

REPUBLIC OF THE PHILIPPINES
MINING INDUSTRY COORDINATING COUNCIL

Resolution No. 4

**ADOPTION OF IMMEDIATE MEASURES TO ADDRESS BLACK SAND MINING
OPERATIONS IN THE COUNTRY**

WHEREAS, black sand mining has been recognized as a serious national concern due to the following reasons: i) it is rampant within the no-go or prohibited zones, such as along the beaches and/or coastal areas; ii) most operations do not have the necessary permits; iii) undocumented foreign nationals are employed in the operations; and iv) it is disguised as dredging/desilting of rivers/deltas or sand and gravel or lahar extraction, thus, long-term negative effects of its operations far outweigh the present short-term benefits to the community and local economy;

WHEREAS, pursuant to the Joint DOJ-DENR-DILG Administrative Order No. 02 dated 10 October 2012 and the Mining Industry Coordinating Council (MICC) Memorandum dated 26 July 2013, the Joint Fact-Finding Committee on Illegal Mining and the Task Force on Black Sand Mining for Cagayan, respectively, are directed to: (i) investigate the illegal black sand mining operations in the country; (ii) act, direct or recommend necessary measures to resolve black sand mining problems; and (iii) enforce cease and desist orders against illegal operators, as well as dismantle and confiscate equipment and illegally-sourced minerals;

WHEREAS, black sand mining is prohibited in areas defined under Section 1 of Batas Pambansa No. 265 of 1982 (An Act Prohibiting the Extraction of Gravel and Sand from Beaches and Providing Penalties Therefor); Section 79 of Department of Environment and Natural Resources (DENR) Administrative Order No. 2010-21 Implementing Rules and Regulations of Republic Act (RA) No. 7942; and Section 1 of Executive Order (EO) No. 79 (Areas Closed to Mining Operations);

WHEREAS, despite the actions taken to address illegal black sand mining operations, such as: i) Cease and Desist Orders issued by the DENR-Mines and Geosciences Bureau (MGB); and ii) enforcement operations conducted (e.g., confiscation of equipment and illegally-mined products, arrest of illegal operators and foreign nationals, and filing of complaints before the Prosecutor's Office) by the National Bureau of Investigation (NBI), Armed Forces of the Philippines (AFP), Philippine National Police (PNP), Bureau of Immigration (BI) and other enforcement agencies, the illegal operations remain unabated;

WHEREAS, the conduct of illegal mining within the territorial authority of the local executives manifests inaction or tolerance attributable to them; the irregular issuance of permits within the no-go zones and in other areas violates the pertinent provisions of RA No. 3019 (Anti-Graft and Corrupt Practices Act); and the local executives' inaction, tolerance and blatant permission given to the

Black sand mining operators and contractors are serious concerns of the Environmental Ombudsman;

WHEREAS, unabated illegal black sand mining operations are causing serious detrimental impacts on the environment and socio-economic conditions in the localities, namely:

- a) shoreline and riverbanks are eroded due to massive black sand extraction using heavy equipment, which adversely affects human safety, security of property and source of livelihood of adjacent communities;
- b) quality of agricultural lands and built up/settlement areas deteriorate due to in-land black sand mining operations;
- c) marine and river ecosystems are permanently damaged or degraded, affecting the health/quality of habitat, breeding grounds and other marine/coastal/river resources;
- d) local tourism along beaches and shorelines are adversely affected ;
- e) entry of illegal and undocumented foreign nationals in the country, who are involved in illegal mining operations, has significantly increased; and
- f) national internal revenue taxes, tariffs and custom duties, as well as local taxes from the extraction, sale and export of minerals products from black sand mining, have not been properly accounted for and collected.

NOW, THEREFORE, the foregoing premises considered, the MICC hereby calls the adoption of the following measures to immediately address the issues on black sand mining operations in the country, as follows:

- a) That the agencies concerned shall immediately review the permits issued for black sand mining to determine if there is any violation of existing laws, rules and regulations and if these are utilized according to their designated purposes, namely: a) Mineral Processing Permits (MPPs) issued by MGB; b) Sand and Gravel Permits and lahar extraction permits issued by the Local Government Units (LGUs) and MGB; and c) dredging permits and agreements issued by/entered into by LGUs; and that such permits shall be suspended/cancelled in case of violations of the mining laws, and rules and regulations.
- b) That appropriate sanctions shall be imposed, such as, but not limited to, confiscation/dismantling of equipment and facilities and confiscation of illegally-sourced minerals, in accordance with the existing laws, and rules and regulations, without prejudice to the filing of appropriate criminal and civil charges.
- c) That in the case of river and/or river delta dredging activities, the Department of Public Works and Highways (DPWH) as the mandated

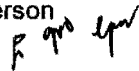
agency, shall have direct control and supervision of said activities; and that only the same activities as supervised by the DPWH may be issued with MPPs by the DENR-MGB, for the processing and disposition of dredged materials upon the prior clearance by the DPWH and in accordance with the pertinent provisions of RA No. 7942, RA No. 7076, EO No. 79 and other applicable laws, and rules and regulations.

- d) That all government agencies concerned, such as, but not limited to, NBI, AFP, PNP, BI, DENR-MGB, DENR-Environmental Management Bureau, Department of Justice, Department of the Interior and Local Government, Department of Labor and Employment, Office of the Ombudsman, Bureau of Internal Revenue, Bureau of Customs, National Security Council and Philippine Coast Guard, shall ensure enforcement of existing laws, and rules and regulations pertaining to: (i) documented and undocumented foreign nationals working illegally; (ii) illegal extraction, processing, sale and export of minerals; (iii) collection of national internal revenue taxes, tariffs and custom duties and local taxes; (iv) environmental conservation, protection and rehabilitation; and (v) prosecution of violators, including local executives, who through irregular issuances and negligence in performing their duty, allow illegal and irresponsible black sand mining operations.

RESOLVED this 30th May 2014, Metro Manila.



CESAR V. PURISIMA
Secretary, Department of Finance
Chairperson



RAMON JESUS P. PAJE
Secretary, Department of Environment
and Natural Resources
Chairperson