



Republic of the Philippines

Department of Environment and Natural Resources

MINES AND GEOSCIENCES BUREAU

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Area for guidance as per

*FTE & sey
pls advise
project to pay
the clearance fees
and for further
processing the
appln.*

MEMORANDUM

FOR : The Regional Director
Mines and Geosciences Bureau
Cordillera Administrative Region
Diego Silang St., Baguio City

FROM : The Director
This Office

SUBJECT : **APPEAL ON THE DENIAL OF THE AREA STATUS AND CLEARANCE FOR THE EXPLORATION PERMIT APPLICATION (EXPA NO. 084) OF COLUMBUS MINERAL RESOURCES, INC.**

DATE : March 5, 2007

*3-29-07
21/2007
8535*

*3-29-07
21-457*

2:55

This refers to the Letter dated December 4, 2006 of Columbus Mineral Resources, Inc. (Columbus) appealing the denial of its request for Area Status and Clearance by the then Environmental Management and Protected Areas Service, DENR Cordillera Administrative Region, in connection with the company's Exploration Permit (EP) application denominated as EXPA No. 084.

Our evaluation of the pertinent documents forwarded to this Office thru your Memorandum of January 30, 2007 revealed that the subject area of Columbus is previously covered in its entirety by patentable mining claims. This makes the case similar to that of Philex Mining Corporation (Philex) involving its then Mineral Production Sharing Agreement (MPSA) applications denominated as APSA Nos. 28 and 30, and just recently, that of Magellan Metals, Inc. involving its EP application denominated as EXPA No. 083.

As iterated in our Memorandum dated February 27, 2007 regarding EXPA No. 083, this Office ruled in the case of Philex that "The applied areas covered by patentable claims however, are deemed excluded from the scope of Presidential Proclamation No. 2320 [establishing the Lower Agno Watershed Forest Reserve] because they have become Mineral Land since the staking of such patentable mining claims under the Philippine Bill of 1902, as cited in the decision of the Office of the President dated June 2, 1987 on the validity of mining claims of Ciriaco D. Guinto, et. al., as affirmed by the Supreme Court, in G.R. No. 79963 (Ancan Mining vs. Office of the President) xxx." We also emphasized that this ruling was contained in the Memorandum dated April 10, 2000 to the DENR Secretary and paved the way for the approval of APSA Nos. 28 and 30, to become MPSA Nos. 156-00-CAR and 157-00-CAR.

**"MINING SHALL BE PRO-PEOPLE AND PRO-ENVIRONMENT
IN SUSTAINING WEALTH CREATION AND IMPROVED QUALITY OF LIFE."**

007087-012

CERTIFIED XEROX COPY


In view of the foregoing, the Area Status and Clearance requirement in the case of EXPA No. 084 is deemed complied with and the processing of said application may now further proceed.

For guidance.


HORACIO C. RAMOS
Mr. R. P.

c.c.: Mr. Peter Ronald Draper
Authorized Representative
Columbus Minerals, Inc.
3rd Floor, 111 Paseo de Roxas Bldg.
corner Paseo de Roxas and Legaspi Sts.
Legaspi Village, Makati City

File: fta/cml/memo CAR/Appeal of Columbus Mineral EXPA 084 re: Area Clearance


FREDELINA T. ESCOBAR
Mining Claims Examiner III



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 Department of Environment and Natural Resources
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MEMORANDUM

FOR : The Regional Director
 Mines and Geosciences Bureau
 Cordillera Administrative Region
 Diego Silang St., Baguio City

FROM : **The Director**
 This Office

SUBJECT : **APPEAL ON THE DENIAL OF THE AREA STATUS AND CLEARANCE FOR THE EXPLORATION PERMIT APPLICATION (EXPA NO. 083) OF MAGELLAN METALS, INC.**

DATE : February 27, 2007

RECEIVED
 3-17-07
 MMB-CAR
 RECEIVED
 3-17-07
 MMB-CAR

MMD / MELS
 For further processing & evaln of the appln. Inform Prospector to pay the clearance fee. Provide copy for SOA + B.B. 3/14

We refer to the Letter dated December 4, 2006 of Magellan Metals, Inc. appealing the denial of its request for Area Status and Clearance by the then Environmental Management and Protected Areas Service, DENR Cordillera Administrative Region, in connection with the company's Exploration Permit application denominated as EXPA No. 083.

We have received your Memorandum dated January 30, 2007 forwarding the pertinent records. In this regard, our subsequent evaluation of said records determined that the subject area is previously covered in its entirety by patentable mining claims, making the case similar to that of Philex Mining Corporation (Philex) involving its then Mineral Production Sharing Agreement (MPSA) applications denominated as APSA Nos. 28 and 30.

It may be recalled that in the said case of Philex, this Office ruled that "The applied areas covered by patentable claims however, are deemed excluded from the scope of Presidential Proclamation No. 2320 [establishing the Lower Agno Watershed Forest Reserve] because they have become Mineral Land since the staking of such patentable mining claims under the Philippine Bill of 1902, as cited in the decision of the Office of the President dated June 2, 1987 on the validity of mining claims of Ciriaco D. Guinto, et. al., as affirmed by the Supreme Court, in G.R. No. 79963 (Ancan Mining vs. Office of the President) xxx." This ruling was contained in the Memorandum dated April 10, 2000 to the DENR Secretary and paved the way for the approval of APSA Nos. 28 and 30, to become MPSA Nos. 156-00-CAR and 157-00-CAR.

In view of the foregoing, the Area Status and Clearance requirement in the case of EXPA No. 083 is deemed complied with and the processing of said application may now further proceed.

For guidance.

[Signature]
HORACIO C. RAMOS
 k. C.M.S. 1P.

3/14/07
 11:05 AM
 RECEIVED DENR-CAR

c.c.: The President
 Magellan Metals, Inc.
 3rd Floor, 111 Paseo de Roxas Bldg.
 corner Paseo de Roxas and Legaspi Sts.
 Legaspi Village, Makati City

[Signature]
REDELINA T. ESCOBAR
 Mining Claims Examiner III

File: Itaa/cmt/memo CAR/Appeal of Magellan Metals re: Area Clearance EXPA-083

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 2/28/07 11:03 AM