



INTER-AGENCY COMMITTEE ON THE RESTORATION OF THE OCCIDENTAL MINDORO RIVERS AND ITS TRIBUTARIES

RESOLUTION NO. 17 Series of 2022

RESOLUTION AUTHORIZING THE RIVER MOUTH DEPOSIT REMOVAL WITHIN THE HEAVILY-SILTED RIVERS OF THE PROVINCE OF OCCIDENTAL MINDORO

WHEREAS, the Constitution mandates the State to protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature;

WHEREAS, Executive Order No. 292 s. 1987, otherwise known as the “Administrative Code of 1987” stipulates that the State shall ensure, for the benefit of the Filipino people, the full exploration and development as well as the judicious disposition, utilization, management, renewal, and conservation of the country’s forest, mineral, land, waters, fisheries, wildlife, off-shore areas and other natural resources, consistent with the necessity of maintaining sound ecological balance and protecting and enhancing the quality of the environment and the objective of making the exploration, development, and utilization of such natural resources equitably accessible to the different segments of the present as well as future generations;

WHEREAS, under the General Power and Attributes of Local Government Units, the Province pursuant to national policies and subject to the supervision, control and review of the DENR, enforce forestry laws limited to community-based forestry projects, pollution control law, small-scale mining law, and other laws on the protection of the environment; and mini-hydro electric projects for local purposes;

WHEREAS, pursuant to Republic Act No. 7942, otherwise known as the Philippine Mining Act of 1995, the State shall promote the rational exploration, development, utilization and conservation of all mineral resources in order to enhance national growth in a way that effectively safeguards the environment and protect the rights of affected communities;

WHEREAS, the exclusive authority of the Province to issue permit to extract sand, gravel and other quarry resources, pursuant to the ordinance of the Sangguniang Panlalawigan, under Republic Act No. 7160 is covered by Section 5.1 of JMC 2019-01 or the Dredging with Commercial Utilization of Dredged Materials in favor of a mining permit holder under the Industrial Sand and Gravel (ISAG) or Commercial Sand and Gravel (CSAG) quarry permit;

WHEREAS, pursuant to DENR DAO 2020-12, the Provincial Governor is designated as the Chairman of the Inter-Agency Committee (IAC) composed of DENR-Region 4B, EMB-Region 4B, MGB-Region 4B and DPWH Region 4B with the role of promulgating policies that would enhance the implementation of existing laws and guidelines on river restoration and dredging activities;

WHEREAS, it has been a common knowledge that the cause of perennial flooding in the adjacent floodplain area of the river basin is the voluminous deposits of silt, sand and other debris along the mouths of the river in the Province;



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WHEREAS, year after year, massive flooding in the areas and communities adjoining rivers in the province have caused tremendous damage to crops, properties and sources of livelihood and even resulted to loss of lives;

WHEREAS, under the R.A. 10121 otherwise known as Philippine Disaster Risk Reduction and Management Act of 2010 (PDRRM Act of 2010), provides the creation of Local (Provincial) Disaster Risk Reduction and Management Office (PDRRMO) with a function of identifying, assessing and managing the hazards vulnerabilities and risks that may occur in their locality, to include implementing cost-effective risk reduction measures/strategies to address the said hazards;

WHEREAS, the PDRRMO may develop, strengthen and operationalize mechanisms for partnership or networking with the Private Sector, CSOs and Volunteer Groups for the effective disaster risk reduction and management in the Province;

WHEREAS, considering that it is already rainy season and in view of the urgency of putting into place disaster reduction and mitigating measures on the devastating effects of massive flooding in the province, the Provincial Disaster Risk Reduction and Management Council (PDRPMC) of the province convened on August 5, 2022 and issued Resolution No. 3 series of 2022 entitled **“RESOLUTION REQUESTING HON. ANTONIA “TONI” YULO-LOYZAGA, SECRETARY OF THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES (DENR) AND HON. MANUEL M. BOBOAN, SECRETARY OF THE DEPARTMENT OF PUBLIC WORKS AND HIGHWAYS (DPWH) TO LAUNCH RIVER WATERWAYS CLEAN-UP TO CLEAR THE IDENTIFIED RIVER MOUTHS OF SILTED MATERIALS AND SEDIMENTS OF THE PROVINCE AS PART OF THE PROVINCIAL DISASTER PREVENTION AND MITIGATION PROGRAM”**;

WHEREAS, the River Restoration through Dredging Activities under Section 5.4 of JMC 2019-01 does not cover an ISAG or CSAG regime since the activity to be undertaken is dredging and not quarrying. This will not preclude however, the entitlement of the Province of Occidental Mindoro to the share from the commercial disposal of the dredged material in addition to the undertaking of the permit holder to restore the river thru dredging;

WHEREAS, the Local Government Units are entitled to their equitable share derived from the utilization and development of the national wealth within their respective areas under the Section 138 of the Local Government Code of 1991;

WHEREAS, the State is allowed by the Constitution to enter into agreements with Private Sector entities to bolster the national economy through sustainable utilization of materials;

WHEREAS, disposal of dredged or extracted materials under this Order shall be governed by the principle according to which the government expects a reasonable return for its utilization, while holders of dredging clearance expect a reasonable return for its dredging operations while restoring the river to its original state;

WHEREAS, the Authority to remove the deposits along the river mouths and enhance the adjacent areas in the identified rivers of the Province shall be vested upon the Office of the Governor with the assistance of the Provincial Engineer’s Office (PEO) and Provincial



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Government Environment and Natural Resources Office (PGENRRO) considering that DPWH and MGB does not exercise jurisdiction over the river mouths towards the sea;

WHEREAS, the PGENRO and PEO shall coordinate with the Environmental Management Bureau (EMB) in the Region for the issuance of the Environmental Compliance Certificate (ECC) for the said flood mitigating activity;

WHEREAS, the LGU-Province through the Office of the Governor shall issue the Notice to Proceed and the corresponding Ore Transport Permit to the Qualified Entity/Party who will undertake the **River Mouth Deposit Removal Project** upon payment of the necessary fees, charges and taxes in accordance of the Local Government Code of 1991;

NOW, THEREFORE, be it RESOLVED AS IT IS HEREBY DONE, to approve this Resolution authorizing the Governor of the Province of Occidental Mindoro to spearhead the identification and classification of various river mouths within the territorial jurisdiction of the Province through the PEO and PGENRO in coordination with the DENR R4B and EMB R4B;

FURTHER RESOLVED, that the Provincial Governor through its concerned Offices shall closely coordinate with the Members of the Inter-Agency Committee created under DAO 2020-12 in the implementation of the River Mouth Deposit Removal Project;

APPROVED AND SIGNED this 15th day of August 2022 in DENR OFFICE-MIMAROPA, BY THE BAY, 1515 L & S Building, Roxas Boulevard, Ermita Manila.

EDUARDO B. GADIANO
Chairperson

MARIA LOURDES G. FERRER, CESO IV
Vice-Chairperson

ENGR. GERALD A. PACANAN, CESO III
Member

ENGR. GLENN MARCELO C. NOBLE
Member

JOE AMIL M. SALINO
Member