



# BUREAU OF CUSTOMS

MAKABAGONG ADUANA, MATATAG NA EKONOMIYA

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PROFESSIONALISM

INTEGRITY

ACCOUNTABILITY

11 May 2021

**CUSTOMS MEMORANDUM CIRCULAR**  
No. 104-2021

To: The Assistant Commissioner  
All Deputy Commissioners  
All Directors and Division Chiefs  
All District/Port Collectors  
And Others Concerned

**SUBJECT: Executive Order No. 130, Amending Section 4 of E. O No. 79, S. 2012**

Attached is the letter dated April 15, 2021 from Atty. Concepcion Zeny E. Ferrolino-Enad, Director IV, Malacañang Records Office, endorsing a copy of Executive Order No. 130 dated 14 April 2021 entitled:

***"AMENDING SECTION 4 OF EXECUTIVE ORDER NO. 79, S. 2012, INSTITUTIONALIZING AND IMPLEMENTING REFORMS IN THE PHILIPPINE MINING SECTOR, PROVIDING POLICIES AND GUIDELINES TO ENSURE ENVIRONMENTAL PROTECTION AND RESPONSIBLE MINING IN THE UTILIZATION OF MINERAL RESOURCES."***

For your information and guidance.

For record purposes, please confirm the dissemination of this circular throughout your offices within fifteen (15) days from receipt hereof.

**REY LEONARDO B. GUERRERO**

Commissioner

MAY 21 2021



BOC-09-21103

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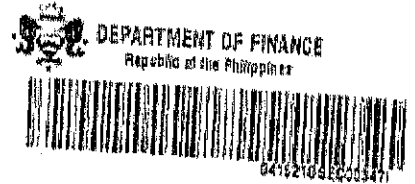
South Harbor, Gate 3, Port Area, Manila 1099  
8527-4597, 8527-1935 | www.customs.gov.ph | boc.cares@customs.gov.ph

CMC No. 104-2021 **MASTER COPY**

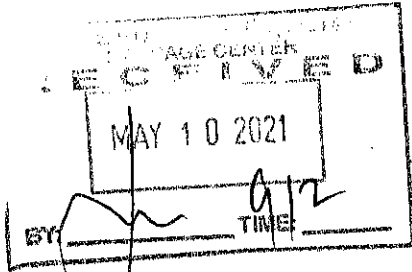
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Internal Admin. Group  
Received by: VICKY REYES  
Date: 05/10/2021  
Time: 11:10

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Office of the President  
of the Philippines  
Malacañang



MALACAÑANG RECORDS OFFICE



Manila, April 15, 2021



SECRETARY CARLOS G. DOMINGUEZ III  
Department of Finance  
Manila

TO ALL USECS/ASCS/CS/  
HO/A

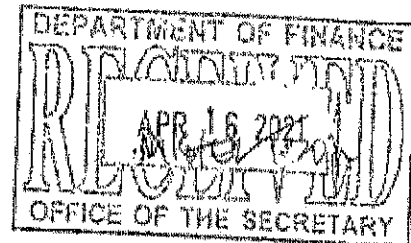
Sir:

I have the honor to transmit for your information and guidance, a certified copy of Executive Order No. 130 dated April 14, 2021 entitled "AMENDING SECTION 4 OF EXECUTIVE ORDER NO. 79, S. 2012, INSTITUTIONALIZING AND IMPLEMENTING REFORMS IN THE PHILIPPINE MINING SECTOR, PROVIDING POLICIES AND GUIDELINES TO ENSURE ENVIRONMENTAL PROTECTION AND RESPONSIBLE MINING IN THE UTILIZATION OF MINERAL RESOURCES".

Thank you.

Very truly yours,

ATTY. CONCEPCION ZENY E. FERROLINO-ENAD  
Director IV



M-128 Mabini Hall, Malacañang, Manila Trunkline 784-4286 loc. 4029/ 4123/ 4153

5-014

c/10 9:1

*hmm*



MALACAÑAN PALACE  
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

EXECUTIVE ORDER NO. 130

**AMENDING SECTION 4 OF EXECUTIVE ORDER NO. 79, S. 2012,  
INSTITUTIONALIZING AND IMPLEMENTING REFORMS IN THE  
PHILIPPINE MINING SECTOR, PROVIDING POLICIES AND GUIDELINES  
TO ENSURE ENVIRONMENTAL PROTECTION AND RESPONSIBLE  
MINING IN THE UTILIZATION OF MINERAL RESOURCES**

**WHEREAS**, Section 1, Article XII of the 1987 Constitution states that the goals of the national economy are a more equitable distribution of opportunities, income, and wealth; a sustained increase in the amount of goods and services produced by the nation for the benefit of the people; and an expanding productivity as the key to raising the quality of life for all, especially the underprivileged;

**WHEREAS**, Section 2 of Republic Act (RA) No. 7942 or the Philippine Mining Act of 1995 provides that it shall be the responsibility of the State to promote the rational exploration, development, utilization, and conservation of all mineral resources in public and private lands within the territory and exclusive economic zone of the Republic of the Philippines through the combined efforts of the government and the private sector in order to enhance national growth in a way that effectively safeguards the environment and protect the rights of affected communities;

**WHEREAS**, Executive Order (EO) No. 79, s. 2012, was issued, institutionalizing and implementing reforms in the Philippine mining sector and providing policies and guidelines to ensure environmental protection and responsible mining in the utilization of mineral resources;

**WHEREAS**, Section 4 of EO No. 79 prohibits the grant of mineral agreements until a new legislation rationalizing existing revenue sharing schemes and mechanisms shall have taken effect;

**WHEREAS**, Section 48 of RA No. 10963 or the Tax Reform for Acceleration and Inclusion (TRAIN) Act has doubled the rate of excise tax on minerals, mineral products, and quarry resources from 2% to 4%;

**WHEREAS**, the government, through the Department of Environment and Natural Resources (DENR), has conducted a thorough review of the regulatory framework of the mining industry and has in place additional rules, regulations, and policies providing for and enhancing environmental safeguards to ensure that mining operations observe environmental protection;

THE PRESIDENT OF THE PHILIPPINES

WHEREAS, the country has tapped less than 5% of its mineral resources endowment to date;

WHEREAS, in addition to ushering significant economic benefits to the country, the mining industry can support various government projects, such as the Build, Build, Build Program, by providing raw materials for the construction and development of other industries; and the *Balik Probinsya, Bagong Pag-asa Program*, by increasing employment opportunities in remote rural areas where there are mining activities thereby stimulating countryside development; and

WHEREAS, Section 17, Article VII of the 1987 Constitution provides that the President shall have control of all the executive departments, bureaus, and offices, and shall ensure that the laws be faithfully executed;

NOW, THEREFORE, I, RODRIGO ROA DUTERTE, President of the Philippines, by virtue of the powers vested in me by the Constitution and existing laws, do hereby order:

**SECTION 1. Lifting of the Moratorium on Mineral Agreements.** The moratorium on mineral agreements under Section 4, EO No. 79 is hereby lifted. Section 4, EO No. 79 shall be amended to read as follows:

"Section 4. Grant of Mineral Agreements. The Government may enter into new mineral agreements, subject to compliance with the Philippine Mining Act of 1995 and other applicable laws, rules, and regulations. The DENR may continue to grant and issue Exploration Permits under existing laws, rules, and guidelines. The grantees of such permits shall have the rights under the said laws, rules, and guidelines over the approved exploration area and shall be given the right of first option to develop and utilize the minerals in their respective exploration area upon the approval of the declaration of mining project feasibility.

The DENR shall formulate the terms and conditions in the new mineral agreements that will maximize government revenues and share from production, including the possibility of declaring these areas as mineral reservations to obtain appropriate royalties, in accordance with existing laws, rules, and regulations.

The DENR shall likewise undertake a review of existing mining contracts and agreements for possible renegotiation of the terms and conditions of the same, which shall in all cases be mutually acceptable to the government and the mining contractor.

The DENR and the Department of Finance shall undertake appropriate measures to rationalize existing revenue sharing schemes and mechanisms."

**SECTION 2. Formulation and Strict Implementation of Mines Safety and Environmental Policies.** The DENR shall strictly implement mines safety and environmental policies. It shall ensure strict implementation of and compliance with

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the recommended measures of the Mining Industry Coordinating Council involving all mining operations, including other pertinent laws, rules, and regulations, and the terms and conditions of the mineral agreements.

**SECTION 3. Separability.** If any provision of this Order is declared invalid or unconstitutional, the other provisions not affected thereby shall remain valid and subsisting.

**SECTION 4. Repeal.** All issuances, rules, and regulations or parts thereof which are contrary to or inconsistent with the provisions of this Order are hereby revoked, modified or amended accordingly.

**SECTION 5. Effectivity.** This Executive Order shall take effect immediately upon its publication in a newspaper of general circulation.

DONE, in the City of Manila, this 14th day of April in the year of Our Lord, Two Thousand and Twenty One.



By the President:



SALVADOR C. MEDIALDEA  
Executive Secretary

