

IN RE: STOPPAGE OF THE DIWALWAL MINING OPERATIONS

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WHEREAS, Executive Order No. 192 mandates that the Department of Environment and Natural Resources (DENR) shall be the primary government agency responsible for the conservation, management, development and proper use of the country's environment and natural resources, as well as the licensing and regulation of all natural resources as may be provided for by law in order to ensure equitable sharing of the benefits derived therefrom for the welfare of the present and future generations of the Filipinos;

WHEREAS, Section 4 of Republic Act (R.A.) No. 7942, otherwise known as the Philippine Mining Act of 1995, provides that mineral resources are owned by the State and that the exploration, development, utilization and processing thereof shall be under its full control and supervision;

WHEREAS, Section 8 of R.A. No. 7942 also provides that the DENR shall be the primary agency responsible for the conservation, management, development and proper use of the State's mineral resources including those in reservations, watershed areas and lands of the public domain;

WHEREAS, the authority over small-scale mining and enforcement of certain environment laws by the Provincial Government concerned are subject to the supervision, control and review of the DENR Secretary pursuant to the pertinent provisions of Republic Act No. 7160 or the Local Government Code of 1991;

WHEREAS, the DENR Secretary, as Chairman of the Pollution Adjudication Board, may issue cease and desist orders in cases of extreme urgency involving national interests;

WHEREAS, the Diwalwal gold-rush area in Mt. Diwata, Monkayo, Compostela Valley Province has been the site of unpermitted subsistence small-scale mining operations to labor-intensive medium-scale mining operations since 1983, involving thousands of miners, local entrepreneurs and service providers;

WHEREAS, comprehensive studies on the extent of pollution and siltation resulting from the Diwalwal mining operations undertaken by the DENR, the United Nations Industrial and Development Organization (UNIDO), and other entities have confirmed the elevated levels of mercury and serious siltation incidents in the area, indicating an emergency situation that needs immediate intervention by Government;

WHEREAS, the above situation has been aggravated by peace and order problems, notably the recent killing of a judge in Compostela Valley, the alleged burning of tires and toxic chemicals in the underground working areas causing the suffocation of forty-four (44) miners and one (1) fatality; blockade of the Bincungan Bridge in Davao del Norte and Tagmanok Bridge in Compostela Valley; and fatal ambushes, which now call for immediate positive action by Government;

NOW, WHEREFORE, the foregoing premises considered, all concerned offices/units of the DENR, in coordination with the Department of the Interior and Local Government, including the Philippine National Police, Department of National Defense, including the Armed Forces of the Philippines, Department of Social Welfare and Development, and the Regional Development Council and Regional Peace and Order Council Region XI, are hereby ordered to undertake the following emergency measures;

- Stoppage of mining and mineral processing operations in the Diwalwal mining areas;
- Prevention of the transport of minerals and/or mineral products from the Diwalwal mining areas without Ore Transport Permits;
- Prevention of the transport, storage and/or use of explosives and explosive's accessories, and chemical substances covered by Sections 13.a to 13.d of Republic Act No. 6969 and its implementing rules and regulations; and
- Creation and deployment of a technical working group to undertake a technical assessment of the situation and formulate a mine management plan for the sustainable of mineral resources in the area.

SO ORDERED.

Adopted: 12 August 2002

(SGD.) HEHERSON T. ALVAREZ
Secretary

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