

ZAMBOANGA
SIBUGAY

OFFICIALS

GOV. ROMMEL A. JALOSJOS
CONG. ROMEO M. JALOSJOS
CONG. JONATHAN C YAMBAO

SANGGUNIANG PANLALAWIGAN

- HON. REY ANDRE C. OLEGARIO**
Vice-Governor, Presiding officer
- HON. ERIC A. CABARIOS**
Pro-Tempore
- HON. CRESENCIO S. JORE**
Majority Floor Leader
- HON. WILBORNE S. DANDA**
Majority Assistant Floor Leader

1ST DISTRICT

- HON. CRESENCIO S. JORE**
Chairman, Asset and Management, Finance
- HON. ERIC Y. PALMA**
Chairman, Rules and Good Government
- HON. ABDUSAID A. AHIRON**
Chairman, Fire, Public Safety, Peace & Order, Muslim Affairs, Public Utilities
- HON. EDITHA O CALOÑGE**
Chairman, Health and Social Services
- HON. FLODELIZ C. CURIBA**
Chairman, Education, Women and Family, Senior Citizen

2ND DISTRICT

- HON. EUFEMIO D. JAVIER**
Member, Rules, Women and Family, and Human Rights, Labor and Justice
- HON. ERIC A. CABARIOS**
Chairman, Tourism
- HON. JOSE V. ABALDE**
Chairman, Trade and Industry, Infrastructure, Public Works, & Engineering
- HON. JOEL D. EBOL**
Chairman, Appropriations, Agriculture and Fisheries, Cooperative, NGO & Livelihood
- HON. WILBORNE S. DANDA**
Chairman, Indigenous Peoples & Cultural Communities, Environment and Natural Resources, Privileges

Sectoral Representatives

- HON. BENHAJAR E. TANDIH**
President, Liga ng mga Barangay
Chairman, Barangay Affairs & Rural Development
- HON. MUJAHID C. JAJURIE**
President, Councilor's League
Chairman, Municipal Legislative Affairs
- HON. KATRINA ANN V. PALMA**
President, Sangguniang Kabataan
Chairman, Youth & Sports Development

Legend

- Present
- On-Leave
- On Official Business
- Absent



Republic of the Philippines
PROVINCE OF ZAMBOANGA SIBUGAY
Municipality of Ipil

EXCERPT from the minutes of the 23rd Regular Session of the 4th Sangguniang Panlalawigan of the Province of Zamboanga Sibugay held on February 28, 2011, at the *Provincial Capitol Complex*, Ipil Heights, Ipil, Zamboanga Sibugay, at exactly 9:09 o'clock in the morning.

ORDINANCE NO. 2011-339

AN ORDINANCE REGULATING THE TRANSPORTATION OF SAND AND GRAVEL, FOREST PRODUCTS, ORE, AND ALL OTHER MINERAL AND SIMILAR PRODUCTS WITHIN THE PROVINCE OF ZAMBOANGA SIBUGAY BY ALLOWING THE TRANSPORT OF THE SAME ONLY FROM SIX O'CLOCK IN THE MORNING TO SIX O'CLOCK IN THE AFTERNOON AND PROVIDING PENALTY THEREFOR.

HON. WILBORNE S. DANDA
Board Member, 2nd District
Author

Chairman, Committee on Environment and Natural Resources

WHEREAS, Article 3, Rule 1 of the Rules and Regulations implementing the Local Government Code of 1991 declared it as a policy that *"the state shall provide for a more responsive and accountable local government structure instituted through a system of decentralization whereby local government units (LGUs) shall be given more powers, authority, responsibilities, and resources"*;

WHEREAS, LGUs are mandated to "*exercise the powers expressly granted, those necessarily implied therefrom, as well as powers necessary, appropriate, or incidental for its efficient and effective governance, and those which are essential to the promotion of the general welfare*";

WHEREAS, the Sangguniang Panlalawigan, as the legislative body of the province is empowered to protect the environment and to impose appropriate penalties for *acts which endangers the environment, illegal logging, smuggling of logs, and smuggling of natural resources products*;

WHEREAS, sub-paragraph (vi), par. (1), (a), Article 98, Rule XVII of the Rules and Regulations Implementing R.A. 7160 is worded as follows:

x x x

(iii) Protect the environment and impose appropriate penalties for acts which endanger the environment, such as dynamite fishing and other forms of destructive fishing, illegal logging and smuggling of logs, smuggling of natural resources products and of endangered species of flora and fauna, slash and burn farming, and such other activities which result In pollution, acceleration of eutrophication of rivers and lakes or of ecological imbalance; *(underscoring supplied)*

x x x

WHEREAS, small-scale mining, quarry operations and the utilization of forest products in the province of Zamboanga Sibugay have gone too far without due regard to environmental hazards and other similar pernicious implications;

WHEREAS, the practice of transporting the said products during nighttime is designed to evade and ultimately avoid payments of the required and appropriate taxes, fees, and charges;

WHEREAS, smuggling of forest and natural resources products are also being undertaken during nighttime where concerned authorities are no longer on duty;

WHEREAS, there is a need to put an end to these nefarious activities by regulating the transportation of forest, ore, and all natural resources and similar products within the Province of Zamboanga Sibugay in order to **ensure the preservation of the environment or the natural ecosystem pursuant to Article 98 (4) of RA 7160 and the payment of the required provincial taxes, fees and charges**;

WHEREAS, in addition to the existing administrative sanctions in place, there is a need to impose stiffer penalties on acts and activities sought to be regulated of which the Sangguniang Panlalawigan is empowered to impose pursuant to **sub-paragraph (iii), par. (1), (a), Article 98, Rule XVII of the Rules and Regulations Implementing R.A. 7160** which is worded as follows:

x x x

(iii) Approve ordinances imposing imprisonment not exceeding one (1) year or a fine not exceeding Five Thousand Pesos (P5,000.00) or both imprisonment and fine at the discretion of the court, for violation of provincial ordinance; *(underscoring supplied)*

NOW THEREFORE, in session duly assembled

**THE SANGGUNIANG PANLALAWIGAN
of ZAMBOANGA SIBUGAY**

ORDAINED that:

Section 1. Title - This ordinance shall be known and thereafter referred to as "**AN ORDINANCE REGULATING THE TRANSPORTATION OF SAND AND GRAVEL, FOREST PRODUCTS, ORE, AND ALL OTHER MINERAL AND SIMILAR PRODUCTS WITHIN THE PROVINCE OF ZAMBOANGA SIBUGAY BY ALLOWING THE TRANSPORT OF THE SAME ONLY FROM SIX O'CLOCK IN THE MORNING TO SIX O'CLOCK IN THE AFTERNOON AND PROVIDING PENALTY THEREFOR**".

Section 2. Scope and Purposes - This ordinance is designed to regulate the transportation of sand and gravel, forest products, Ore, and all other mineral or natural resources products, produced and transported or shipped within the territorial jurisdiction of the Province of Sibugay particularly during night time in order to ensure the preservation of the natural ecosystem pursuant to Article 98 (4) of RA 7160 and for individuals, corporations, and contractors engaged in the mining and transportation of mineral and forest products to pay proper and appropriate taxes, fees and charges to the provincial government and to safeguard, with due and equal emphasis on economic and environmental consideration, the public health and safety, social, cultural, and all other similar concerns of the people of Sibugay;

Section 3. Coverage - The foregoing ordinance covers all individuals, corporations, contractors, and all other persons engaged in the actual operation and transportation of all extracted forest and mineral products in the province of Zamboanga Sibugay.

Section 4. Authority - All assigned members of the Philippine National Police (PNP) or members of the Philippine Army (PA) and all other recognized and legitimate law enforcers designated or deputized by the Provincial Government of Sibugay to implement the regulated activities are duly authorized to put in place choke points in designated areas for the said purpose, undertake proper inspection of all vehicles transporting forest and all other mineral products extracted within the province of Sibugay, and to place in their custody all transport and similar motor vehicles violating the foregoing ordinance particularly during the regulated time of transportation. They are likewise duly authorized to arrest any person or persons found violating the said ordinance in their presence. After verification, however, that payment of taxes, fees and charges are complied with and upon approval of the governor by way of special authorization, transport of the same products may be allowed even beyond the regulated hour of transportation.

Section 5. Implementing Rules and Regulation (IRR) - The provincial Environment and Natural Resources (ENRO) and the Provincial Treasurer's Office of this province shall, subject to the approval of the provincial governor, come up with an Implementing Rules and Regulations (IRR) to ensure the proper and effective implementation of this ordinance.

Section 6. Natural Resources Transport Undertaking (NRTU) - An under oath Natural Resources Transport Undertaking (NRTU) to be executed and signed by the transporter (or the one granted with a permit to quarry or extract mineral products or to utilize forest resources) shall be required before any **Transport Permit of Mineral or Forest Products (TPMFP)** shall be issued by the Office of the Governor. The said undertaking shall contain the following commitments:

- 6.1. That he/she has already paid all the required taxes, fees, and charges in favor of the provincial government;
- 6.2. That he/she shall not transport the mineral and forest products extracted or taken from the province of Sibugay beyond the regulated hour;
- 6.3. That he/she shall allow, let, and permit the designated and deputized law enforcers to inspect, verify, and to place in their custody his/her motor vehicle when transporting mineral or forest products beyond the regulated hour.

Section 7. Penal Clause - Any person or persons whether natural or juridical, found violating the provisions of this ordinance shall suffer the following penalties:

First Offense - A fine of Three Thousand Pesos (PHP 3,000.00);

Second Offense- A fine of Four Thousand Pesos (PHP 4,000.00);

Third Offense - A fine of Three Thousand Pesos (PHP 5,000.00) and imprisonment of not exceeding one (1) year and confiscation of the motor vehicle used in violating the foregoing ordinance.

Section 8. Administrative or Voluntary Fine - A voluntary fine, in lieu of prosecution, maybe avail of by any person or persons found violating the foregoing ordinance by paying the corresponding penalty with the Office of the Provincial Treasurer upon approval by the provincial governor.

Section 9. Repealing Clause - All ordinances, resolutions or laws of local application and effect inconsistent hereto are hereby modified, superseded, and repealed accordingly.

Section 10. Separability Clause - If, for any reason or reasons, any part or provision hereof shall be held to be unconstitutional or invalid, other parts or provisions hereof which are not affected thereby shall continue to be in full force and effect.

Section 11. Effectivity - This ordinance shall take effect immediately upon approval.

ENACTED during the **23rd Regular Session** of the **4th Sangguniang Panlalawigan** of the Province of Zamboanga Sibugay, on February 28, 2011 at Ipil, Zamboanga Sibugay, Philippines.

CERTIFIED TRUE
& ACCURATE COPY

NICASIO M. PENA, AB,LLB.

Secretary to the Sanggunian
Sangguniang Panlalawigan
Province of Zamboanga Sibugay
secnmp@gmail.com



ATTESTED:

HON. REY ANDRE C. OLEGARIO

Presiding Officer
Provincial Vice-Governor

ATTESTATION & CERTIFICATION

I HEREBY ATTEST and CERTIFY that I presided over the **23rd Regular Session** of the **4th Sangguniang Panlalawigan** of the Province of Zamboanga Sibugay and that the foregoing legislative measure has been **approved and enacted** during the aforesaid session.

ATTY. REY ANDRE C. OLEGARIO

Presiding Officer, Provincial Vice Governor

APPROVED by His Honor, the Governor, on _____
in the province of Zamboanga Sibugay, Philippines.

HON. ROMMEL A. JALOSJOS

Provincial Governor

SANGGUNIANG PANLALAW SANGGUNIANG PANLALAWIGAN SANGGUNIAN