



REPUBLIC OF THE PHILIPPINES
PROVINCE OF PANGASINAN
LINGAYEN
—oOo—

OFFICE OF THE SANGGUNIANG PANLALAWIGAN SECRETARY

CERTIFICATION

TO WHOM IT MAY CONCERN:

THIS IS TO CERTIFY that at the regular session duly constituted of the Sangguniang Panlalawigan, Province of Pangasinan, held on November 29, 2002 at Lingayen, Pangasinan, the following provincial ordinance was approved:

Introduced by SP Member Ariel G. de Guzman

PROVINCIAL ORDINANCE NO. 100-2002

AN ORDINANCE IMPOSING PENALTIES TO ANY QUARRY OPERATOR/PERMITTEE FROM OBSTRUCTING AND/OR PREVENTING THE USE OF EASEMENT OF RIGHT OF WAY OF HIS PERMITTED QUARRY AREA ALONG RIVER BEDS OR PUBLIC LANDS TRAVERSED BY OTHER OPERATORS/PERMITTEES FOR PURPOSES OF CONDUCTING QUARRY ACTIVITIES

Be it ordained by the Sangguniang Panlalawigan in session duly assembled that:

SECTION 1. Title. – This Ordinance shall be known as “An Ordinance Imposing Penalties to Any Quarry Operator/Permittee from Obstructing and/or Preventing the Use of Easement of Right of Way of His Permitted Quarry Area Along River Beds or Public Lands Traversed by Other Operators/Permittees for Purposes of Conducting Quarry Activities.”

SECTION 2. Definition of Terms.

Easement is an encumbrance imposed upon an immovable for the benefit of another immovable belonging to a different owner.

Operator refers to the owner, manager, administrator, or any other who operates or is responsible for the operation of the quarry business or establishment.



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Permittee means the holder, either natural or juridical person, of a valid quarry permit duly issued by the Provincial Governor, or the Secretary of the Department of Environment and Natural Resources or his duly authorized representative.

Public lands refer to the portion of public domain to which title is still vested in the government.

Right of way is an easement granting the quarry operator or permittee who by virtue of a right of way may use the immovable, which is surrounded by other immovables pertaining to other persons and without adequate outlet to a public highway.

River bed is the portion of the soil of the river which is ultimately covered and left bare as there may be increase or diminution in the supply of water and is adequate to contain it at its average or mean stage during the entire year.

SECTION 3. *Width of Easement Right of Way.* – The width of the easement of right of way shall be that sufficient for the needs of operators/permittees traversing the permitted quarry area of the servient permittee. It shall be established at the point least prejudicial to his area of operation and the distance to a public highway which may be the shortest

SECTION 4. *Prohibited Act.* – It shall be unlawful for any operator/permittee to obstruct and/or prevent the use of an easement of right of way by other holders of quarry permit in conducting their quarry operations.

SECTION 5. *Penalty Provisions.* – Any operator/permittee who without justifiable cause, obstructs and/or prevents the use of easement of right of way by any holder of a quarry permit from undertaking his quarry operations shall be punished, upon conviction by the appropriate court, by a fine of not more than five thousand pesos (P5,000.00), or imprisonment of not exceeding one (1) year, or both, at the discretion of the court.



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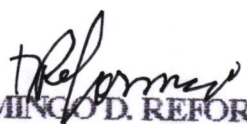
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Likewise, the quarry permit of the operator/permittee who, in bad faith obstructs and/or prevents holders of a quarry permit to use the easement of right of way may be cancelled by the provincial governor for violation of this ordinance. *Provided, That* before cancellation of such permit, the permittee hereof shall be given the proper opportunity of notice and hearing conducted for the purpose.


SECTION 6. *Repealing Clause.* — All ordinances, rules and regulations or parts thereof which are in conflict with, or inconsistent with the provisions of this Ordinance are hereby repealed or modified accordingly.

SECTION 7. *Applicability Clause.* — All matters relating to the imposition of this Ordinance shall be governed by pertinent provisions of the Philippine Mining Act, Local Government Code and other existing laws and ordinances.

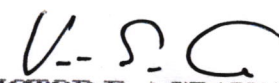
SECTION 8. *Effectivity.* — This Ordinance shall take effect after fifteen (15) days from last publication in a newspaper of general circulation in the Province of Pangasinan.


DOMINGO D. REFORMADO
Secretary to the Sanggunian

ATTESTED:


VICE GOVERNOR OSCAR B. LAMBINO
Presiding Officer

APPROVED:


VICTOR E. AGBAYANI
Governor