. Provincial Governor or City Mayor or his/her representative as Member;
- c. One (1) small-scale mining representative as Member;
- d. One (1) large-scale mining representative as Member; and
- e. One (1) representative from an environmental non-government organization as Member.

Technical Secretariat/Staff shall be provided by the Regional Office concerned.

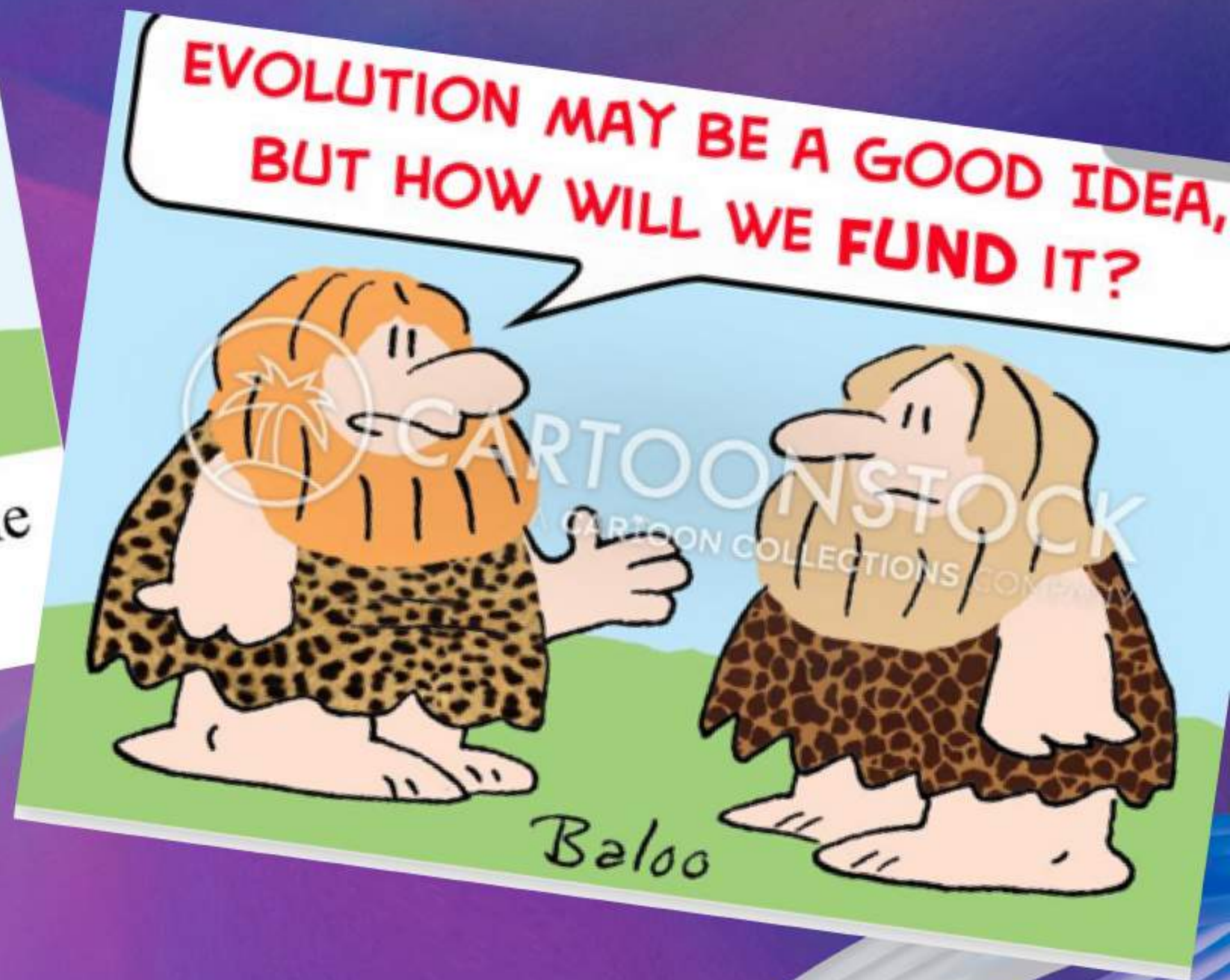
In areas with existing ICCs/IPs, the Board may issue a resolution to include representations from other agencies, as observer.

In provinces and cities where the Board have not been constituted, the said Board shall be operationalized within three (3) months from the effectivity of this Administrative Order.



Baloo

"They call it 'evolution' — It's some kind of new compliance plan."



EVOLUTION MAY BE A GOOD IDEA,
BUT HOW WILL WE FUND IT?

Baloo

**I WILL
CLEAN
THIS
GOVERNMENT!**

**I WILL
CLING
TO
GOVERNMENT!**

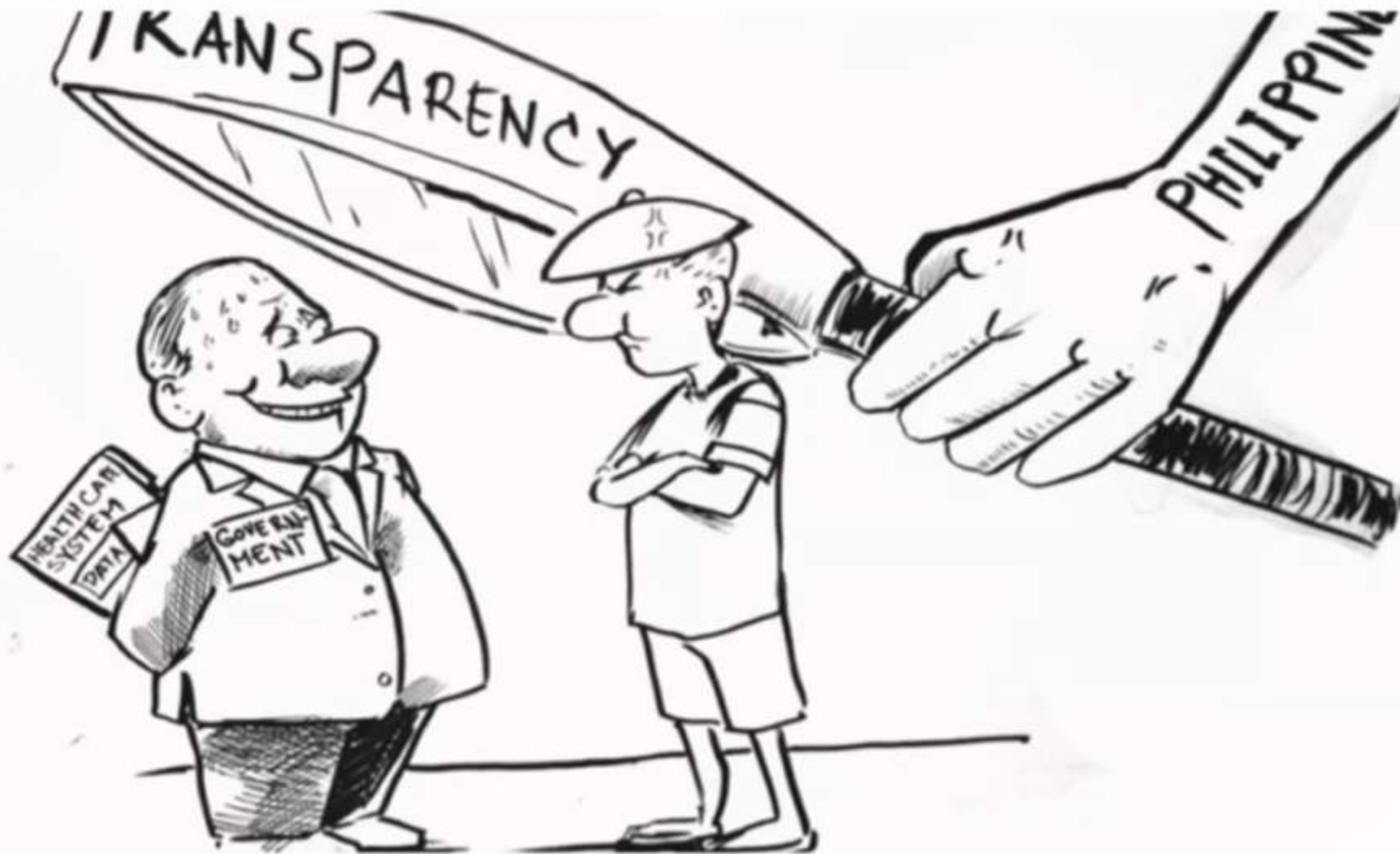


SA 2023, MAGSUSHLONG
TAYO NG MGA
MAHAHALAGANG
MGA BATAS PARA
SA TAUMBAYAN!



Opinion

Editorial: Noise



How Not To Do Conflict Resolution

Engage in blame



Repeat the cycle

Get angry

Be arbitrary

Refuse to listen



**MINES AND GEOSCIENCES BUREAU
MIMAROPA REGION**

**BASIC PETROLEUM BUILDING
104 CARLOS PALANCA STREET
LEGAZPI VILLAGE
MAKATI CITY**