



Mining 2012

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Philippines

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Mining industry

1 What is the nature and importance of the mining industry in your country?

The Philippines is rich in mineral resources and the mining industry plays a significant role in the country's economy. According to the Philippines Department of Environment and Natural Resources:

- the large reserves of various kinds of minerals in the country puts the Philippines in the top five most mineralised countries in the world;
- around 9 million hectares, or 30 per cent of the country's total land area of 30 million hectares, are believed to contain important metallic mineral deposits and around 5 million hectares are also known to be potential sites for non-metallic mineral reserves; and
- the country's offshore areas, which cover around 2.2 million square kilometres, also contain placer minerals, including gold, magnetite and chromite-bearing sands as well as aggregate resources like sand and gravel, decorative stones, and polymetallic sulfide deposits (see www.denr.gov.ph/index.php/component/content/article/16.html).

Based on preliminary figures released by the government, the gross production value in mining reached around 122 billion Philippine pesos in 2011.

2 What are the target minerals?

The Philippines has a significant amount of gold, copper and chromate deposits. Other target minerals include nickel, silver, lead, zinc iron, cobalt and platinum. Non-metallic resources found in the Philippines include sand and gravel, limestone, marble, clay and other quarry materials.

3 Which regions are most active?

Many areas in the Philippines are highly mineralised. The provinces with significant mining activities include Benguet, Compostela Valley, Davao, Palawan and Surigao.

Legal and regulatory structure

4 Is the legal system civil or common law-based?

The Philippine legal system is a civil law system. The Philippine Civil Code is based on the Spanish Civil Code. However, certain Philippine statutes are based on statutes of the United States. For example, the Philippine Corporation Code and the Philippine National Internal Revenue Code were patterned after US models.

5 How is the mining industry regulated?

The mining industry is regulated through laws and regulations issued by the national government. Local government units also issue ordinances that may affect mining activities within their respective jurisdictions.

Mining companies listed with the Philippine Stock Exchange must also comply with the rules of the exchange.

6 What are the principal laws that regulate the mining industry? What are the principal regulatory bodies that administer those laws?

The principal laws and regulations that regulate the mining industry are Republic Act No. 7942 (RA 7942 or the Mining Act) and Department of Environment and Natural Resources (DENR) Administrative Order No. 21-10 (DENR Order No. 21-10). The Mining Act is a national law enacted by the Congress of the Philippines.

The DENR is the primary government agency responsible for the regulation of the mining industry. The Mines and Geosciences Bureau (MGB) under the DENR has direct charge of the administration and disposition of mineral lands and mineral resources. It also recommends to the DENR secretary the granting of mineral agreements to duly qualified persons. The MGB and the Environmental Management Bureau (EMB) of the DENR implement the obligations of mining companies under applicable environmental laws.

7 What classification system does the mining industry use for reporting mineral resources and mineral reserves?

The Philippine Mineral Reporting Code (PMRC) sets out minimum standards, recommendations and guidelines for public reporting in the Philippines of exploration results, mineral resources and ore reserves. The PMRC is modelled substantially on the JORC Code (2004) of Australasia and is compatible with the international codes from Australia, South Africa, the European Union, and Canada as well as the International Reporting Template (2006) by the Committee for Mineral Reserves International Reporting Standard (CRIRSCO).

Mining rights and title

8 To what extent does the state control mining rights in your jurisdiction? Can those rights be granted to private parties and to what extent will they have title to minerals in the ground? Are there large areas where the mining rights are held privately or which belong to the owner of the surface rights? Is there a separate legal regime or process for third parties to obtain mining rights in those areas?

The state controls the grant of mining rights in the Philippines. Under the Philippine Constitution, the state owns all natural resources in the Philippines. It provides that '[all] lands of the public domain, waters, minerals, coal, petroleum and other mineral oils, all forces

of potential energy, fisheries, forests or timber, wildlife, flora and fauna, and other natural resources are owned by the state.’ Further, it provides that the state shall have full control and supervision of ‘the exploration, development, and utilisation of natural resources’.

The state may grant private parties the right to explore, develop and utilise natural resources. In this regard, the state may enter into co-production, joint venture, or production-sharing agreements with Filipino citizens, or corporations at least 60 per cent of whose capital is owned by such citizens. The president of the Philippines is also authorised to ‘enter into agreements with foreign-owned corporations involving either technical or financial assistance for large-scale exploration, development, and utilisation of minerals, petroleum, and other mineral oils’.

Since the state is the owner of all natural resources, the owner of surface rights does not own the minerals below the ground. The state may grant mining rights over an area to parties other than the owner of the surface rights.

- 9** What information and data is publicly available to private parties that wish to engage in exploration and other mining activities? Is there an agency which collects mineral assessment reports from private parties? Must private parties file mineral assessment reports? Does the agency or the government conduct geoscience surveys, which become part of the database? Is the database available online?

The MGB regularly publishes the Directory of Producing Mines and Quarries, the Generation of Mineral Statistics (a monthly report on metallic and non-metallic mineral production, sales, employment, exports and prices), the Mineral Statistics Series (an annual report on local and international mineral production and metal prices) and the Quarterly Review of Minerals Industry. Geological maps and technical reports are also available at the MGB. Information is also available in other non-periodic publications of the MGB and its website (www.mgb.gov.ph).

Holders of exploration permits and mineral agreements are required to periodically submit reports to the MGB or DENR. The government conducts geoscience surveys, which become part of the Mineral Resources Database System and National Geodetic Network Information System; however, these are not available online.

- 10** What mining rights may private parties acquire? How are these acquired? What obligations does the rights holder have? If exploration or reconnaissance licences are granted, does such tenure give the holder to a preferential right to acquire a mining licence?

A mineral agreement grants the contractor the exclusive right to conduct mining operations and to extract all mineral resources found in the contract area. Subject to the fulfilment of certain conditions, these rights are generally acquired on a ‘first come, first considered’ basis.

The holder of a mineral agreement is obligated to conduct mining operations in accordance with the terms of the mineral agreement and applicable laws and regulation.

Holders of exploration permits enjoy preferential rights in acquiring a mineral agreement over areas covered by the exploration permit.

- 11** Is there any distinction in law or practice between the mining rights that may be acquired by domestic parties and those that may be acquired by foreign parties?

The following mining agreements are available only to Philippine citizens or to corporations at least 60 per cent of whose capital is owned by such citizens.

- a mineral production-sharing agreement, which is an agreement where the government grants to the contractor the exclusive right to conduct mining operations within a contract area and shares in the gross output. The contractor provides the financing,

technology, management and personnel necessary for the implementation of the agreement;

- a co-production agreement, which is an agreement between the government and the contractor wherein the government provides inputs to the mining operations other than the mineral resource; and
- a joint venture agreement is an agreement where a joint-venture company is organised by the government and the contractor with both parties having equity shares. Aside from earnings in equity, the government is entitled to a share in the gross output.

Corporations that are owned by non-Philippine citizens or do not meet the minimum Philippine ownership usually enter into joint ventures with Philippine citizens or enter into a financial or technical assistance agreement (FTAA) with the government. An FTAA is a contract involving financial or technical assistance for large-scale exploration, development and utilisation of mineral resources, namely, a mining project requiring a minimum investment of US\$50 million. The holder of an FTAA can be 100 per cent foreign-owned. Corporations that are owned by non-Philippine citizens or do not meet the minimum Philippine ownership qualifications may also apply for, and hold, an exploration permit.

- 12** How are mining rights protected? Are foreign arbitration awards in respect of domestic mining disputes freely enforceable in your jurisdiction?

The Philippine Constitution establishes an independent judicial system and guarantees adherence to the rule of law and due process. It also guarantees that obligations of contracts will not be impaired by legislation. Thus, the state, which is the counterparty of the private entity in mineral agreements, may generally not pass legislation or regulations impairing its obligations under such mineral agreements.

The Mining Act established a system of arbitration for mining disputes. Thus, an arbitration panel would have exclusive and original jurisdiction to hear and decide disputes involving rights to mining areas; disputes involving mineral agreements or permits; and disputes involving surface owners, occupants and claim holders or concessionaires. A party not satisfied with the decision or order of the panel of arbitrators may appeal the decision, within 15 days of receipt, to the Mines Adjudication Board, which must decide the case within 30 days of submission thereof. An aggrieved party may file a petition for review by certiorari with the Supreme Court within 30 days from receipt of the order or decision of the Mines Adjudication Board.

Generally, foreign arbitration awards may be recognised and enforced in the Philippines, which is a party to the New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards.

- 13** What surface rights may private parties acquire? How are these rights acquired?

In general, the Mining Act grants private parties holding mining rights the following auxiliary rights in respect of the surface area:

- the right to cut trees or timber within the mining area as may be necessary for mining operations, subject to forestry laws, rules and regulations;
- water rights for mining operations, upon approval of an application with the appropriate government agency in accordance with existing water laws, rules and regulations promulgated thereunder;
- when mining areas are so situated that for purposes of more convenient mining operations it is necessary to build, construct or install infrastructure on the mining areas or lands owned, occupied or leased by other persons, the contractor, upon payment of just compensation, is entitled to enter and occupy said mining areas or lands; and

- subject to prior notification, holders of mining rights may enter private lands and concession areas owned or held by surface owners, occupants, or concessionaires when conducting mining operations therein. However, the surface owner, occupant or concession must be compensated for any damage done to his or her property by reason of such entry. If the surface owners of the lands, occupants or concessionaires thereof refuse to allow the permittee, contractor or permit holder entry into the land despite receipt of the written notification or refuse to receive said written notification, the permittee, contractor or permit holder can bring the matter before the panel of arbitrators for proper disposition.

A mining contractor may also acquire other rights through the execution of agreements between the contractor and the surface owner, occupant, or concessionaire.

- 14** Are any areas designated as protected areas within your jurisdiction and which are off-limits or specially regulated?

Under the Mining Act, the following areas are considered closed to mining applications:

- military and other government reservations, except upon prior written clearance by the government agency concerned;
- near or under public or private buildings, cemeteries, archeological and historic sites, bridges, highways, waterways, railroads, reservoirs, dams or other infrastructure projects, public or private works including plantations or valuable crops, except upon written consent of the government agency or private entity concerned;
- in areas covered by valid and existing mining rights;
- in areas expressly prohibited by law;
- in areas covered by small-scale miners as defined by law unless with prior consent of the small-scale miners, in which case a royalty payment upon the utilisation of minerals shall be agreed upon by the parties, said royalty forming a trust fund for the socioeconomic development of the community concerned; and
- old growth or virgin forests, proclaimed watershed forest reserves, wilderness areas, mangrove forests, mossy forests, national parks, provincial and municipal forests, parks, greenbelts, game refuge and bird sanctuaries as defined by law and in areas expressly prohibited under the National Integrated Protected Areas System (NIPAS) and other laws.

Ancestral lands of the indigenous cultural communities are also not open to mining operations unless the prior consent of the relevant indigenous cultural community concerned is obtained.

Duties, royalties and taxes

- 15** What duties, royalties and taxes are payable by private parties carrying on mining activities? Are these duties, royalties and taxes revenue-based or profit-based?

Without prejudice to such fiscal incentives that may be available under existing laws, private parties carrying mining activities are subject to taxes imposed under the National Internal Revenue Code and the Tariff and Customs Code, such as income tax, excise tax on minerals, value added tax and customs duties. They are also subject to taxes imposed under the Local Government Code, such as business taxes and real property tax. Some of these taxes are revenue-based, some are profit-based and some are based on other criteria.

Private parties carrying on mining activities must also pay occupancy fees that are based on the size of the mining area.

Finally, private parties conducting mining operations within ancestral lands must also pay royalties to the relevant indigenous cultural community based on the gross output. Private parties

conducting mining operations within government mineral reservations must also pay royalties to the government based on the market value of the gross output of the minerals or mineral products extracted or produced.

- 16** What tax advantages and incentives are available to private parties carrying on mining activities?

Subject to the Investment Priorities Plan issued annually by the Board of Investments, the contractors in mineral agreements and FTAAAs are entitled to all applicable fiscal and non-fiscal incentives provided in the Omnibus Investments Code. These fiscal incentives include income tax holiday for a certain number of years, exemption from certain taxes and special deductions from gross income. Non-fiscal incentives include simplified customs importation procedures and importation of consigned equipment for a period of 10 years and employment of foreign nationals in supervisory, technical or advisory positions.

In addition, the Mining Act provides the following incentives:

- pollution control devices acquired, constructed or installed by contractors shall not be considered as improvements on the land or building where they are placed, and shall not be subject to property and other taxes or assessments;
- a net operating loss without the benefit of incentives incurred in any of the first 10 years of operations may be carried over as a deduction from taxable income for the next five years immediately following the year of such loss. The entire amount of the loss shall be carried over to the first of the five taxable years following the loss, and any portion of such loss that exceeds the taxable income of such first year shall be deducted in a like manner from the taxable income of the next remaining four years;
- fixed assets may be depreciated as follows: to the extent of not more than twice as fast as the normal rate of depreciation or depreciated at normal rate of depreciation if the expected life is 10 years or less; or depreciated over any number of years between five years and the expected life if the latter is more than 10 years, and the depreciation thereon allowed as a deduction from taxable income.

The Mining Act also provides that the contractor shall be entitled to the basic rights and guarantees provided in the Constitution and such other rights recognised by the government as enumerated hereunder:

- the right to repatriate the entire proceeds of the liquidation of the foreign investment in the currency in which the investment was originally made and at the exchange rate prevailing at the time of repatriation;
- the right to remit earnings from the investment in the currency in which the foreign investment was originally made and at the exchange rate prevailing at the time of remittance;
- the right to remit at the exchange rate prevailing at the time of remittance such sums as may be necessary to meet the payments of interest and principal on foreign loans and foreign obligations arising from financial or technical assistance contracts;
- the right to be free from expropriation by the government of the property represented by investments or loans, or of the property of the enterprise except for public use or in the interest of national welfare or defence and upon payment of just compensation. In such cases, foreign investors or enterprises shall have the right to remit sums received as compensation for the expropriated property in the currency in which the investment was originally made and at the exchange rate prevailing at the time of remittance;
- the right to be free from requisition of the property represented by the investment or of the property of the enterprises except in cases of war or national emergency and only for the duration thereof. Just compensation shall be determined and paid either at the time or immediately after cessation of the state of war or

national emergency. Payments received as compensation for the requisitioned property may be remitted in the currency in which the investments were originally made and at the exchange rate prevailing at the time of remittance; and

- any confidential information supplied by the contractor pursuant to the Mining Act and its implementing rules and regulations shall be treated as such by the DENR and the government, and during the term of the project to which it relates.

- 17** Is there any distinction between the duties, royalties and taxes payable by domestic parties and those payable by foreign parties?

Generally, there are no distinctions between duties, royalties and taxes payable by domestic parties and those payable by foreign parties. However, with respect to dividend income, dividends received by a Philippine corporation (which may be wholly owned by non-Philippine citizens) or a Philippine branch of a non-Philippine corporation from a Philippine corporation are not subject to Philippine income tax. On the other hand, dividends paid to a non-resident, non-Philippine corporation by a Philippine corporation are subject to Philippine income tax, without prejudice to preferential rates provided in income tax treaties between the Philippines and the country where the non-resident recipient of the dividends is domiciled.

Business structures

- 18** What are the principal business structures used by private parties carrying on mining activities?

Private parties usually use a corporation to carry on mining activities (except for small-scale mining, which is usually conducted by individuals).

- 19** Is there a requirement that a local entity be a party to the transaction?

A Philippine corporation that is wholly-owned by non-Philippine nationals may hold an exploration permit or an FTAA. An MPSA is available only to Philippine citizens or to corporations at least 60 per cent of whose capital is owned by such citizens.

- 20** Are there jurisdictions with favourable bilateral investment treaties or tax treaties with your jurisdiction through which foreign entities will commonly structure their operations in your jurisdiction?

To date, the Philippines has signed more than 30 investment treaties, which encourage investments between the parties thereto through the creation of favourable investment conditions. Among the countries with bilateral investment treaties with the Philippines are Argentina, Australia, Bahrain, Bangladesh, Belgium, Canada, Chile, China, Czech Republic, Denmark, Finland, France, Germany, India, Indonesia, Italy, Japan, Korea, Myanmar, Netherlands, Pakistan, Portugal, Romania, Spain, Switzerland, Thailand, United Kingdom and Vietnam.

The Philippines also entered into several tax treaties with other countries (such as the US, Canada, Australia and China), mostly for the avoidance of double taxation and prevention of fiscal evasion with respect to income taxes.

Financing

- 21** What are the principal sources of financing available to private parties carrying on mining activities? What role does the domestic public securities market play in financing the mining industry?

In general, the principal sources of financing used by private parties carrying on mining activities are equity and shareholder financing; bank financing (including corporate financing or project financing); and public offering of shares. Many domestic mining companies are listed on the Philippine Stock Exchange.

Restrictions

- 22** What restrictions are imposed on the importation of machinery and equipment or services required in connection with exploration and extraction?

In general, there are no restrictions and limitations imposed on the importation of machinery and equipment or services required in connection with mining activities. However, to the maximum extent compatible with efficient mining operations, the contractor must give preference to products, services and technologies produced and offered in the Philippines of comparable quality. In particular, the contractor must give preference to Filipino-owned construction enterprises and use buildings that can be constructed through materials and skills available in the Philippines, employ Filipino subcontractors for road construction and the transportation and purchase of Philippine household equipment, furniture and food.

- 23** What restrictions are imposed on the processing, export or sale of minerals? Are there any export quotas, licensing or other mechanisms that prevent producers from freely exporting their production?

There is no requirement that metallic minerals be processed or sold in the Philippines. However, certain permits must be obtained for certain types of activities, such as for mineral processing, ore transport, and mineral trading.

- 24** What restrictions are imposed on the import of funds for exploration and extraction or the use of the proceeds from the export or sale of minerals?

Generally, there are no restrictions or limitations imposed on the import of funds for mining activities. However, the Mining Act requires a stipulation in the FTAA that, except for payments for dispositions for its equity, foreign investments in local enterprises that are qualified for repatriation, and local suppliers' credits and such other generally accepted and permissible financial schemes for raising funds for valid business purposes, the contractor shall not raise any form of financing from domestic sources of funds, whether in the Philippine or foreign currency, for conducting its mining operations for, and in, the contract area.

Proceeds from the export or sale of metallic minerals need not be repatriated back to or used in the Philippines. Access to foreign exchange is not tied to export performance. However, under section 72 of Republic Act No. 7653, the Monetary Board of the Central Bank, with the approval of the President of the Philippines, in the imminence of, or during, a foreign exchange crisis or in times of national emergency, may require any person residing in or operating in the Philippines to deliver any foreign exchange obtained by such person to the Central Bank or to any bank or agent designated by the Central Bank, at the then effective exchange rate or rates.

Environment

- 25** What are the principal environmental laws applicable to the mining industry? What are the principal regulatory bodies that administer those laws?

The Mining Act (and its implementing regulations) is the principal environmental law applicable to the mining industry (in addition to other laws of general application). DENR Order No. 21-10 contains detailed provisions on environmental protection. The DENR, the MGB and the EMB are the principal regulatory bodies that administer said laws.

Other principal environmental laws include the Toxic Substance and Hazardous and Nuclear Wastes Control Act of 1990, the Clean Air Act of 1999 and the Clean Water Act of 2004.

- 26** What is the environmental review and permitting process for a mining project? How long does it normally take to obtain the necessary permits?

All applicants for exploration permits, mineral agreements and FTAA's must submit an Environmental Work Programme (EWP) detailing the environmental impact control and rehabilitation activities proposed during the exploration period (including the costs to enable sufficient financial resources to be allocated to meet environmental and rehabilitation commitments).

The contractor must secure an environmental compliance certificate (ECC) from the DENR prior to the conduct of development works, construction of production facilities, or mine production activities in the contract area. After the issuance of the ECC, the contractor must also submit an Environmental Protection and Enhancement Programme (EPEP). In addition, the contractor must submit, on a yearly basis, an Annual Environmental Protection and Enhancement Programme (AEPEP) based on the approved EPEP.

It usually takes several months to obtain the necessary environmental permits.

- 27** What is the closure and remediation process for a mining project? What performance bonds, guarantees and other financial assurances are required?

Contractors must rehabilitate excavated, mined out, tailings-covered and disturbed areas to the condition of environmental safety.

The Mining Act requires each contractor to establish and maintain a Mine Rehabilitation Fund (MRF) as a deposit to ensure availability of funds for the satisfactory compliance of commitments stipulated in the EPEP/AEPEP. The MRF is deposited as a trust fund in a government depository bank and is used for physical and social rehabilitation of areas and communities affected by mining activities and for research on the social, technical and preventive aspects of rehabilitation.

Health & safety, and labour issues

- 28** What are the principal health and safety, and labour laws applicable to the mining industry? What are the principal regulatory bodies that administer those laws?

The Mining Act and the Labour Code (and their implementing regulations) are the principal health and safety and labour laws applicable to the mining industry (in addition to other laws of general application). DENR Order No. 21-10 contains detailed provisions on mines safety and health protection. The DENR has also issued separately the Mine Safety and Health Standards.

The DENR, MGB, EMB and the Department of Labour and Employment are the principal regulatory bodies that administer these laws.

- 29** What restrictions and limitations are imposed on the use of domestic and foreign employees in connection with mining activities?

Pursuant to the Mining Act, a contractor must give preference to Filipino citizens in all types of mining employment within the country in so far as such citizens are qualified to perform the corresponding work with reasonable efficiency and without hazard to the safety of the operations. The contractor, however, is not to be hindered from hiring employees of his or her own selection, subject to the provisions of the Commonwealth Act No. 613, as amended, for technical and specialised work that, in his or her judgement and with the approval of the MGB director, requires highly specialised training or lengthy experience in the exploration, development or utilisation of mineral resources.

Update and trends

The Philippine government is currently reviewing the country's mining policies and is expected to issue new guidelines covering certain areas affecting the mining industry. These guidelines were supposed to have been issued in February 2012, but the guidelines were not issued as planned as the government cited the need to hold more consultations with stakeholders in the mining industry.

Among the matters that the government is reportedly considering are increasing the government's share in mining activities, creating an inter-agency council on mining, requiring insurance coverage for environmental damage, supporting participation of the Philippines in the Extractive Industries Transparency Initiative, and providing guidelines on the primacy of national laws over local government ordinances.

Section 2-A of the Anti-Dummy Law (Commonwealth Act No. 108, as last amended by PD No. 715) contains a prohibition against the employment by any person, corporation or association of any alien who shall intervene in the management, operation, administration or control thereof, whether as an officer, employee or labourer, where the exercise or enjoyment of the property of (or the franchise, privilege or business engaged in by) such person, corporation or association is expressly reserved by the Constitution or the laws to citizens of the Philippines or to corporations or associations at least 60 per cent of the capital of which is owned by such citizens. There are only two exceptions to this prohibition: firstly, where the secretary of the Philippine Department of Justice specifically authorises the employment of a non-Filipino as technical personnel; and secondly, the election of aliens as members of the boards of directors or governing bodies of corporations or associations engaged in partially nationalised activities in proportion to their allowable participation in the capital of such entities.

The Anti-Dummy Law does not apply to a corporation that holds an FTAA (unless the corporation is engaged in other partly nationalised activities).

Social and community issues

- 30** What are the principal community engagement or CSR laws applicable to the mining industry? What are the principal regulatory bodies that administer those laws?

The principal community engagement or CSR laws are the Mining Act and its implementing regulations. DENR Order No. 21-10 has specific provisions for the development of host and neighbouring communities of a mining project to promote the general welfare of their inhabitants.

The DENR and the MGB are the principal regulatory bodies that administer these laws.

- 31** How do the rights of aboriginal, indigenous or currently or previously disadvantaged peoples affect the acquisition or exercise of mining rights?

The Indigenous People's Rights Act (Republic Act No. 8371) provides that indigenous cultural communities (ICC) or indigenous peoples (IP) have priority rights in the harvesting, extraction, development or exploitation of natural resources within their ancestral domains. A non-member of ICCs/IPs is allowed to take part in the development and utilisation of the natural resources for a period not exceeding 25 years, renewable for a period not more than 25 years, through a written agreement entered into with the ICCs/IPs concerned. The National Commission on Indigenous Peoples (NCIP) exercises visitatorial powers and may take action to safeguard the rights of the ICCs/IPs under this agreement.

Governmental departments and agencies are strictly enjoined from issuing, renewing, or granting any concession, licence or lease, or entering into any production-sharing agreement, without prior certification from the NCIP that the area affected does not overlap with any ancestral domain. Mineral agreements, FTAA's and other mining permits over ancestral domains may be granted if there is a Certification Precondition from the NCIP. The Indigenous People's Rights Act and DENR Order No. 21-10 mandate that such certification shall only be issued by the NCIP if there is free, prior informed and written consent of the ICCs/IPs concerned, who are entitled to royalty payment of not less than 1 per cent of the gross output of the mining firm. The ICCs/IPs have the right to stop or suspend any mining project that did not satisfy this consultation process.

32 What international treaties, conventions or protocols relating to CSR issues are applicable in your jurisdiction?

The Philippines is not a party to any treaty, convention or protocol that specifically relates to CSR issues.

International treaties

33 What international treaties apply to the mining industry or an investment in the mining industry?

The Philippines is not a party to any treaty that applies specifically to the mining industry or an investment in the mining industry.



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Climate Regulation	Oil Regulation
Construction	Patents
Copyright	Pharmaceutical Antitrust
Corporate Governance	Private Antitrust Litigation
Corporate Immigration	Private Equity
Dispute Resolution	Product Liability
Dominance	Product Recall
e-Commerce	Project Finance
Electricity Regulation	Public Procurement
Enforcement of Foreign Judgments	Real Estate
Environment	Restructuring & Insolvency
Foreign Investment Review	Right of Publicity
Franchise	Securities Finance
Gas Regulation	Shipbuilding
Insurance & Reinsurance	Shipping
Intellectual Property & Antitrust	Tax on Inbound Investment
Labour & Employment	Telecoms and Media
	Trademarks
	Vertical Agreements



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