



REPUBLIKA NG PILIPINAS
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SANGGUNIAN NG PANLUNGSOD

Excerpt from the Minutes of the 97th Regular Session of the Sixteenth Sangguniang Panlungsod held on May 07, 2024 at the Sangguniang Panlungsod Session Hall, 3rd Floor, Ormoc City Hall Building, Aunubing St., Cogon, Ormoc City, Leyte.

ORDINANCE NO. 150
(Series of 2024)

**AN ORDINANCE AMENDING CERTAIN PROVISIONS OF
ORDINANCE NO. 124 SERIES OF 2023, ENTITLED "AN
ORDINANCE ESTABLISHING THE ORMOC CITY MINING
CODE OF 2023"**

Authored by: SP Member LALAINA A. MARCOS

EXPLANATORY NOTE

Ordinance No. 124 s. 2023, was enacted on August 22, 2023, with the purpose of regulating the operations of mining in Ormoc City and providing measures that will strengthen the enforcement of laws.

In a letter dated January 3, 2024, addressed to SP Member Lalaine A. Marcos, the Chairperson of the Committee on Environment, Natural Resources and Energy Conservation, the Environment and Natural Resources Office requested the Sangguniang Panlungsod for necessary amendments to the Mining Code to ensure smoother implementation and to empower the Local Government Unit of Ormoc with full control over the enforcement and regulation of Ormoc City.

Thus, in line with the current Administration's thrust for an effective, efficient, impartial, transparent governance, together with the spirit of environmental responsibility, the City of Ormoc deems it necessary to enact all possible measures and safeguards to promote the welfare of the environment, the people and the City as a whole.

BE IT ENACTED, by the 16th Sangguniang Panlungsod of Ormoc in session duly assembled that:

SECTION 1 – DEFINITION OF TERMS – For purposes of this Ordinance, the following terms shall mean:

- a. ENRO – Environment and Natural Resources Office
- b. CMMAB – City Mining Monitoring and Adjudicatory Board

SECTION 2 – Section 7 of the Ormoc Mining Code shall now read as follows:

**"SECTION 7. CONDITIONS ON THE USE OF EQUIPMENT AND
EXTRACTION DURING MINING OPERATION.**



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1. The use of backhoes and excavators in sand and gravel mining operations in river systems within the city's jurisdiction is hereby prohibited, except when employed for the rehabilitation and stabilization of riverbanks, after the occurrence of floodings, torrential rains, landslides, etc. Provided, that the ENRO is formally informed in writing of the need for rehabilitation with the approval of the City Mayor."
2. The extraction of materials shall be limited to a depth of one (1) meter ONLY and shall be done by scrapping. Digging of holes shall be strictly prohibited;
3. The use of ten-wheeler trucks and above in all roads within the jurisdiction of Ormoc City with a Gross Vehicle Weight (GVW) of more than 26,000kg (26 MT) or trucks with an axle load of more than 8,500 kg (8.5 MT) for transporting mineral resources shall be prohibited. For this purpose, and upon effectivity of this ordinance, all vehicles used in mining operations shall be registered with ENRO; and
4. The maximum annual volume of extraction allowed shall not be more than twenty thousand (20,000) cubic meters."

[Signature]
SECTION 3 - Section 17 of the Ormoc Mining Code shall now read as follows:

"SECTION 17. ASSIGNMENT AND TRANSFER. A mining permit may be assigned or transferred by the permittee to any qualified individual/entity upon payment of the required registration fee and upon submission of the necessary documents. Such assignment or transfer is subject to the approval of the City Mayor, through the recommendation of the CMRB.

[Signature]
The permittee and/or assignee shall submit the following documents for assignment or transfer:

- A. Deed of Assignment (DOA) executed by and between the Assignor and Assignee.
- B. Proof of payment of Transfer/Assignment Fee.
- C. For the Contractor
 1. Corporate Secretary's Certificate attesting to the authority of the signatory to the DOA
 2. Certification by the ENRO as to the Contractor's compliance with the terms and conditions of the permit covered by this ordinance except Gratuitous Permit."

[Signature]
D. For the Assignee

1. Certificate of Environmental Management and Community Relations Record (CEMCRR) or Certificate of Exemption (COE);
- [Signature]* *[Signature]* *[Signature]* *[Signature]* *[Signature]*



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2. Photocopy of Articles of Incorporation/Partnership/Association, By-Laws and Certificate of Registration, duly certified by the SEC or authorized Government agency(ies) concerned, for corporations, partnerships, associations or cooperatives; or proof of Filipino citizenship for individual;
3. Proof of technical competence to undertake the implementation of the activities under the Work Program:
 - a. Curricula vitae and track records in mining operations/exploration and environmental management;
 - b. Sworn statement/employment contract/proof of availed services of the technical person/s who will undertake the implementation of the Work Programs.
4. Proof of financial capability to undertake the implementation of the activities under the Work Program:
 - a. For corporation/partnership/association/cooperative:
 - i. Latest audited Financial Statement and/or Annual Report
 - ii. Credit Lines/Bank Guarantees/Deposits
 - b. For an individual:
 - i. Copy of Income Tax Return for the preceding year
 - ii. Proof of bank deposit or credit line in the amount of at least PhP2,500,000.00
5. Affidavit of Undertaking pursuant to DMO No. 99-10.

SECTION 4 - Section 18 of the Ormoc Mining Code shall now read as follows:

"SECTION 18. SUSPENSION AND REVOCATION OF PERMIT. *Permits issued under this Code may be suspended or revoked motu proprio by the City Mayor, or upon recommendation of the City Mining and Monitoring Adjudication Board based on the following:*

- a. For violation of the terms and conditions of the permit, Environmental Compliance Certificate;
- b. When public interest and welfare or peace and order conditions so demand, or for environmental protection or ecological reasons;
- c. Non-payment of taxes and fees due the Government for two (2) consecutive years;
- d. Any misrepresentation in any statement made in the application or those made later in support thereof;
- e. Failure to perform all other obligations, including abandonment, under the permits or agreements; and
- f. Violation of any provisions of this Code, R.A. 7942 and its IRR."

SECTION 5 - Section 28 of the Ormoc Mining Code shall now read as follows:



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"SECTION 44. CITY MINING MONITORING AND ADJUDICATION BOARD. *For purposes of monitoring and evaluation of the permitted areas, environmental damage assessment, and hearing and deciding on forfeiture of bond for violations of the pertinent provisions of this Code, a City Mining Monitoring and Adjudication Board (CMMAB) is hereby constituted. The Board shall be formed by the City Mayor composed by representatives of the following:*

Chairperson : City Mayor
Vice-Chairperson : City Environment and Natural Resources Officer (City ENRO)
Members : Representative, City Agriculture Department (CAD)
Representative, City Engineering Office (CEO)
Representative, City Assessor's Office (CAO)
Representative, City Legal Office (CLO)
Representative, Community Environment and Natural Resources Office (DENR-CENRO)
Representative, Department of Public Works and Highways (DPWH 4th DEO)
Representative, National Irrigation Administration (NIA)
Representative, Ormoc City Police Office (OCPO-PNP)
Representative, Environmental Non-Government Organization (NGO)
One Barangay Official of Covered Permit Area
Representative, Ormoc City Mining Permit Holders
Secretariat : ENRO Mineral and Land Management Section

The City Mayor may appoint such other member deemed necessary to achieve herein purpose:

A. Functions. The CMMAB shall have the following functions:

- i. Accept and evaluate permit holder's mining operations report;
- ii. Consolidate stockpile assessment reports, delivery receipts and related documents for purposes of local quarry tax assessment, and furnish copy thereof to the Bureau of Internal Revenue;
- iii. Conduct inspection of permit areas to evaluate compliance to rehabilitation and environmental clearance certificate conditions;
- iv. Accept and investigate complaints against mining operations for appropriate actions;
- v. Such other function as the City Mayor may direct, in furtherance of this Code, and related ordinance, and rules/issues.

B. Board Secretariat. The ENRO Mineral and Land Management Section Head shall serve as the Secretariat of the CMMAB. The Secretariat shall:



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"SECTION 28. PRIVILEGES GRANTED TO GOVERNMENT OFFICES AND INSTRUMENTALITIES. *The conditions, limitations, and/or requirements prescribed in this Ordinance may be suspended or dispensed with by the City Mayor or his/her deputies, upon recommendation of the ENRO or in cases of gratuitous permit granted to government offices/entities, or instrumentalities in need of materials for infrastructure projects."*

SECTION 6 – Section 29 of the Ormoc Mining Code shall now read as follows:

"SECTION 29. CONDITIONS AND LIMITATIONS. Gratuitous permits may be issued under the following conditions:

- a. That the period of the grant shall be coterminous with the terms of the projects but not to exceed one (1) year;
- b. That the applicant shall submit a project proposal where the materials to be taken shall be used and the estimated volume needed;
- c. That the government offices concerned shall, whenever practicable, use and utilize its won vehicle and equipment in extracting, hauling, and transporting the materials; Provided, however, that the permittee may enter into a contract with a private person/entity for the purpose of hauling and transporting such materials, contract duly approved by the City Mayor, as the case may be;
- d. That the material authorized to be removed shall be strictly for the infrastructure project and in no case shall be the same to be disposed of commercially, otherwise persons responsible thereof shall be liable for prosecution under appropriate laws;
- e. *That the permittee shall submit to the ENRO a monthly report in the prescribed form, and;*
- f. In exceptional cases, more than one (1) permit may be granted to the applicant depending upon the volume of materials needed, project proposal, proximity, size, and other factors.

SECTION 7 – Section 31 of the Ormoc Mining Code shall now read as follows:

"SECTION 31. PRIVATE GRATUITOUS PERMIT. *Any landowner may apply for a Private Gratuitous Permit with the ENRO for the extraction, removal and utilization of quarry and loose/unconsolidated materials from his/her land for a non-renewable period of sixty (60) calendar days, after provided that there is adequate proof of ownership and that the materials shall be for personal use."*

SECTION 8 – Section 44 of the Ormoc Mining Code shall now read as follows:



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- i. Accept reports on mining operations of permit holders;
- ii. Consolidate and inventory compliant and non-compliant permit holders, for endorsement on proper administrative sanctions;
- iii. Take custody of database on mining operation reports and assessments; and
- iv. Assist CMMAB members during deliberation on monitoring results, complaints, apprehension damage assessment."

SECTION 9 - Section 53 of the Ormoc Mining Code shall now read as follows:

"SECTION 53. CREATION OF APPREHENDING TEAM. *There shall be an Apprehending Team created through a Special Order by the City Mayor, motu proprio, or upon verification of a report or complaint. The Apprehending Team shall be headed by the ENRO Officer-In-Charge, with at least two (2) technical personnel from the Mining Section of ENRO, a Legal Officer and representatives from appropriate offices as needed.*

The City Mayor shall coordinate the request of assistance of government law enforcers in the apprehension/stoppage of illegal mining operations."

SECTION 10 - Section 59 of the Ormoc Mining Code shall now read as follows:

"SECTION 59. CUSTODY AND SAFEKEEPING. *The Apprehending Team shall transport and deposit the seized items to the area designated by the City ENRO or wherever it is most convenient for custody and safekeeping. If the transfer of the seized items is not feasible, the Apprehending Team shall seize the items confiscated by enclosing the same and putting a sign that the said items are under the custody of the City Government.*

The person effecting the confiscation shall thereafter issue a receipt to the person from whom the items were confiscated."

SECTION 11 - A new Section 60 of the Ormoc Mining Code shall be enacted and shall now read as follows:

"SECTION 60. CREATION OF CONFISCATION PANEL. *There shall be a Confiscation Panel created through a Special Order issued by the City Mayor upon receipt of the investigation report submitted by the Apprehending Team, which shall be composed of the following:*

Chairperson - City Administrator

Members:

- 1. At least (2) technical personnel from ENRO*
- 2. One (1) personnel of LGU Ormoc who is a Geodetic Engineer*
- 3. Legal Officer*



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SECTION 12 – Section 61 and shall now read as follows:

"SECTION 61. RECONSIDERATION AND APPEAL ON THE ORDER OF CONFISCATION. A Motion for Reconsideration (MR) may be filed within fifteen (15) days from receipt of the Confiscation Order. Shall there be no MR filed within the reglementary period, the Confiscation Order shall become final, and the City Mayor shall issue the Final Confiscation Order."

SECTION 13 – Sections 60, 61, 62, 63, 64, 65, 66, 67, 68, 69 and 70 of the same Code are hereby renumbered accordingly.

SECTION 14. SEPARABILITY CLAUSE – If, for any reason, any provision of this Ordinance is declared illegal or unconstitutional, other sections or provisions hereof which are not affected thereby shall continue to be in full force and effect.

SECTION 15. REPEALING CLAUSE – All previous issuances, ordinances, rules and regulations or parts thereof which are inconsistent or in conflict with the provisions of this Ordinance are hereby repealed or modified accordingly.

SECTION 16. EFFECTIVITY CLAUSE – This Ordinance shall take effect fifteen (15) days after its publication in a local newspaper of general circulation after compliance with the provisions of the Local Government Code and posting at the bulletin board at the entrance of the city hall and two (2) other conspicuous places within the local government.

ENACTED, May 07, 2024.

RESOLVED FURTHER, to furnish copies of this Resolution Ordinance, one each, the City Mayor; the City Administrator; the City Legal Officer; the ENRO; the City Agriculture Department; the City Assessor's Office; DPWH 4th DEO; NIA; the City Treasurer; the Office of the City Accountant; the City Engineering Office; the PNP Chief Inspector; the CENRO-Ormoc Office; the City Local Government Operations Officer-DILG; and others concerned, - all in Ormoc City;

CARRIED by Eleven (11) votes with One (1) Inhibition registered by SP Member Roiland H. Villasencio.

WE HEREBY CERTIFY to the correctness of the above ordinance.

Mr. 28

[Signatures]

[Signature]


[Signature]

[Signature]



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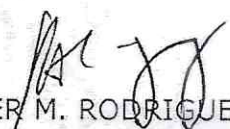
WE HEREBY CERTIFY to the correctness of the above Ordinance.


MARIA ANTONIETA G. CO HAT
Secretary to the
Sangguniang Panlungsod


ROILAND H. VILLASENCIO
SP Member


NOLITO M. QUILANG
SP Member
Majority Floor Leader


REY F. EVANGELISTA
SP Member

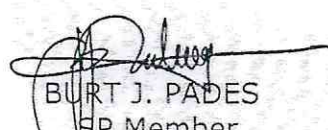

PETER M. RODRIGUEZ
SP Member


GREGORIO G. YRASTORZA III
SP Member
Presiding Officer "Pro-Tempore"



JASPER M. LUCERO
SP Member
1st Asst. Majority Floor Leader



MARIA CARMEN JEAN T. RAMA
SP Member


EDMUND B. KIERULF
SP Member


BURT J. PADES
SP Member
2nd Asst. Majority Floor Leader


LALAINA A. MARCOS
SP Member


ESTEBAN V. LAURENTE
Ex-Officio SP Member
Chapter President
Liga ng mga Barangay ng Ormoc


KRIZEA CAESSANDRA A. MERCADAL
Ex-Officio SP Member
Chapter President
Panlungsod na Pederasyon
ng mga Sangguniang
Kabataan ng Ormoc



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ATTESTED:

LEO CARMELO J. LOCSIN, SR.
City Vice Mayor & Presiding Officer

APPROVED:

LUCY TORRES GOMEZ
City Mayor
MAY 14 2024
(Date)