

DETAILED GUIDELINES ON THE ISSUANCE OF A CERTIFICATE OF ENVIRONMENTAL MANAGEMENT AND COMMUNITY RELATIONS RECORD (CEMCRR), INCLUDING STEWARDSHIP OF FOREIGN MINING COMPANIES BY TH...

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Pursuant to Section 8 of Republic Act No. 7942, otherwise known as the "Philippine Mining Act of 1995" and Section 275 of DENR Administrative Order No. 96-40, as amended, the Revised Implementing Rules and Regulations of Republic Act No. 7942 and in line with the policy of the Government to continuously provide for a responsive regulatory framework, the following detailed guidelines on the issuance of Certificate of Environmental Management and Community Relations Record (CEMCRR), including stewardship of foreign mining companies by their respective embassies, are hereby promulgated for the guidance of all concerned.

SECTION 1. Scope of Certificate of Environmental Management and Community Relations Record (CEMCRR) - A CEMCRR is required from all applicants for Exploration Permits, Mineral Agreements, Financial and Technical Assistance Agreements, Quarry or Commercial/Industrial Sand and Gravel Permits, or Mineral Processing Permits, with past and/or present mineral resource use or mining-related ventures. A Certificate of Exemption (COE) in lieu of the CEMCRR, is issued to applicants with neither past nor present mineral resource use or mining-related ventures.

A CEMCRR is the applicant's proof of satisfactory environmental management and community relations in its past and/or present mineral resource use or mining-related ventures. It refers to the applicant's high regard for the environment in its past and/or present mineral resource use or mining-related ventures and proof of its present technical and financial capability to undertake resource protection, restoration and/or rehabilitation of degraded areas and similar activities, as well as to its proof of its past and/or present community relations which may consist, but is not limited to, sociocultural sensitivity, the character of its past relations with local communities, cultural appropriateness and social acceptability of its resource management strategies.

SECTION 2. Mandatory Requirements for CEMCRR Application - The application for CEMCRR (Annex "A"[*]) shall be filed by the applicant, either personally or through its duly authorized representative, with the MGB Regional Office(s) concerned: Provided, That an application shall be accepted only upon payment to the MGB Regional Office(s) concerned of the required fees of Five Thousand Pesos (P5,000.00)/application and an additional fee of Twenty Pesos (P20.00)/application, as per Presidential Decree No. 1856: Provided, further, That the applicant shall furnish the Environmental Management Bureau (EMB) Regional Office(s) concerned with a copy of its application.

Upon payment of the required fees, the applicant shall submit at least three (3) sets of the following mandatory requirements:

a. For applicant with past and/or present mineral resource use or mining-related ventures:

- An assessment/evaluation of its Environmental Management and Community Relations Records (EMCRRs)

by the MGB Regional Office(s) concerned and EMB Regional Office(s) concerned, where it has past and/or present mineral resource use or mining-related ventures.

b. For applicant with neither past nor present mineral resource use or mining-related ventures:

- An affidavit that:

1. It is newly organized (state date of organization);
2. It has never been engaged in any mineral resource use or mining-related ventures; and
3. It has no environmental management and community relation records to verify.

c. For foreign-owned and/or controlled corporation/applicant:

1. Documents (such as, copies of environmental awards, recognitions, etc.) attesting to the "satisfactory performance" with respect to its environmental management and community relations in foreign-based operations; and
2. Representations by the Embassy in the Philippines of its home-base, as part of Embassy Stewardship, ensuring that all financial, technical, environmental, social and legal responsibilities as mandated by Philippine laws, rules and regulations shall be timely and effectively performed and complied with.

In cases where mining rights have been transferred through a Deed of Assignment, copy of the said document shall be attached to the application form. If the previous Contractor/Permit Holder/Permittee/Lessee has committed any environmental violation, CEMCRR or COE shall not be issued to the assignee/applicant unless appropriate action on the aforementioned violation has been taken.

SECTION 3. Assessment/Evaluation of the Environmental Management and Community Relations Records (EMCRRs) - Within ten (10) working days from receipt of the application, the MGB Regional Office(s) concerned and EMB Regional Office(s) concerned shall conduct an assessment/evaluation of the EMCRRs of the applicant, using the prescribed assessment/evaluation form: Provided, That if the applicant was given an unsatisfactory rating from one or both offices, it has to implement the environmental protection and enhancement measures required by the Regional Office(s) concerned and request for re-evaluation/re-assessment from the said Office(s).

In case of satisfactory rating from both Offices, the applicant shall submit the assessment/evaluation forms, together with the duly accomplished Application Form, to the MGB Regional Office(s) concerned.

SECTION 4. Processing/Registration/Issuance of a CEMCRR - Within five (5) working days from receipt of the mandatory requirements mentioned in Section 2 hereof, the MGB Regional Office(s) concerned shall evaluate the same and shall issue the CEMCRR.

Upon approval of the CEMCRR, the MGB Regional Office(s) concerned shall notify the applicant to cause the registration of the same within fifteen (15) working days from receipt of the written notice. The MGB Regional Office(s) concerned shall officially release the CEMCRR to the applicant after registration.

Failure of the applicant to redeem and/or cause the registration of its CEMCRR, within ninety (90) days after it has been signed, shall be a sufficient ground for cancellation of the same.

SECTION 5. Validity of the CEMCRR/COE - A CEMCRR/COE issued to the applicant is valid only for the mining permit being applied for and can neither be used for the renewal of the said permit nor for other succeeding applications.

SECTION 6. Repealing Clause - All memorandum orders, circulars and special orders inconsistent with or contrary to the provisions of this Memorandum Order are hereby repealed or modified accordingly.

SECTION 7. Effectivity - This Order shall take effect fifteen (15) days after its complete publication in a newspaper of general circulation and fifteen (15) days after registration with the Office of the National Administrative Register.

Adopted: 14 April 2005

(SGD.) MICHAEL T. DEFENSOR
Secretary

[*] Text Available at Office of the National Administrative Register, U.P. Law Complex, Diliman, Quezon City.

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