

Office of the President
of the Philippines
Malacañang

MINERALS DEVELOPMENT COUNCIL

MEMORANDUM FROM THE EXECUTIVE DIRECTOR

TO : ALL CONCERNED REGIONAL EXECUTIVE DIRECTORS, DENR
Chairman, Regional Minerals Development Council (RMDC)

SUBJECT: CLARIFYING THE POSITION OF THE MDC ON LGU-
IMPOSED MORATORIUM ON MINING

DATE : 31 March 2009

The Minerals Development Council (MDC) would like to clarify its position in response to local (LGU) ordinances/resolutions imposing moratorium on mining, so that its members, especially the mining companies, are guided accordingly.

Pursuant to Sections 8 and 9 of Republic Act No. 7942, otherwise known as "The Philippine Mining Act of 1995," the DENR is the primary agency responsible for the conservation, management, development, and proper use of the State's mineral resources. The enforcement of R.A. 7942 on large-scale mining is retained with the National Government and is not within the ordinance-making power of the *Sangguniang Panlalawigan*;

The DOJ Opinion No. 8, s. 2005 states that the "freedom to exercise contrary views does not mean that local governments may actually enact ordinances that go against laws duly enacted by Congress such as R.A. No. 7942." The LGU ordinances and resolutions cannot undo the legislations promulgated by Congress;

Sec. 17 of R.A. 7160, otherwise known as "An Act Providing for a Local Government Code of 1991," provides that the enforcement of forestry laws, pollution control law, small-scale mining law, and other laws on the protection of the environment, shall be "Pursuant to national policies and subject to supervision, control and review of the DENR."

Therefore, in line with the national policy to continually promote responsible mining in the country, the MDC wishes to reiterate the full implementation of the Mining Act, and that local ordinances/resolutions cannot supersede R.A. 7942 and other national laws.

For information and guidance.

Usec.  RAMON J.P. PAJE

MINERALS DEVELOPMENT COUNCIL

Office of the Executive Director: 2nd Floor DENR Building, Visayas Avenue, Diliman, Quezon City, Philippines 1101
Telephone Number: (+63 2) 926-2629; Fax Number: (+63 2) 926-4706
MDC Secretariat: 2nd Floor Petrolab Building, Mines and Geosciences Bureau, North Avenue, Diliman, Quezon City
Telefax Number: (+63 2) 926-9123; E-mail: Address: mdc_pilippines@yahoo.com.ph