

HON. JULIUS G. JAMERO
SB Member

HON. JO VINCENT J. MORPOS
SB Member

HON. DEAN KAISER C. TANGALIN
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Ex-Officio Member

HON. LEONEL C. DINAWANAO
Ex-Officio Member

JESSIE PALON
Secretary to the Sanggunian

HON. EDGARDO G. JAMERO
Municipal Vice Mayor

HON. GERRY T. PAGINAWAN
Municipal Mayor

Republic of the Philippines
PROVINCE OF ZAMBOANGA DEL SUR
Municipality of Dumingag
-oOo-

OFFICE OF THE SANGGUNIANG BAYAN

EXCERPT FROM THE MINUTES OF THE 54th REGULAR SESSION OF THE 11th SANGGUNIANG BAYAN OF DUMINGAG, ZAMBOANGA DEL SUR HELD AT THE MUNICIPAL SESSION HALL ON OCTOBER 16, 2023.

OFFICERS/MEMBERS:	POSITION	PRESENT	ABSENT	OB	OL
Hon. Edgardo G. Jamero	Municipal Vice Mayor	___/___	___	___	___
Hon. Julius G. Jamero	SB Member	___/___	___	___	___
Hon. Jo Vincent J. Morpos	SB Member	___/___	___	___	___
Hon. Dean Kaiser C. Tangalin	SB Member	___/___	___	___	___
Hon. Francis Joeray T. Gumban	SB Member	___/___	___	___	___
Hon. Jerson L. Cabahug	SB Member	___/___	___	___	___
Hon. Julito C. Mandac	SB Member	___/___	___	___	___
Hon. Percalixia Y. Bazar	SB Member	___/___	___	___	___
Hon. Efren A. Costanilla	SB Member	___/___	___	___	___
Hon. Ronie C. Gimeno	Ex - Officio Member	___/___	___	___	___
Hon. Leonel C. Dinawanao	Ex - Officio Member	___/___	___	___	___

Municipal Ordinance No. 11th-5-2023

AN ORDINANCE PRESCRIBING FEES FOR SAND AND GRAVEL OPERATIONS AND OTHER QUARRY RESOURCES IN THE MUNICIPALITY OF DUMINGAG, ZAMBOANGA DEL SUR AND FOR OTHER PURPOSES.

SECTION 1. TITLE

This Ordinance shall be called "Sand and gravel operations and other quarry resources Ordinance" in the municipality of Dumingag, Zamboanga del Sur.

SECTION 2. LEGAL BASES

Section 138, Paragraph (B) of the Republic Act No. 7160 otherwise known as the Local Government Code of 1991, states that the permit to extract sand, gravel and other quarry resources shall be issued exclusively by the provincial governor, pursuant to the ordinance of the Sangguniang Panlalawigan.

Republic Act No. 7942 otherwise known as the Philippine Mining Act of 1995.

Zamboanga del Sur Provincial Ordinance No. 020-2017 and its amendments.

SECTION 3. RATIONALE

This ordinance seeks to establish a structured and reasonable fee framework for sand and gravel operations, as well as the extraction of other quarry resources, within the jurisdiction of the municipality of Dumingag, Zamboanga del Sur. The implementation of such a fee system is critical to the sustainable management of natural resources while ensuring that these operations contribute to the local economy. These fees are essential to address the environmental impact of quarrying, maintain the integrity of ancestral lands, and support infrastructure development within the municipality.

Additionally, the ordinance aims to promote transparency, accountability, and the active involvement of local communities, particularly the indigenous cultural groups, in the management and decision-making processes related to quarry operations. It helps secure

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11th Sangguniang Bayan



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the long-term environmental and socio-economic interests of the municipality of Dumingag and its constituents.

The provisions outlined in this ordinance are founded on principles of environmental conservation, transparency, and social responsibility. Furthermore, it ensures that quarry activities are monitored and controlled, preventing unregulated extraction and its associated environmental and social risks. Together, this ordinance strikes a balance between resource exploitation, environmental preservation, and community interests, contributing to a responsible and sustainable approach to quarry resource management in the municipality.

SECTION 4. DEFINITION OF TERMS

When used in this ordinance, the following terms are hereby defined.

- a. Permittee - the holder of Provincial Governor's Permit
- b. Permit - a document granted to a qualified person for the extraction and utilization of quarry resources on public or private lands.
- c. Quarry - a place from which dimension stone, rock, construction aggregate, riprap, sand, gravel or slate has been excavated from the ground
- d. Quarrying - the process of extracting, removing and disposing quarry resources found on or underneath the surface of private or public land
- e. Quarry resources - any common rock or other mineral substances as the Director of Mines and Geosciences Bureau may declare to be quarry resources such as, but not limited to, andesite, basalt, conglomerate, coral sand, diatomaceous earth, diorite, decorative stones, gabbro, granite, gavel, limestone, marble, marl, red burning clays for potteries and bricks, rhyolite, rock phosphate, sandstone, serpentine, shale, tuff, volcanic cinders, and volcanic glass
- f. Sand - a naturally occurring granular material composed of finely divided rock and mineral particles
- g. Gravel - an unconsolidated mixture of rock fragments or pebbles

SECTION 5. QUARRYING OPERATIONS IN ANCESTRAL LANDS

No ancestral land shall be opened for quarrying operations of sand and gravel and other quarry resources without prior consent of the indigenous cultural community concerned.

SECTION 6. ROYALTY PAYMENTS FOR INDIGENOUS CULTURAL COMMUNITIES

In the event of an agreement with an indigenous cultural community pursuant to the preceding section, the royalty payment, upon utilization of the quarry resources shall be agreed upon by the parties. The said royalty shall form part of a trust fund for the socioeconomic well-being of the indigenous cultural community.

SECTION 7. PERMIT FROM THE PROVINCIAL GOVERNOR

Every person who shall extract sand and gravel and other quarry resources shall secure first a permit from the Provincial Governor pursuant to the provision of Section 138 of the Local Government Code of 1991.


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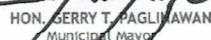

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SECTION 8. ENDORSEMENT FROM THE SANGGUNIANG BAYAN

All applicants for Governor's Permit shall secure first a resolution from the Sangguniang Bayan of Dumingag interposing no objection to their application.

The following are the requirements, to wit;

- a. Barangay resolution interposing no objection to the Provincial Governor's permit.
- b. Area Status and Clearance from the Mines and Geosciences Bureau (MGB)
- c. Affidavit of no complaint from the proponent saying there is no person who made a complaint relative to the proposed project.
- d. Affidavit of no complaint from adjacent lot owners.
- e. Verification/Resource Inventory Report of Permit Application from the Mines and Geosciences Bureau (MGB).
- f. Memorandum of Agreement (MOA) with the Indigenous Peoples community for quarry operations in Ancestral Domain Areas.
- g. Vicinity Map.

SECTION 9. IMPOSITION OF TAX

There is hereby imposed a ten percent (10 %) tax of the fair market value per cubic meter on ordinary stones, sand, gravel, earth, and other quarry resources, such as but not limited to marble, granite, volcanic cinders, basalt, tuff and rock phosphate extracted from public lands or from the lakes, rivers, streams, creeks and other public waters within the territorial jurisdiction of the municipality of Dumingag, Zamboanga del Sur.

The fair market value of sand, gravel and other quarry resources, as determined by a Committee outlined by the pertinent Zamboanga del Sur provincial ordinance shall be applied.

All collections from tax described above shall be remitted to the provincial government for proper disposal. The LGU of Dumingag will serve only as the collecting arm of the provincial government.

SECTION 10. LGU OF DUMINGAG IMPOSED FEES

- a. A transport fee for all vehicles transporting quarry resources extracted from the municipality. The specific amount shall vary according to capacity/type of the vehicle. The transport fee shall be reviewed and adjusted accordingly every year by the Committee on Quarry Resources. The amount collected shall be remitted to the municipal government of Dumingag. It will be on a per trip basis.

Chariot, bolo-bolo, multi-cab - ₱ 30.00

Bongo - ₱ 40.00

Mini-dump - ₱ 60.00

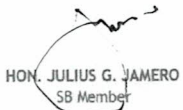
6 wheelers - ₱ 80.00

Dump Truck (Howo, Shackman, etc.) - ₱ 100.00

Double IBEAM - ₱ 150.00

- b. Parking Fee (Per Day per vehicle)

Small vehicles - ₱ 20.00 (4 wheelers)


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Big vehicles - ₱ 50.00 (6 wheelers up)

c. Inspection Fee (Per Day per vehicle) - ₱ 50.00

SECTION 11. ADMINISTRATIVE PROVISIONS

- a. Every person who shall extract sand and gravel and other quarry resources shall secure first a permit from the Provincial Governor.
- b. All quarrying activities and issuance of delivery receipts (DRs) should be from eight o'clock in the morning to five o'clock in the afternoon only unless compelling reasons and circumstances are shown that cause the delay of the truck transporting quarry resources. The barangay where the quarry resources are located shall establish an entry/exit booms in order to stop the transportation and all related activities after five o'clock in the afternoon. Environmental checkpoints shall also be established in all entry and exit points of the municipality.
- c. All quarrying activities and issuance of delivery receipts are also **PROHIBITED DURING SUNDAYS** to mitigate the disturbance of the riverbed and allow the river respite and replenish after days of excavation. Failure on the part of the holder of Governor's Permit to observe the time limit herein specified can be a ground for the filing of complaint in the Governor's Office for revocation/cancellation of his permit and the imposition of penalty in accordance with the penal provisions of this Ordinance.
- d. All owners, operators including drivers of dump trucks or trucks used in the transport of quarry resources must lay, install or fix a durable canvass (trapal) to cover their load when and during transit in order to protect the public from flying debris in any public road, street or highway.
- e. No extraction or removal of quarry resources shall be allowed within the distance of one (1) kilometer from the boundaries of reservoirs established for public works or structures unless prior clearance from the agency or owner is obtained.
- f. The removal or taking of quarry resources shall be confined within the permit area established on the ground with prominent marks.
- g. The permittee shall assume full responsibility and shall be liable for damage to private and/or public property that may be occasioned by the extraction.
- h. The permit is issued for the exclusive use and benefit of the permittee and shall not be transferred to any person, partnership or corporation without prior approval from the Governor.
- i. The permittee shall post a copy of the permit at the place of removal or taking of quarry resources and make available at all times for inspection by any representative of the Governor and the Provincial Treasurer.
- j. The permittee shall keep a book of accounts wherein there shall be entered daily the quantity and kind of resources removed, the fees paid therefor as well as the quantity and kind of resources disposed of, and other transactions in connection with the business. Such book of accounts shall at all times be opened for inspection by the representative of the Governor and the Provincial Treasurer.
- k. The privilege of the permittee is subject to the rights of the Provincial Government to extract sand and gravel and other quarry resources for use in any of its infrastructure projects.
- l. All operations under these regulations shall be subject to periodic inspection by the duly authorized representative of the Governor for the purpose of determining the following, to wit;

1. That the operation is confined within the permit area.

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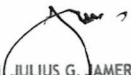
2. That the quarry resources removed are in accordance with the terms and conditions of the permit.
3. That the aesthetic and ecological value in the permit area is not seriously damaged.
4. That the operation does not threaten the ground stability of any public/private structures.
5. That the peace and order is maintained among the permittee in the area.

SECTION 12. DELIVERY RECEIPTS

- a. Upon approval of the Governor's Permit, all permittee shall at all times issue a Delivery Receipts to buyers/contractors/users of quarry resources, whether private or government to be presented to the Barangay Captain/Treasurer or his duly authorized representative of the barangay where the quarry is located, for his/her signature as confirmation of the extracted resources from the barangay.
- b. The original and duplicate copies shall be carried by the truck driver/hauler while in transit and shall be presented upon demand by the respective checkers assigned for cross checking/comparison with the original copy. The designated collector/checker shall attach the duplicate Delivery Receipts (DR) in his daily report prescribed for the purpose stating among others, the Delivery Receipt number, the date of issuance, the name of the buyer/user, the quantity and kind of resources and the price/value of the resources.
- c. The barangay to where the quarry site is located is therefore required to provide its own representative to sign in the Delivery Receipt (DR) for confirmation and shall maintain its own record as to the quantity and kind of resources extracted which shall be the basis in the computation of its share.
- d. The issuance of Delivery Receipts (DR) should be at 8:00 AM up to 5:00 PM only. Thus, the hauling of quarry resources is allowed up to 5:00 PM only unless other compelling reasons and circumstances are shown that cause the delay of the truck transporting the quarry resources. Failure on the part of the permittee to observe the time of issuance of Delivery Receipts (DR) is a ground for filing of a complaint before the Provincial Governor for the revocation or cancellation of permit.
- e. For public safety reasons, when the hauler trucks need to pass by a busy highway or on a populated area, hauling of aggregates may be conducted during night time. Provided, the permittee or his/her representative shall inform the Provincial Environment and Natural Resources Officer and the Deputized Enforcers of such hauling activity within two (2) days in advance.
- f. All truck drivers/haulers of sand and gravel and other quarry resources are required to present copies of Delivery Receipts (DR) upon demand of a deputized collector, deputized checker, deputized ENRO and other law enforcers.
- g. All permittees are required to issue genuine Delivery Receipts and the truck drivers/haulers of sand and gravel and other quarry resources are also required to present the same.

SECTION 13. EXEMPTIONS

Any government agency that has been granted a gratuitous permit by the Provincial Governor to extract quarry resources for the purpose of government projects within the province shall be exempted from the payment of tax.


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SECTION 14. SURCHARGE FOR LATE PAYMENT

Failure to pay the tax imposed on time shall be subject to a surcharge of twenty five percent (25%) of the original amount of tax due. Such surcharge shall be paid at the same time and in the same manner as the tax due.

SECTION 15. INTEREST ON UNPAID TAX

In addition to the surcharge for the late payment, there shall be imposed upon the unpaid amount an interest of two percent (2%) per month from the date until the tax is fully paid but in no case shall the total interest on the unpaid amount or a portion thereof exceed thirty six (36) months or seventy two percent (72%).

SECTION 16. PENAL PROVISIONS

Any person, natural or juridical, public or private, who violate, disobey, refuse, omit or neglect to comply with the provisions of this ordinance shall be meted with the following penalties:

- First Offense - a fine of one thousand five hundred pesos (₱ 1,500.00)
- Second Offense - a fine of two thousand pesos (₱ 2,000.00)
- Third and Succeeding Offenses - a fine of two thousand five hundred pesos (₱ 2,500.00) or imprisonment for a period of more than three (3) months but not exceeding six (6) months or both at the discretion of a competent court

Failure to pay the fine shall be cause for the impounding of resources and vehicles to be released only upon payment of the required amount.

Any person who shall extract sand and gravel or other related resources without a permit shall pay a fine of two thousand five hundred pesos (₱ 2,500.00) or imprisonment of not less than one (1) month but not exceeding six (6) months or both at the discretion of a competent court. In addition, he shall also pay the fair market value of the extracted quarry resources. If a person extracted without a permit uses heavy equipment, he shall pay an additional fine of ₱ 2,500.00.

The LGU of Dumingag reserves the right to file a complaint before the Office of the Governor for every violation committed.

SECTION 17. APPLICABILITY CLAUSE

The Sangguniang Panlalawigan of Zamboanga del Sur ordinances pertaining to the sand, gravel and other quarry resources and other pertinent national laws shall apply to all matters not provided in this ordinance.

SECTION 18. SEPARABILITY CLAUSE

If any portion of this ordinance is declared invalid or unconstitutional, other portions hereof not affected by such declaration shall remain in full force and effect.

SECTION 19. REPEALING CLAUSE

Any portion of an ordinance, order or memorandum of local effect inconsistent with the provision/s of this ordinance is hereby repealed or modified accordingly.

SECTION 20. EFFECTIVITY CLAUSE

This ordinance shall take effect after fifteen (15) days following the completion of the posting requirements in three (3) conspicuous places in the municipality of Dumingag and its publication in any newspaper of general circulation or posting of copies in all the municipalities and one (1) city within the province of Zamboanga del Sur.

Enacted: October 16, 2023

CONCURRED:

SANGGUNIANG BAYAN MEMBERS:

Hon. Julius G. Jamero

Hon. Dean Kaiser C. Tangalin

Hon. Jerson L. Cabahug

Hon. Percalixia Y. Bazar

Hon. Ronie C. Gimeno

Hon. Jo Vincent J. Morpos

Hon. Francis Joeray T. Gumban

Hon. Julito C. Mandac

Hon. Efren A. Costanilla

Hon. Leonel C. Dinawanao

ATTESTED AND CERTIFIED
TO BE DULY ADOPTED

EDGARDO G. JAMERO
Presiding Officer/Municipal Vice Mayor

APPROVED: November 13, 2023

GERRY T. PAGLINAWAN
Municipal Mayor

I hereby certify that the foregoing Ordinance is true and correct.

JESSIE B. PALON
Secretary to the Sanggunian