



REPUBLIC OF THE PHILIPPINES

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

RESOLUTION NO. 22 Series of 2022

RESOLUTION AUTHORIZING THE GOVERNOR OF OCCIDENTAL MINDORO AS CHAIRMAN OF THE INTER-AGENCY COMMITTEE TO WAIVE RIVER ASSIGNMENTS OF INACTIVE PROPONENTS AFTER DUE NOTICE

WHEREAS, Joint Memorandum Circular No. 01, Series of 2019 (JMC 2019-01) was issued for the information and guidance of a qualified person who wish to apply for a clearance/permit to dredge within rivers, river deltas, and other inland bodies of water. It prescribes the procedure in the application for the said clearance and/or permit and sets the standard and technical requirements in the planning, design, and implementation of dredging activities defined in the following sections;

WHEREAS, pursuant to Section 5.4 of JMC 2019-01, DENR River Restoration through dredging activities in heavily silted river channels, including disposal of extracted materials, shall be covered by a separate Order to be issued by the DENR in coordination with DPWH. Issuance of dredging permit/clearance by the DPWH shall be based on the Detailed Engineering Design Plans;

WHEREAS, pursuant to Section 2, Title II of DENR DAO 2020-12, applicants must possess the financial capacity prescribed by the IAC to undertake dredging operations;

WHEREAS, pursuant to Section 3, Title II of DENR DAO 2020-12, only applicants capable of implementing large-scale activities for flood mitigation or prevention purposes in the heavily-silted river channels within the Province of Occidental Mindoro, based on their technical knowledge and verifiable previous track record conducting such activities, as properly vetted, duly certified and approved by the appropriate DENR and DPWH offices;

WHEREAS, pursuant to Paragraph C, Section 4, Title II of DENR DAO 2020-12, applicants shall secure the required clearances from the appropriate government office including a certification of no pending case relating to compliance with existing environmental laws, rules, and regulations, and an undertaking that it will never be involved in such;

WHEREAS, in addition to the requirements mandated by DENR DAO 2020-12, applicants shall also secure other permits and clearances from other concerned government offices and agencies;

WHEREAS, pursuant to Sections 1 and 2, Title VII of the Department of Environment and Natural Resources Administrative Order No. 2020-12 (DENR DAO 2020-12), the Provincial Governor of Occidental Mindoro is designated as the Chairman of the Inter-Agency Committee (IAC Committee), 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 appears that there are qualified proponents, which were already assigned rivers for restoration, that have yet to provide the necessary requirements despite due and several notices;

WHEREAS, the restoration of the Occidental Mindoro rivers and tributaries is imbued with public interest because the voluminous deposits of silt, sand, and other debris in these river channels cause perennial flooding to adjacent areas;



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WHEREAS, the inaction of qualified proponents consequently and unduly delays the much-needed restoration of rivers that could effectively address the perennial flooding in Occidental Mindoro;

WHEREAS, the people of Occidental Mindoro and public interest call for a policy that could address the inaction of qualified proponents;

NOW, THEREFORE, BE IT RESOLVED AS IT IS HEREBY DONE, the Provincial Governor of Occidental Mindoro as IAC Chairman, upon confirmation of DENR-Region 4B, EMB-Region 4B, MGB-Region 4B, or DPWH-Region 4B (hereinafter referred to as "concerned agency") that a certain qualified proponent has been inactive in the completion and/or submission of requirements (hereinafter referred to as "inactive qualified proponent"), has the authority to waive the river assignment thereof after due notice;

BE IT FURTHER RESOLVED, that DENR-Region 4B, EMB-Region 4B, MGB-Region 4B, and/or DPWH-Region 4B shall endorse a *Confirmation Letter* to the IAC Chairman upon finding that a certain qualified proponent has yet to complete and/or submit the necessary requirements despite due notice; Provided, However, that a qualified proponent has thirty (30) days from notice from the concerned agency to complete and/or submit the necessary requirements;

BE IT FURTHER RESOLVED, that upon receipt of the *Confirmation Letter*, and within five (5) days therefrom, the IAC Chairman shall send a *Final Notice* to the inactive qualified proponent through 1) personal service, 2) registered mail, and 3) electronic mail; Provided, However, that the concerned agency and the IAC Secretariat be copy furnished thereof; Provided, Further, that upon the service of the *Final Notice* through personal service, registered mail, and electronic mail, respectively, the IAC Secretariat shall send a text message to the inactive qualified proponent, informing the latter of such personal service, registered mail, or electronic mail;

BE IT FURTHER RESOLVED, that the inactive qualified proponent has thirty (30) days from receipt of the *Final Notice* that was served through personal service, registered mail, or electronic mail, whichever is earlier, to complete and/or submit the necessary requirements to the concerned agency;

BE IT FURTHER RESOLVED, that should the inactive qualified proponent fail to complete and/or submit the necessary requirements to the concerned agency within thirty (30) days from receipt of the *Final Notice* that was served through personal service, registered mail, or electronic mail, whichever is earlier, and upon confirmation of the concerned agency of such failure, the IAC Chairman shall waive the river assignment/s of the inactive qualified proponent;

BE IT FURTHER RESOLVED, that this *Resolution* shall apply prospectively upon approval of the IAC Committee; Provided, However, that the prospective application of this *Resolution* shall apply to new and existing qualified proponents; Provided, Further, that existing qualified proponents prior to the approval of this *Resolution* shall be given due notice hereof; Provided, Finally, that existing qualified proponents prior to the approval of this *Resolution* that have pending requirements for completion and/or submission have 30 days from receipt of written notice from the concerned agency to complete and/or submit the same before the concerned agency could endorse a *Confirmation Letter*, if necessary, to the IAC Chairman;



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BE IT FURTHER RESOLVED, that all new and existing qualified proponents shall provide the IAC Committee their preferred 1) email addresses, 2) business addresses, and 3) other pertinent contact information, to which the *Final Notice* shall be served through personal service, registered mail, or electronic mail, as the case may be; Provided, However, that all new and existing qualified proponents shall likewise provide the IAC Committee their preferred mobile numbers, to which the IAC Secretariat shall send a text message of the fact of service of *Final Notice* through personal service, registered mail, and electronic mail, respectively;

RESOLVED FINALLY, that all waived river assignments by virtue of this *Resolution* shall be open for reassignment to other qualified proponents; Provided, However, that reassignment shall follow existing rules and regulations on the assignment of rivers.

APPROVED AND SIGNED this ____ day of _____ 2022 at _____.

EDUARDO B. GADIANO
Chairperson

LORMELYN E. CLAUDIO, CESO IV
Vice-Chairperson

ENGR. GERALD A. PACANAN, CESO III
Member

ENGR. GLENN MARCELO C. NOBLE
Member

JOE AMIL M. SALINO
Member