









REPUBLIC OF THE PHILIPPINES

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

TRANSMITTAL SLIP

DATE

15 FEBRUARY 2023

FOR

DENR, MIMAROPA - c/o RED LORMELYN E. CLAUDIO, CESO IV

FROM

THE OFFICE OF IAC CHAIRMAN

Received the following documents:

- 1. IAC Resolution No. 20 series of 2022
- 2. IAC Resolution No. 21 series of 2022
- 3. IAC Resolution No. 22 series of 2022
- 4. Minutes of the Meeting (December 6, 2022)

DENR MIMAROPA RECORDS SECTION 語記 語で 画で 語で 語で 図 画画 画画

BY:

INCOMING DOUTGOING

TIME:

REGINA DM. UNSON

IAC Focal Person

0977-804-5979/0961-630-1037











RESOLUTION NO. 20 Series of 2022

RESOLUTION CREATING THE INTER-AGENCY COMMITTEE'S FINANCIAL AND TECHNICAL WORKING GROUPS; PRESCRIBING THEIR DUTIES AND RESPONSIBILITIES

WHEREAS, the Department of Public Works and Highways (DPWH), Department of Environment and Natural Resources (DENR), Department of Interior and Local Government (DILG), and Department of Transportation (DOTr), entered into a Joint Memorandum Circular (JMC) No. 1, Series of 2019 which sets the guidelines on the Issuance of Clearance and/or Permit for Dredging within the Waterways or other Inland Bodies of Waters;

WHEREAS, pursuant to Section 5.4 of the aforesaid JMC, DENR Administrative Order (DAO) No. 2020-12, dated October 7, 2020, was issued in order to rationalize Dredging Activities in Heavily-Silted River Channels within the Province of Occidental Mindoro.

WHEREAS, Section 1, Title VII of the aforesaid said DAO provides the creation of an Inter-Agency Committee (IAC);

WHEREAS, Section 2 (c), Title VII of the above-mentioned Administrative Order states the IAC's powers and functions to propose policies and programs to rationalize the dredging operations;

WHEREAS, in its September 5, 2022 meeting at Quezon City, the IAC agreed to create a Financial and Technical Working Groups to provide support mechanism in screening/reviewing and/or verifying applicants' financial and technical capacities to undertake River Restoration thru Dredging Activities at the Heavily-Silted Rivers of the Province of Occidental Mindoro;

NOW, THEREFORE, by unanimous decision of the members present, the Inter-Agency Committee on the Restoration of the Occidental Mindoro Rivers and its Tributaries, hereby RESOLVE, as it is hereby RESOLVED to create a Financial and Technical Working Groups, with the following compositions and their respective duties and responsibilities:

FINANCIAL WORKING GROUP (FWG)

1. Composition:

- a. FWG Head: Provincial Legal Office, Occidental Mindoro
- b. Representative from the Finance Section, DPWH Mindoro Occidental DEO
- c. Representative from PGENRO
- d. Representative from EMB MIMAROPA
- e. Representative from MGB MIMAROPA











2. Duties and Responsibilities:

- a. Examine, review, and verify the financial qualifications of all applicants for River Restoration through Dredging Activities in the Heavily Silted River Channels at the Province of Occidental Mindoro, pursuant to the minimum requirements and other pertinent Resolutions issued by the IAC:
- b. Make appropriate recommendations to the committee whether an applicant is financially qualified or not; and
- c. Perform such other functions as may be assigned by the Committee and/or provided by applicable laws, rules, and regulations.

II. TECHNICAL WORKING GROUP (FWG)

1. Composition:

- a. TWG Head: Provincial Engineering Office, Occidental Mindoro
- Representative from the Planning and Design Section, DPWH Mindoro Occidental DEO
- c. Representative from the DPWH Area Equipment Shop, Occidental Mindoro
- d. Representative from PDRRMO
- e. Representative from PGENRO
- f. Representative from EMB MIMAROPA
- g. Representative from MGB MIMAROPA

2. Duties and Responsibilities:

- a. Examine, review, and verify the technical qualifications of all applicants for River Restoration through Dredging Activities in the Heavily Silted River Channels at the Province of Occidental Mindoro, pursuant to the minimum requirements and pertinent Resolutions set/issued by the IAC;
- Inspect and/or evaluate the equipment, vessels, and machineries declared/pledged by applicants for the dredging activities and determine that the same are qualified, available, and are in good working conditions;
- c. Monitor/check if the equipment, vessel, or machineries on-site conforms with the equipment declared/ pledged for the activity and make recommendations, if necessary, to suspend/revoke the operation











should the said equipment, vessel, or machineries are not found on the site or the same are not in good working condition;

- d. Make appropriate recommendations to the committee whether an applicant is technically qualified or not; and
- e. Perform such other functions as may be assigned by the Committee and/or provided by applicable laws, rules, and regulations.

FURTHER RESOLVED, that the foregoing resolution shall strictly be applicable only to future applicants or entities without current or pending applications to conduct River Restoration through Dredging Activities in the Heavily Silted River Channels at the Province of Occidental Mindoro.

APPROVED AND ADOPTED this 21ST day of September 2022 at the City of Manila.

EDUARDO B. GADIANO

Chairperson

LORMELYN E. CLAUDIO, CESO IV

re

Vice-Chairperson

Engr. GLENNAMARCELO C. NOBLE

Engr. GERALD A. PACANAN, CESO III

Member ()

JOE AMIL M. SALINO

Member











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

RESOLUTION NO. 21 Series of 2022

RESOLUTION CREATING PROCESS FLOW FOR THE APPLICATIONS FOR RIVER RESTORATION THROUGH DREDGING ACTIVITIES IN THE HEAVILY SILTED RIVER CHANNELS AT THE PROVINCE OF OCCIDENTAL MINDORO

WHEREAS, the Department of Public Works and Highways (DPWH), Department of Environment and Natural Resources (DENR), Department of Interior and Local Government (DILG), and Department of Transportation (DOTr), entered into a Joint Memorandum Circular (JMC) No. 1, Series of 2019 which sets the guidelines on the Issuance of Clearance and/or Permit for Dredging within the Waterways or other Inland Bodies of Waters;

WHEREAS, pursuant to Section 5.4 of the aforesaid JMC, DENR Administrative Order (DAO) No. 2020-12, dated October 7, 2020, was issued in order to rationalize Dredging Activities in Heavily-Silted River Channels within the Province of Occidental Mindoro.

WHEREAS, Section 1, Title VII of the aforesaid said DAO provides the creation of an Inter-Agency Committee (IAC);

WHEREAS, Section 2 (c), Title VII of the above-mentioned Administrative Order states the IAC's powers and functions to propose policies and programs to rationalize the dredging operations;

WHEREAS, in its September 5, 2022 meeting at Quezon City, the IAC agreed to create a Process Flow to guide applicants who intends to conduct River Restoration through Dredging Activities at the Heavily-Silted Rivers of the Province of Occidental Mindoro;

NOW, THEREFORE, by unanimous decision of the members present, the Inter-Agency Committee on the Restoration of the Occidental Mindoro Rivers and its Tributaries, hereby RESOLVE, as it is hereby RESOLVED to create the following General Process Flow as guide for applicants who intends to conduct River Restoration through Dredging Activities at the Heavily-Silted Rivers of the Province of Occidental Mindoro, to wit:

- The Inter-Agency Committee will issue a Resolution Setting the Minimum Financial and Technical Requirements that an applicant must possess for them to be allowed to conduct River Restoration through Dredging Activities at the Heavily-Silted Rivers of the Province of Occidental Mindoro;
- Mindoro Occidental Provincial Government to Publish the Minimum Financial and Technical Requirements as well as their invitations to prospective applicants to conduct River Restoration through Dredging Activities at the Heavily-Silted Rivers of the Province of Occidental Mindoro;
- Applicant to submit to the Provincial Office their Intent to Conduct Dredging Activities together with their Technical and Financial Documents;











- The Financial and Technical Working Groups to review of applicant's qualifications based on the Minimum Requirements set by IAC, wherein applicants should both pass the financial and technical Requirements;
- Financial and Technical Working Groups to submit finding to the IAC for confirmation/approval;
- In case of failure, applicant(s) may move for Reconsideration before the IAC which shall resolve the same on the immediately preceding IAC Meeting;
- 7. If passed, applicant shall be endorsed to DPWH Regional Office IV-B (DPWH R4B) for the Dredging Master Plan (DMP);
- 8. DMP, including all supporting documents, submitted to DPWH R4B shall be initially checked by the Planning and Design Division (PDD) based on relevant DPWH Department Orders and if found to be in order, shall be endorsed and submitted to the Bureau of Design (BOD) for review and recommending approval. Then subject to approval and signing of the Undersecretary for Technical Services;
- 9. Signatories for the DMP shall be as follows:

Prepared and Submitted By:	Recommending Approval:				Approved:
Provincial Engineering Office	Provincial Governor	Regional Director	Director Bureau of Design	Assistant Secretary Technical Services	Undersecretary Technical Services

- Applicants then shall secure the necessary environmental clearances (e.g. ECC) from the Department of Environment and Natural Resources (DENR), Environmental Management Bureau (EMB), or Mines and Geosciences Bureau (MGB);
- 11. After presenting the necessary environmental clearances, applicants shall secure the required Dredging Permit/Clearance from DPWH R4B which shall only be valid within five (5) years or as specified in the Environmental Compliance Certificate (ECC) effectivity. A new application shall be filed should the proponent request for an extension;
- Applicant then shall secure other Permit(s)/Clearance(s) from other relevant offices/agencies and submit other Certification(s) in compliance with other requirements of the above mentioned JMC and DAO;
- Applicants shall also pay of the required Bond to the Province as well other fees required by other relevant offices/agencies;
- Applicant and DENR-MIMAROPA to execute and enter into a Memorandum of Agreement (MOA);











- 15. The Provincial Office, thru the Governor, to issue Notice to Proceed (NTP) in favor of the Applicant; and
- 16. Monitoring of the Dredging Operations.

APPROVED AND ADOPTED this 21ST day of September 2022 at the City of Manila.

EDUARDO BI GADIANO Chairperson

LORMELYN E. CLAUDIO, CESO IV

Vice-Chairperson

LO C. NOBLE Engr. GLEN

Engr. GERALD

PACANAN, CESO III

Member 1

JOE AMIL M. SALINO

Member

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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 sllt, sand, and other debris in these river channels cause perennial flooding to adjacent areas;











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WHEREAS, the imaction of qualified proponents consequently and unduly delays the muchmeeded restoration of nivers that could effectively address the perennial flooding in Occidental Mindoro;

WHEREAS, the people of Occidental Mindono 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 Chainman, 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 niver assignment thereof after due notice;

BE IT PURTHER RESOLVED, that DENR-Region 4B, EMB-Region 4B, IMGB-Region 4B, and/or DPWH-Region 4B shall emdorse 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 PURIHER 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 Secretarial 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 Secretarial 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 imactive 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 small, or electronic small, whichever is earlier, and upon confinmation 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 motice 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 motice 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;











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
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EDUARDO B GADIANO Chairperson

LORMELYN E. CLAUDIO, CESO IV Vice-Chairperson

ENGR. GLENN MARCELO C. NOBLE

ENGR. GERALD A. PACANAN, CESO III

JOE AMILM. SALINO
Member

MINUTES OF THE DECEMBER 06, 2022 MEETING OF THE INTERAGENCY COMMITTEE (IAC) ON THE RESTORTATION OF THE OCCIDENTAL MINDORO RIVERS AND ITS TRIBUTARIES

Conducted at DENR MIMAROPA BY THE BAY December 06, 2022

PRESENT:

Hon. Governor Eduardo B. Gadiano
DENR MIMAROPA – RED Lormelyn E. Claudio, CESO IV
DPWH MIMAROPA – RD Engr. Gerald A. Pacanan, CESO III
MGB MIMAROPA – RD Engr. Glenn Marcelo C. Noble
EMB MIMAROPA – RD Joe Amil M. Salino

ALSO PRESENT:

Head of PGOM Secretariat – Atty. Tirso Augustus L. Abeleda II DPWH MIMAROPA – Atty. James Corwin S. Custodio DPWH MIMAROPA – Atty. Elaine Anza DPWH MIMAROPA – Engr. Dennis P. Abagon EMB MIMAROPA – Joana Marin EMB MIMAROPA – Nicole Yuri V. Dorado Consultant, Office of the Governor of Occidental Mindoro – Regina Unson IAC Secretariat – Atty. Jaime Lorenzo P. Bañez

- The meeting began with the reading of the September 05, 2022 Minutes. Hearing no further concerns and objections from the Committee, the September 05, 2022 Minutes was then duly approved.
- Hon. Gov. Gadiano then enumerated seven (7) agendas to be discussed by the Committee, to wit:
- 1. Updates on the proposed IAC Resolution No. 17 series of 2022;

- Updates on Resolution Nos. 20, 21, and 22 series of 1 2. 2 2022; 3 Letter of Seagate Engineering and Buildsystems 3. thru email dated 26 September 2022; 4 Letter of City Pacific Group, Inc. thru email dated 5 27 September 2022; 6 7 Letter of RV Laborte Builders thru email dated 11 8 October 2022: Letter of Bluemax thru email dated 13 October 2022; 9 6. Email of PERCC dated 14 October 2022; 10 7. 11 8. SP Resolution No. 263 series of 2022; and 9. 12 Other issues and concerns.
- The Committee then proceeded to discuss the first agenda, the updates on the proposed Revised IAC Resolution No. 17 series of 2022. It was suggested that the September 21, 2022 Technical Conference Minutes should serve as a guidance in drafting the proposed Resolution No. 17.
- The Committee once again raised the issue on the lack of jurisdiction of the DENR and DPWH over a river mouth. Relatedly, there are proponents that are asking for a proof of authority over a river mouth in order to proceed with the conduct of their respective Environmental Impact Assessment (EIA).

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- The Committee agreed that Resolution No. 17 could be the answer for these concerns. Resolution No. 17 could be the proof of authority for the proponents to conduct clearing operations over a river mouth. Furthermore, it was once again suggested that approved river mouth clearances shall be merely attached to the approved Dredging Master Plans (DMPs) of existing proponents, while new proponents should include river mouth clearance in their proposed DMPs.
- The Committee likewise agreed that Resolution No. 17 must have a provision on the technical descriptions of "delta" and "river mouth" such as but not limited to: 1) maximum depth of clearing, 2) maximum distance from shoreline, 3) volume of material to be removed, and 4) other necessary information. It was suggested that these shall be collectively

1 called as "River Delta Clearing and Shoreline Enhancement Plan 2 (RDCSEP)."

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For the revision of Resolution No. 17, it was suggested that it could be patterned after IAC Zambales Resolution No. 3, series of 2019 on river dredging. The DPWH and the MGB were jointly tasked by the Committee to draft the final Resolution No. 17, and to present the same at the next meeting.

The Committee then proceeded to discuss the second agenda, the updates on Resolution Nos. 20, 21, and 22 series of 2022. Hearing no further concerns and objections from the Committee, a motion to approve the said resolutions was raised was duly seconded. Thus, the said resolutions were duly approved.

The Committee then proceeded to discuss the third, fourth, fifth, and sixth agendas, the letters issued by Seagate Engineering and Buildsystems, City Pacific Group, RV Laborte, Bluemax, and PERCC respectively.

The Committee undertook to answer the concerns of these proponents in writing. For City Pacific Group, it must be ordered to submit its Joint Venture Agreement (JVA) with Boskalis, an international corporation, in order to check the technical capacity of the latter. For both RV Laborte and Bluemax, which were requesting for their respective proof of authority to conduct EIA over river delta, they must be informed the pending issuance of Resolution No. 17 that shall serve as proof of authority.

The Committee then proceeded to discuss the eight agenda, SP Resolution No. 263 series of 2022. It was relayed to the Committee that the Province of Occidental Mindoro is already authorized to enter into a Memorandum of Agreement (MOA) with a proponent to conduct flood mitigation through river mouth clearing, but it was likewise relayed that the proponent has yet to secure and comply with the national permits and requirements for such purpose.

It was suggested that Resolution No. 17, the authority for clearing river mouths, should be couched in a way to cover both flood mitigation and flood restoration so that the proponents contemplated by SP Resolution No. 263 series of 2022 are also covered by the said resolution. However, the Committee agreed that flood mitigation and river restoration are two different concepts. Thus, it was likewise suggested that there should be a separate resolution or policy for the application process of flood mitigation proponents.

The meeting was adjourned at 12:36 in the afternoon.

Prepared by:

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Atty Jaime Lorenzo P. Bañez

IAC Secretariat

Attested by:

Hon. Eduardo B Gadiano

Governor of Occidental Mindoro