



Republic of the Philippines
Department of Environment and Natural Resources
MINES AND GEOSCIENCES BUREAU
Regional Office No. XIII

Km. 2 National Highway, Surigao City
Tel. No. (+6386) 826-5256; Fax No. (+6386) 826-1058 E-mail: info@mgbr13.ph

**IN RE: APPLICATION OF MINNING
PHILIPPINES INCORPORATED FOR
EXPLORATION PERMIT DENOMINATED
AS EXPA-000187-XIII**

X-----X

DENR - Mines and Geosciences Bureau
Regional Office No. XIII
MMD - MTES

POSTED

NOV 10 2023

NOTICE OF ISSUANCE OF AN ORDER

THE PRESIDENT

Minning Philippines Incorporated
Brgy. Adlay, Municipality of Carrascal
Province of Surigao del Sur

Reg. Mail w/ Ret. Card

THE OIC DIRECTOR

Mines and Geosciences Bureau
North Avenue, Diliman
Quezon City, Metro Manila

Reg. Mail w/ Ret. Card

GREETINGS:

Please be notified that an Order was issued by this Office relative to the above-mentioned subject, copy of which is hereto attached.

JUN 30 2023, Surigao City, Philippines.


Department of Environment and Natural Resources
MINES AND GEOSCIENCES BUREAU
Regional Office No. 13, Surigao City
OC 23-07-03-2709
14:13:55 Notice



LARRY M. HERADEZ
Regional Director



Republic of the Philippines
Department of Environment and Natural Resources
MINES AND GEOSCIENCES BUREAU
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ORDER OF DENIAL

WHEREAS, on 15 October 2009, Minning Philippines Incorporated (MPI) filed with the Mines and Geosciences Bureau (MGB) Regional Office (RO) No. XIII, an application for Exploration Permit (EP) denominated as EXPA-000187-XIII, covering an area of 58.01 hectares, located in the Municipality of Carrascal, Province of Surigao del Sur;

WHEREAS, the pertinent application (MGB Form No. 05-1), which was duly filled up and signed by Mr. Jose D. Abaigar, provided for conditions as essential parts of the permit that may be granted;

WHEREAS, Term No. 2 of the same application form provides that the applicant further agrees to submit additional requirement that the Regional Director concerned deem necessary for purposes of determining his qualification for the grant of the permit applied for;

WHEREAS, on 25 October 2011, the MGB RO No. XIII forwarded the pertinent mandatory requirements for an EP application to the MGB Central Office (CO), for further evaluation and approval of the Honorable MGB Director.

WHEREAS, on 21 February 2013, the Department of Environment and Natural Resources (DENR) Secretary issued a DENR Memorandum Order (DMO) No. 2013-01, re *"INCREASING THE MINIMUM CAPITAL REQUIREMENTS FOR MINING APPLICANTS"* as provided in the DMO No. 99-10, as amended pursuant to Republic Act No. 7942 and Executive Order No. 79;

WHEREAS, the DMO No. 2013-01 requires all mining applicants with pending applications for Exploration Permit (EP), Mineral Agreement (MA), and Financial or Technical Assistance Agreement (FTAA) to comply with the required increase of authorized and paid-up capital to PhP100,000,000.00 and PhP6,250,000.00, respectively.

WHEREAS, Section of the DMO No. 2013-01, states that "all mining applicants with pending applications for EP, MA, and FTAA are required to comply with this Order within sixty (60) days from its effectivity; *Provided*, That failure of the mining applicants to comply with this Order shall cause the denial of their mining applications as deemed appropriate by the MGB";

WHEREAS, on 17 April 2013, the MGB RO No. XIII sent a letter with Philippine Postal Registry Receipt No. 3268 addressed to Mr. Edmund Bernardo Lim, President of MPI advising the company to comply with DMO No. 2013-01 within 30 days from receipt thereof;



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WHEREAS, records show that up to now, despite the sixty (60) days allotted time from its effectivity and the long overdue letter dated 17 April 2013, MPI failed to fully comply with the pertinent requirements provided under DMO No. 2013-01, i.e., submission of proof/s of Incorporation showing the amount of at least PhP100,000,000.00 as authorized capital and original copy of the Certification(s) of bank deposit showing the amount of at least PhP6,250,000.00 as paid-up capital;

WHEREAS, the unmeritorious delay of MPI to comply with the pertinent requirements within the prescribed period constitutes a valid ground for the denial of its application as provided under DMO No. 2013-01;

WHEREAS, on 20 August 2014, the MGB CO sent a Memorandum to this Office, returning the EP application denominated as EXPA-000187-XIII, due to the following reasons:

- "1. Portions of Parcel 2 and the entire Parcel 3 of the applied area fall within the No-Go Zone, pursuant to the provisions of Section 1 of Executive Order No. 79, i.e. Strategic Agricultural and Fisheries Development Zone Nos. 1 – Strategic Crop Sub-Development Zone; and 10 – Watershed/Forestry Zone, respectively;
2. Parcels 1, 2, and 3 of the applied area are not compliant with the meridional block requirement pursuant to the pertinent provisions of EO No. 79."

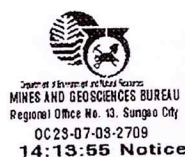
WHEREAS, on 13 October 2014, the MGB RO No. XIII officially returned the same application to MPI pursuant to the 20 August 2014 Memorandum of MGB CO.

WHEREAS, the rules promulgated by the DENR are primarily for the **(a)** promotion of the mineral industry, **(b)** design to aid the Government and the mining applicant in the processing of applications, and **(c)** to curtail the delays caused by the lack of interest of mining applicants to comply with the requirements in time. Thus, this Office cannot over-relax the rules, otherwise, the implementation will be rendered futile;

NOW, WHEREFORE, the foregoing premises considered, the application for Exploration Permit of **MINNING PHILIPPINES, INC.** denominated as **EXPA-000187-XIII** is hereby **DENIED**.

SO ORDERED.

_____ JUN 30 2023 _____, Surigao City, Philippines.



LARRY M. HERADEZ
Regional Director