

PRESENT:

Hon. Agaton O. Tumabotabo	Vice-Mayor & Presiding Officer
Hon. Romeo Ledesma,	Councilor
Hon. Alfonso Babiera	Councilor
Hon. Rene Ledesma,	Councilor
Hon. Jessie Terre,	Councilor
Hon. Nelly Tolosa,	Councilor
Hon. Jose Edgar Gaton	Councilor
Hon. Offero Templora,	Councilor
Hon. Cornelia Teruel,	Councilor
Hon. Ramon Ledesma,	ABC President
Hon. Marlon C. Torrento,	President, Pambansang Pederasyon ng mga S.K.

ABSENT: NONE

**Municipal Ordinance No. 96-001 (DISAPPROVED)**

AN ORDINANCE REGULATING THE EXTRACTION OF SAND AND GRAVEL AND OTHER QUARRY RESOURCES IN THE TERRITORIAL JURISDICTION OF THE MUNICIPALITY OF TIGBAUAN, PROVINCE OF ILOILO AND PROVIDING PENALTIES IN VIOLATION THEREOF.

Sponsored by: Hon. Jessie G. Terre, Committee on Environmental Protection  
Co-Sponsored & Seconded by: Hon. Jose Edgar Gatón, Hon. Rene Ledesma, Hon. Cornelia Teruel & Hon. Nelly Tolosa

WHEREAS, Section 447 (I) (iv) and (6) of the Local Government Code of 1991 mandates the Sangguniang Bayan to adopt measures to protect the inhabitants of this municipality from harmful effects of man-made or natural disaster and calamities and to protect the environment and impose appropriate penalties for acts which endanger the environment and finally exercise such other powers and perform such other duties and functions as may be prescribed by law;

WHEREAS, Tigbauan is very rich in quarry resources especially sand and gravel which are found abundantly at Sibalom River and in the foreshore area from Barangay Buyu-an to Barangay Barroc;

WHEREAS, those sand, gravel, earth, decorative and ordinary stones, and other quarry resources are not only the means of livelihood of our people but also the source of income for the Barangays concerned, Municipality and the Iloilo Province as well;

WHEREAS, the Provincial Governor of Iloilo has approved the permit of interested and qualified/persons/applicants to extract sand, gravel and other quarry resources at the vicinity of Sibalom River at Barangay Cordova Norte, Cordova Sur and in other places in the territorial jurisdiction of Tigbauan, Iloilo who have complied with

the requirements prescribed by Law (Revised Sand, Gravel and other quarry resources Ordinance of 1995-Provincial Ordinance No. 11);

WHEREAS, these Permittees or concessionaires were allowed by the Provincial Governor of Iloilo to extract sand, gravel and other quarry resources in the territorial jurisdiction of Tigbauan, only under a permit issued;

WHEREAS, per inspection conducted by the representative of the Department of Environment and Natural Resources (DENR) and the Committee Member on Environmental Protection, there are violations committed by other persons in the extraction of sand, gravel, and other quarry resources in the vicinity of Sibalom River and in some places in Tigbauan, Iloilo;

WHEREAS, the Sibalom River from Barangays Barosong to Barangay I had already been vastly damaged which resulted to adverse effects to the environment;

WHEREAS, these violations in the extraction, if not prevented and regulated, will redound to a serious destruction in the riverbank as well as to our natural resources; likewise it will cause a severe adverse effect in our environment, and an eminent danger to lives and properties of the public, as what has happened to the destruction of Sibalom Bridge at Barangay Parara Norte, Tigbauan, Iloilo;

WHEREAS, Public hearings were conducted on December 1, 1995 at the Tigbauan Municipal Building and December 2, 1995 at Barangay Cordova Norte;

NOW, THEREFORE, be it ordained by the Sangguniang Bayan of Tigbauan, Iloilo that:

SECTION 1. The title of this ordinance shall be known and cited as "REGULATION ORDINANCE IN THE EXTRACTION OF SAND, GRAVEL, AND OTHER QUARRY RESOURCES."

SECTION 2. Definition of Terms. The definition of terms as used in this ordinance:

- a.) "Bed" of seas, lakes, rivers, streams, creeks, etc. - means the ground covered by water during its highest flood without causing inundation.
- b.) "Extraction" - means the act or process of taking, excavating and removing.
- c.) "Gravel" - means particles of rock that passes a 75mm (3"), and by a 4.76mm (no.4) sieve.
- d.) "Foreshore" - means the area offshore beyond 100 meters from the Watermark at mean low tide extending seaward or lakeward.
- e.) "Permit" - means the license to engage in certain activities of business, or to practice certain privileges.
- f.) "Permittee" - means one to whom a permit is issued.
- g.) "Public Land" - means land owned by the government.
- h.) "Public Waters" - refers to bodies of water belonging to the public domain such as but not limited to seas, bays, lakes, ponds, creeks, streams and swamps.
- i.) "Quarry Resources" - means a common stone or other common mineral substance as the Department of Environment and Natural Resources (DENR), Director or Mines Director may declare to be quarry resources, such as, but not restricted to, marl, marble, granite, volcanic cinders, basalt, pebbles, stuff and rock phosphate; provided they contained no metal or metals or other valuable minerals in economically workable quantities.
- j.) "Sand" - means particles of rock that pass a 9.5mm (3/8"), and retained by a 0.150mm (No.100) sieve.
- k.) Sibalom River – the river located at Barangay Barosong, Barangays Cordova Norte, Cordova Sur, Napnapan Norte, Napnapan Sur, Bitas, Bagumbayan, Dorong-an, Barangay 3, Barangay 2, Barangay 1, Parara Norte and Barangay 9.
- l.) Municipal Reserve Quarry – the areas in our territorial jurisdiction declared by the Sangguniang Bayan of Tigbauan, Iloilo as a quarry reserve area.
- m.) Earth – dry land portion of the surface of the globe, soil, dirt and ground

n.) Intake site – is located at the mouth of the main irrigation canal wherein the waters from the Sibalom River for irrigation passes through.

**SECTION 2. RIGHT TO EXTRACT.** Any or all existing permittees as of January 15, 1996, who have violated the terms and conditions of their ECC shall be recommended to the Provincial Governor for the immediate revocation of their Permits to excavate, in accordance with the pertinent provision of the Provincial Board Resolution No. 11.

Any existing permittee who may qualify later after any quarry site applied for shall have been rehabilitated in accordance with the provision on rehabilitation contained herein, has the right to extract, quarry and haul sand and gravel and other quarry resources in the permit area during the term of the permit issued by the Provincial Governor of Iloilo until the total volume of sand, gravel and other quarry resources, allowed under the permit has been extracted.

After the expiration of the term of existing permits, the Municipal Mayor and the concerned Punong Barangay is hereby enjoined not to issue anymore a certification to any person or group of persons to allow the extraction of sand, gravel and other quarry resources in the vicinity of Sibalom River, all rivers and creeks, and of the foreshore of Tigbauan, Iloilo until the area is rehabilitated, as determined by the Office of the Mayor, the Chairman, Committee on Environmental Protection, DENR, PENRO, & Punong Barangay concerned of this Municipality. Any issuance of certification not in conformity with the above mentioned shall be considered inconsistent invalid, null and void. A similar certification to be issued in the future for purposes of new applicants or renewal of permits after its rehabilitation, as determined by the Office of the Mayor, the Chairman, Committee on Environmental Protection, DENR. PENRO, Punong Barangay concerned of this municipality and shall be countersigned by the Chairman, Committee on Environmental Protection.

The Rehabilitation Report by the Office of the Mayor, Chairman, Committee on Environmental Protection, DENR. PENRO, Punong Barangay shall be submitted to the Sanggunian for confirmation. A majority vote is required.

**SECTION 4. PERMITTED FOR PERSONAL USE.** Any person or individual resident of the Municipality of Tigbauan, Iloilo with "PERMIT FOR PERSONAL USE", duly approved by the Provincial Governor of Iloilo, is allowed to extract, quarry and haul sand, gravel, and other quarry resources in the area declared by the Sanggunian as "Municipal Reserve Quarry" in the territorial jurisdiction of Tigbauan in such quantity as may be needed, exclusively for the construction and repair of the latter's dwelling worth not more that P100,000.00 of such structures required by his backyard livelihood project; provided that in both cases the labor is supplied by the applicant.

**SECTION 5. AUTHORIZED DEPUTIES.** The Chairman, Vice-Chairman, and Members of the Committee on Environmental Protection, the Members of the Philippine National Police (PNP), Tigbauan Police Station, Punong Barangay. Barangay Sanggunian and Barangay Tanods of the concerned Barangays are the authorized deputies of the Municipal Government with the power to apprehend any violators of the provisions of this ordinance in the territorial jurisdiction of Tigbauan, Iloilo.

**SECTION 6.** The Municipal Mayor as the Chief Executive of this municipality shall exercise his powers and perform the duties and functions as provided by the Local Government Code and other laws.

**SECTION 7. PROHIBITION.** Any person, individual, partnership, corporation, and cooperative shall be strictly prohibited to extract/quarry, and haul sand, gravel, earth, ordinary stones decorative stones and other quarry resources in the following areas:

7.1 Within one (1) kilometer downstreams and upstreams of "INTAKE SITE" in the vicinity of Sibalom River located at Barangays Barosong and Cordova Norte.

- 7.2 Within one (1) kilometer downstreams and upstreams of "SIBALOM BRIDGE" in the vicinity of Sibalom River located at Barangay Parara Norte and Barangay I.
- 7.3 From one (1) kilometer downstreams and upstreams of "INTAKE SITE" stretching down to one (1) kilometer radius of "SIBALOM BRIDGE" in the vicinity of Sibalom River located at Barangays Barosong, Cordova Norte, Cordova Sur, Napnapan Norte, Napnapan Sur, Bitas, Bagumbayan, Dorong-an, Barangay 3, Barangay 2, Barangay 1, Barangay Parara Norte and Barangay 9.
- 7.4 Within one (1) kilometer downstreams, one (1) kilometer upstreams from the base of the River Control Dike.
- 7.5 For spur dikes, within 200 meters upstreams of the first spur and 200 meters downstreams of the last spur. No quarrying shall be allowed in between spur.
- 7.6 For river, with revetments for banks protection, within 30 meters or one third (1/3) of the river width measured from the toe of the revetments whichever is longer.
- 7.7 Within 500 meters upstreams and 500 meters downstreams from Cordova-Barosong Provincial Road located at Sibalom River, Barangays Cordova Norte, Barosong, Tigbauan, Iloilo.
- 7.8 The foreshore from Barangays Buyu-an, Parara Sur, Parara Norte, Barangay 9, Tan Pael, Namocan, Baguingin, Atabayan, and Barroc.
- 7.9 All rivers, creeks in the territorial jurisdiction of the Municipality of Tigbauan, Province of Iloilo.

The illegal quarrying, extraction, hauling of sand, gravel and other quarry resources within one (1) kilometer downstreams and upstreams of "INTAKE SITE" will cause damage to "Brass Dam" used by the National Irrigation Administration (NIA) – Tigbauan for the diversion of water from the river source to the irrigation canal.

The other following acts or omissions that shall also be deemed unlawful:

- 7.10 Unjustifiable refusal to allow the proper authorities and deputies to inspect the books of accounts and or the quarry materials extracted, hauled or taken from the prohibited areas.
- 7.11 Defiance of lawful orders to proper authorities.
- 7.12 Willful obstruction or harassment of the Mayor or any of his representative, Vice-Mayor, Sangguniang Bayan Members, Punong Barangay, other municipal and Barangay Officials including PNP members and Tanods in the performance of duties pursuant to this ordinance.

**SECTION 8. PENALTY CLAUSE.** Any person(s) found violating any provision of this ordinance will be fined not less than one (1) month and not more than six (6) months or both at the discretion of the Honorable Court.

**SECTION 9. REPEALING CLAUSE.** Any ordinance or resolution inconsistent with the provisions of this ordinance shall be deemed accordingly modified or repealed.

**SECTION 10. SEPARABILITY CLAUSE.** In the event, any part or portion of this ordinance is declared to be illegal, unconstitutional or invalid, those parts or portions hereto which are not affected thereby shall continue to be effective and enforceable.

**SECTION 11. EFFECTIVITY CLAUSE.** This ordinance shall take effect ten (10) days after its approval, and having been posted in two (2) conspicuous places in the Municipality of Tigbauan, Province of Iloilo.

ENACTED JANUARY 15, 1996.

UNANIMOUSLY APPROVED.

I HEREBY CERTIFY that I have quoted correctly the foregoing approved Municipal Ordinance of the Sangguniang Bayan.

CERTIFIED CORRECT:

MARLENE T. NAVA  
S.B. Secretary

ATTESTED:

AGATON O. TUMABOTABO  
Vice –Mayor & Presiding Officer

APPROVED:

CELSO T. LEDESMA  
Municipal Mayor