



Republic of the Philippines
Department of Environment and Natural Resources
MINES AND GEOSCIENCES BUREAU
MIMAROPA Region

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16 August 2023

MEMORANDUM

TO : **The PENR Officer**
Provincial Environment and Natural Resources
Barangay Sta. Monica, Puerto Princesa City, Palawan

FROM : **The Regional Director**
This Office

SUBJECT : **Resolution No. 85, Series of 2023 of the Office of the Sangguniang Bayan of Busuanga Requesting Exemption from Payment of Charges and Fees Imposed by the Provincial Mining Regulatory Board of Palawan**

This is in view of Resolution No. 85, Series of 2023 authored by Hon. Ma. Ana D. Mercado and approved by the Office of the *Sangguniang Bayan* of Busuanga on 13 July 2023 requesting exemption from payment of charges and fees imposed by the Provincial Mining Regulatory Board (PMRB) of Palawan.

The foregoing resulted from the "Accommodation" afforded by the PMRB – Coron Monitoring Office to proponents for humanitarian considerations. Said proponents who do not possess valid mining permits are permitted to extract and utilize river aggregates in small quantities for personal use provided they pay the "penalty fee".

To date, the nature and legal basis for "Accommodation" remains in question. Hence, this Office reiterates either of the following options:

1. To formulate a resolution regarding the "Accommodation" given to the proponents in consonance with Section 48 of Republic Act (RA) No. 7942¹ and have it adopted by the *Sangguniang Panlalawigan* of Palawan to become an ordinance; or
2. To declare and set aside suitable Communal Extraction Area for the extraction of sand, gravel, ordinary earth and/or related materials for housing and/or other personal construction needs in accordance with Department of Environment and Natural Resources Administrative Order (DAO) No. 2001-35².

¹ **Section 42. Exclusive Sand and Gravel Permit**

Any qualified person may be granted an exclusive sand and gravel permit by the provincial governor to quarry and utilize sand and gravel or other loose or unconsolidated materials from public lands for his own use, provided that there will be no commercial disposition thereof.

² **DAO No. 2001-35** in re: *Guidelines in the Declaration and Establishment of Communal Extraction Area for Sand, Gravel, Ordinary Earth and/or Related Materials in Each Province or Highly Urbanized Independent Component City for Housing and/or Other Personal Construction Needs*

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

Therefore, the request cannot be acceded in the absence of a policy on this current practice.

Otherwise, the extraction and disposition of sand and gravel without any mining and/or transport permit is equivalent to theft of minerals pursuant to Section 103 of RA No. 7942 and is punishable by the applicable provisions of the same RA.

For the PENRO's information and further action.


FELIZARDO A. GACAD, JR.

cf: **The Regional Executive Director**
Department of Environment and Natural Resources
MIMAROPA Region
Roxas Boulevard, Ermita, Manila

081723-R04B-2129



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