



Republic of the Philippines
Department of Environment and Natural Resources
MINES AND GEOSCIENCES BUREAU
MIMAROPA Region

7/F DENR Building, 1515 Roxas Boulevard, Ermita, Manila
Telefax No. (+632) 536-0215 / (+632) 310-1369
Email: region4b@mgb.gov.ph



25 August 2022

MS. DIWATA H. FETIZANAN

Secretary to the Sangguniang Panlalawigan
Sangguniang Panlalawigan of Oriental Mindoro
Calapan City, Oriental Mindoro

Dear Ms. D. H. Fetizanan:

This refers to the Provincial Resolution No. 5784-2922 titled: *"Provincial Resolution Requesting President Ferdinand "Bongbong" Marcos to Support a Moratorium Against Black Sand Mining and Commercial Large -Scale Dredging in Oriental Mindoro and to Direct the DENR and DPWH to Suspend the Implementation of DENR DAO No. 2019-14 and DAO 2020-17 and Related Issuances with Respect to the Large-Scale Extraction with Commercial Utilization and Disposal of Sand and Gravel of All River Channels in the Province of Oriental Mindoro Pending Further Inter-Agency Review, Report and Recommendations, Mandatory Public Consultations, Determination of the Environmental Impact of Such Activities, and Approval of the President."*

As regards black sand mining, we call your attention to the attached Memorandum Circular (MC) No. 44, Series of 2014 "Directing All Local Chief Executives to be Strictly Guided by the Legal Restrictions on Black Sand and Beach Mining." Please be informed the said MC was obviously prompted by the formal request of the Mines and Geosciences Bureau (MGB) to the Department of the Interior and Local Government as contained in a Memorandum dated 24 February 2014. In the said Memorandum, MGB laid down the parameters with regard to the:

1. Invalidity of small-scale mining permits for purposes of mining black sand;
2. Inapplicability of quarry and sand and gravel permits for use in black sand mining operations; and
3. Legal prohibition on quarrying within No-Go Zones (200 and 500 meter demarcations).

In its Resolution No. 4 (copy attached), the Mining Industry Coordinating Council further called, among others, for the following measures to address black sand mining:

"c) That in the case of river and/or river delta dredging activities, the Department of Public Works and Highways (DPWH) as the mandated agency, shall have direct control and supervision of said activities ; and that only the same activities as supervised by the DPWH may be issued with MPPs by the DENR-MGB, for the processing and disposition of dredged materials upon the prior clearance by the DPWH and in accordance with the pertinent

**"MINING SHALL BE PRO-PEOPLE AND PRO-ENVIRONMENT
IN SUSTAINING WEALTH CREATION AND IMPROVED QUALITY OF LIFE."**

provisions of RA No. 7942, RA No. 7076, EO No. 79 and other applicable laws, and rules and regulations."

It should likewise be pointed out that unlike *black sand mining*, dredging is not mining/quarrying *per se*. DENR Administrative Order (DAO) No. 2020-07, and DAO No. 2019-14 in particular, cover the implementation of the DENR River Restoration thru Dredging Activities as embodied in Section 5.4 of the DENR-DPWH-DILG-DOTr Joint Memorandum Circular No. 2019-01 in heavily-silted river channels within the province of Oriental Mindoro.

Section 2 of DAO No. 2019-14 states that "heavily-silted river channels of Oriental Mindoro, the areas starting from the coastline of river deltas extending all the way upstream, as may be determined by the Provincial Government in accordance with the DPWH Dredging Master Plan, are hereby declared exclusive River Dredging Zones (RDZ). Only dredging activities shall be allowed within the identified RDZ, quarrying is strictly prohibited."

This Office emphasizes that pursuant to Section 4.a of the same DAO cited above, River Restoration through Dredging Activities under Section 5.4 of JMC 2019-01 does not cover the Industrial Sand and Gravel Permit or the Commercial Sand and Gravel Permit regime since the activity to be undertaken is dredging **only** to free up the heavily-silted river system.

Thank you.

Very truly yours,


GLENN MARCELO C. NOBLE
Regional Director

Enc'l: As stated

cf: **The Director**
Mines and Geosciences Bureau
North Ave., Diliman, Quezon City

The Regional Executive Director
Department of Environment and Natural Resources – MIMAROPA Region

The Chairperson Inter-Agency Committee for Dredging for Oriental Mindoro and Governor
Governor's Office
Provincial Capitol
Calapan, Oriental Mindoro



MINES AND GEOSCIENCES BUREAU
MIMAROPA Region