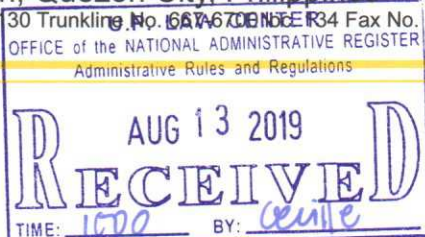




Republic of the Philippines  
**Department of Environment and Natural Resources**  
**MINES AND GEOSCIENCES BUREAU**

North Avenue, Diliman, Quezon City, Philippines

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**AUG 07 2019**

**MEMORANDUM CIRCULAR**  
**NO. 2019- 006**

**SUBJECT: CLARIFICATORY GUIDELINES ON THE RULES ON APPEAL**

Pursuant to the provisions of Republic Act (R.A.) No. 7942, otherwise known as the Philippine Mining Act of 1995, Department Administrative Order (DAO) No. 2010-21 as its Implementing Rules and Regulations, DAO No. 1990-87 or the Regulations Governing Appeals to the Office of the Secretary from the Decisions/Orders of the Regional Offices, Executive Order No. 292, otherwise known as the Administrative Code of 1987, pertaining to the power of the Director of a line bureau to promulgate rules and regulations necessary to carry out bureau objectives, policies and functions, the 1997 Rules of Civil Procedure, and other pertinent laws, rules and regulations, the following guidelines are hereby issued to govern appeals to the Mines and Geosciences Bureau (MGB) Central Office from the decisions/orders of MGB Regional Offices.

**SECTION I**  
**SCOPE**

These guidelines shall apply to appeals from judgments, decisions or final orders of MGB Regional Offices, denying the applications for various mining permits and agreements, such as Application for Exploration Permit (EP), Application for Mineral Production Sharing Agreement (APSA), Application for Industrial Sand and Gravel (ISAG) Permit or other mining permits filed and within the jurisdiction of MGB Regional Offices.

This shall not apply to cases falling under the jurisdiction of the Regional Panel of Arbitrators.

**SECTION II**  
**DECISION OF THE MGB REGIONAL DIRECTOR**

The decision/order of the Regional Director denying an application for a mining permit shall become final and executory fifteen (15) days after the receipt by the applicant a copy thereof, unless within that period an appeal has been perfected. One motion for reconsideration may be filed, which shall suspend the running of the said period.

Once the decision/order becomes final and executory, the MGB Regional Director concerned shall issue an Order of Finality, copy furnished the MGB Central



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*no. 17365X*

Office, and Notice, which shall be posted in the bulletin board/MGB website, that the area is "Now Open for Mining Applications". In no case shall applications for mining permits be accepted prior to the issuance of a Notice that the area is "Now Open for Mining Applications".

### **SECTION III APPEAL**

#### **A. PERIOD IN PERFECTING AN APPEAL**

1. If a motion for reconsideration of the decision/order of the MGB Regional Office is filed within fifteen (15) days after receipt of decision/order denying the application, and such motion for reconsideration is denied, the movant shall have the right to perfect his appeal within fifteen (15) days upon receipt of the resolution denying the Motion for Reconsideration.

#### **B. HOW APPEAL IS PERFECTED**

1. The appellant shall file with the Regional Office concerned and MGB Central Office a Notice of Appeal. The Regional Office shall verify whether the filing is in order and transmit the records of the application to the MGB Central Office with each page numbered consecutively and initialed by the custodian of the records. Otherwise, it shall notify the MGB Central Office immediately.
2. Upon receipt of the Memorandum from the Regional Office concerned that the filing is not in order, the MGB Central Office shall notify the appellant to exhaust the administrative remedy in the Regional Office. If the appellant failed to file his Motion for Reconsideration within the prescribed period from receipt of a copy of the decision/order denying the application for a mining permit, the Regional Office concerned shall issue an Order of Finality.
3. Upon receipt of the Memorandum from the Regional Office concerned that the filing is in order, the MGB Central Office shall issue an order to the appellant to submit a Memorandum Appeal within fifteen (15) days copy furnished the Regional Office concerned and to pay the required fees pursuant to Department Administrative Order 2005-08.<sup>1</sup>

#### **C. EFFECT OF APPEAL**

The appeal shall stay the execution of the decision/order appealed from, except as otherwise provided by the law or executive order, or the MGB Director

<sup>1</sup> Providing for New Fees and Charges for Various Services for Mines and Geosciences Bureau



directs execution pending appeal considering the nature and circumstances of the case.

#### **D. ACTION ON APPEAL**

The MGB Central Office shall review the records of the application and may, on its own initiative or upon motion, receive additional documents within fifteen (15) days from receipt of the interlocutory order. The appeal shall be resolved in twenty (20) days.

### **SECTION IV DECISION OF THE MGB DIRECTOR**

The decision/order of the MGB Director on the appeal to the decision/order of the MGB Regional Director shall become final and executory fifteen (15) days after the receipt of the party a copy thereof, and the MGB Director shall issue an Order of Finality.

Once the decision/order becomes final and executory, the MGB Director shall remand the records of the application to the Regional Office concerned. The Regional Director shall issue a Notice and post in the Bulletin Board/MGB website that the area is "Now Open for Mining Applications".

### **SECTION V FINAL PROVISIONS**

#### **A. REPEALING CLAUSE**

All Orders, Memoranda, Circulars and other issuances inconsistent with this Memorandum Circular are hereby deemed repealed and/or modified accordingly.

#### **B. EFFECTIVITY**

This Memorandum Circular shall take effect immediately. This shall be registered with the Office of the National Administrative Register and posted in the bulletin board/website of MGB Central Office and respective Regional Offices.

  
**ATTY. WILFREDO G. MONCANO**  
Acting Director

MINING &  
GEOSCIENCES  
BUREAU  
Office of the Director



9/7/2019

Home Office

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Republic of the Philippines  
Department of Environment and Natural Resources  
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## NOTICE

(That the Area is Now Open for Mining Applications)

Notice is hereby given to the public that the area located at \_\_\_\_\_ defined by technical descriptions as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

is now OPEN for mining applications.

Issued this \_\_\_\_\_, 2019 at \_\_\_\_\_, Philippines.

\_\_\_\_\_  
(name and signature)  
(Regional Director)

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Office of the Director

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**In the Matter of the Application For**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_ /

Applicant.

X-----X

Application No. \_\_\_\_\_

**ORDER OF FINALITY**

I, \_\_\_\_\_ (name of RD / MGB Director) \_\_\_\_\_, Regional Director of Mines and Geosciences Bureau Regional Office No. \_\_\_\_\_, do hereby order that the Decision dated \_\_\_\_\_ rendered by this Office, has achieved **FINALITY** on \_\_\_\_\_, there being no motion for reconsideration nor appeal made by the applicant.

SO ORDERED.

\_\_\_\_\_  
 (date of issuance)

\_\_\_\_\_  
 (name and signature)  
**(Regional Director/ MGB Director)**



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