

[MGB ORDER, August 12, 2002]

IN RE: STOPPAGE OF THE DIWALWAL MINING OPERATIONS

WHEREAS, Executive Order No. 192 mandates that the Department of Environment and Natural Resources (DENR) shall be the primary government agency responsible for the conservation, management, development and proper use of the country's environment and natural resources, as well as the licensing and regulation of all natural resources as may be provided for by law in order to ensure equitable sharing of the benefits derived therefrom for the welfare of the present and future generations of the Filipinos;

WHEREAS, Section 4 of Republic Act (R.A.) No. 7942, otherwise known as the Philippine Mining Act of 1995, provides that mineral resources are owned by the State and that the exploration, development, utilization and processing thereof shall be under its full control and supervision;

WHEREAS, Section 8 of R.A. No. 7942 also provides that the DENR shall be the primary agency responsible for the conservation, management, development and proper use of the State's mineral resources including those in reservations, watershed areas and lands of the public domain;

WHEREAS, the authority over small-scale mining and enforcement of certain environment laws by the Provincial Government concerned are subject to the supervision, control and review of the DENR Secretary pursuant to the pertinent provisions of Republic Act No. 7160 or the Local Government Code of 1991;

WHEREAS, the DENR Secretary, as Chairman of the Pollution Adjudication Board, may issue cease and desist orders in cases of extreme urgency involving national interests;

WHEREAS, the Diwalwal gold-rush area in Mt. Diwata, Monkayo, Compostela Valley Province has been the site of unpermitted subsistence small-scale mining operations to labor-intensive medium-scale mining operations since 1983, involving thousands of miners, local entrepreneurs and service providers;

WHEREAS, comprehensive studies on the extent of pollution and siltation resulting from the Diwalwal mining operations undertaken by the DENR, the United Nations Industrial and Development Organization (UNIDO), and other entities have confirmed the elevated levels of mercury and serious siltation incidents in the area, indicating an emergency situation that needs immediate intervention by Government;

WHEREAS, the above situation has been aggravated by peace and order problems, notably the recent killing of a judge in Compostela Valley, the alleged burning of tires and toxic chemicals in the underground working areas causing the suffocation of forty-four (44) miners and one (1) fatality; blockade of the Bincungan Bridge in