



Republic of the Philippines
Department of Environment and Natural Resources
Visayas Avenue, Diliman, Quezon City
Tel Nos. 929-6626 to 29; 929-6633 to 35
926-7041 to 43; 929-6252; 929-1669
Website: <http://www.denr.gov.ph> / E-mail: web@denrgov.ph

MEMORANDUM ORDER
No. 2009- 01

JAN 30 2009

**SUBJECT: DELEGATING THE AUTHORITY TO ISSUE
MINERAL ORE EXPORT PERMITS UNDER
CERTAIN TYPES OF MINING PERMITS TO
THE PROVINCIAL GOVERNORS
CONCERNED**

To ensure the timely and more efficient implementation of the Department of Environment and Natural Resources (DENR) Administrative Order (DAO) No. 2008-20 in re: *Issuance Of Mineral Ore Export Permit (MOEP) for Transport/Shipment Outside the Philippines Of Mineral Ores, Including Tailings*, and pursuant to the pertinent provisions of Republic Act (R. A.) No. 7942, the Philippine Mining Act of 1995, and R. A. No. 7160, the Local Government Code of 1991, the authority to issue MOEPs is hereby delegated to the Provincial Governors concerned, subject to the following guidelines:

SECTION 1. COVERAGE AND CONDITIONS

1. Such delegated authority to the Provincial Governor concerned to issue MOEPs shall cover mineral/s and/or ore/s, excluding tailings, sourced from areas covered by the following types of mining permits:
 - a. Small-Scale Mining Permits;
 - b. Small-Scale Mining Contracts;
 - c. Quarry Permits;
 - d. Sand and Gravel Permits; or
 - e. Other permits that are expressly provided for in R. A. No. 7942 and DAO No. 96-40, as amended, its implementing rules and regulations; and Presidential Decree No. 1899 and R. A. No. 7076, the small-scale mining laws, and Mines Administrative Order No. MRD-41 and DAO No. 34, Series of 1992, their respective implementing rules and regulations;

Provided, That for mineral/s and/or ore/s sourced from areas covered by mining permits other than those enumerated above, the processing and approval or

disapproval of MOEP applications shall remain with the DENR.

2. The provisions of DAO No. 2008-20 and DENR Memorandum Order No. 2008-04 in re: *Clarificatory Guidelines in the Implementation of Department Administrative Order No. 2008-20 in re: Mineral Ore Export Permit* with regard to the processing of MOEP applications, and terms and conditions of the MOEPs to be issued shall be strictly implemented.
3. The provisions of the small-scale mining laws and DAO No. 96-40, as amended, on the maximum production limit of 50,000 tons of mineral/s and/or ore/s annually for every mining permit shall be strictly followed.
4. The MOEP issued by the Provincial Governor concerned shall be submitted to the DENR Secretary, *for confirmation* within forty eight (48) hours from receipt thereof and shall be deemed valid/confirmed if not acted upon or denied within the said period.

For the above purpose, a copy each of the following documents shall be submitted to the DENR Secretary:

- a. MOEP;
- b. Field validation report;
- c. Ore Transport Permit or Delivery Receipt as the case may be;
- d. Mining permit;
- e. Proof of payment of excise tax and/or required fee/s, as the case may be; and
- f. Sales/marketing agreement/contract.

SECTION 2. FILING AND FIELD VALIDATION OF AN MOEP APPLICATION

For the purpose of this Memorandum Order, an application for MOEP shall be filed directly in the Office of the Provincial Governor concerned, copy furnished the Mines and Geosciences Bureau (MGB) Regional Office concerned, within 60 calendar days before the actual date of transport or shipment of the mineral/s or ore/s.

The required field validation of the MOEP application shall be undertaken by the MGB Regional Office concerned within the said 60-day period.

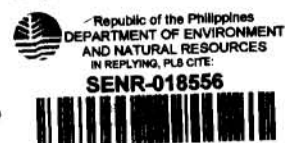
SECTION 3. REPEALING CLAUSE

Any memorandum orders and circulars inconsistent herewith are hereby repealed or modified accordingly.

SECTION 4. EFFECTIVITY

This Memorandum Order shall take effect fifteen (15) days after publication in a newspaper of general circulation and receipt of a copy hereof by the Office of the National Administrative Register.


JOSE L. ATIENZA, JR.
Secretary



Publication: Malaya

February 4, 2009

Acknowledgement: ONAR, U.P. Law Center

February 4, 2009