



REPUBLIC OF THE PHILIPPINES  
PROVINCE OF PANGASINAN  
LINGAYEN

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**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 October 3, 2003 at Lingayen, Pangasinan, the following provincial ordinance was approved:*

**Introduced by SP Member Ariel G. de Guzman**

**PROVINCIAL ORDINANCE NO. 104-2003**

**AN ORDINANCE DECLARING THE RIVERBANKS WITHIN THE PROVINCE OF PANGASINAN AS PROTECTED AREAS AND PROHIBITING EXTRACTION OF SAND AND GRAVEL, BOULDERS, COBBLES AND OTHER MATERIALS THEREFROM AND PROVIDING PENALTIES THEREFOR**

**WHEREAS**, under Section 468 (a) (1) (vi) of the Local Government Code, it is the duty of the Sangguniang Panlalawigan to “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 and eutrophication of rivers and lakes or of ecological imbalance”;

**WHEREAS**, is the duty of National Government Agencies, Local Government Units, Government-owned or Controlled Corporations authorized or involved in the planning or implementation of any project or program, to maintain ecological balance in order to prevent depletion of non-renewable resources, loss of cropland, rangeland or forest cover;

**WHEREAS**, under Sec. 138 of the Local Government Code, the permit to extract sand and gravel and other quarry resources shall be issued exclusively by the Provincial Governor pursuant to the provincial ordinance of the Sangguniang Panlalawigan;



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**WHEREAS**, under the Philippine Mining Act of 1995, issuance of sand and gravel permits for areas below five (5) hectares is delegated to the Provincial Governor while those above five (5) hectares to the Secretary of Natural Resources;

**WHEREAS**, under Section 70 of Implementing Rules and Regulations of Philippine Mining Act of 1995, the Provincial Mining Regulatory Board shall, among others accept, process and evaluate applications and determine administrative charges and fees for quarry, sand and gravel and other permits;

**WHEREAS**, there is no ordinance prohibiting extraction of sand and gravel and other materials from riverbanks, hence permits are issued to applicants thereto;

**WHEREAS**, when riverbeds are improperly quarried, the course of the river might be disturbed and in case of major floods, the nearby riverbanks might be washed out depriving owners of their rich agricultural lands;

**WHEREFORE**, on motion of SP Member Ariel G. de Guzman, duly seconded, be it enacted by the Sangguniang Panlalawigan in session duly assembled:

**SECTION 1. SHORT TITLE** – This Ordinance shall be known as “THE RIVERBANK PROTECTION ORDINANCE OF 2003”.

**SECTION 2. DECLARATION OF POLICY** – It shall be the policy of the Provincial Government of Pangasinan to prohibit extraction of sand and gravel and other materials along riverbanks and to declare these as protected areas.

**SECTION 3. DEFINITION OF TERMS** –

- a) DENR – refers to the Department of Environment and Natural Resources.
- b) Ecological Balance – is the ability of an ecosystem to be back on its original state inspite of major interventions.





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- c) Extraction – means the act or process of taking, excavating and removing of sand and gravel and other quarry materials from the bowels of the earth.
- d) PMRB – means the Provincial Mining Regulatory Board which screens and processes applications for commercial and industrial sand and gravel permits, quarry permits, gratuitous permits, special permits, small scale mining permits and other permits as mandated by the Philippine Mining Act.
- e) Quarrying – the process of extracting, removing and disposing quarry resources found on or underneath the surface of public or private land.
- f) Quarry Permit – refers to the permit granted to a qualified person for the extraction and utilization of quarry materials on public or private land.
- g) Riverbanks – refers to the lateral strips or zones of its beds which are washed by the stream only during such high floods as do not cause inundations or to the point reached by the river at high tides.
- h) Riverbed – the natural bed or channel of a creek or river which is the ground covered by its waters during the ordinary floods.
- i) Sand and Gravel – includes mixed sand and gravel, screened sand, screened gravel, boulders and cobbles.
- j) Other materials – includes ordinary earth, limestone, silica, magnetite sand, and other metallic and non-metallic minerals.

**SECTION 4. PROHIBITED ACT** – It shall be unlawful for any person or corporation, his agent or authorized representative, to extract sand and gravel and other quarry materials from riverbanks and within the designated five (5) meter buffer zone at both sides of the riverbanks.



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If the violations committed by a juridical entity, the President, General Manager or any entrusted with the administration thereof at the time of the commission of the violation shall be responsible and liable therefore.

**SECTION 5. EXEMPTIONS** – The following are exempted from this ordinance:

- a) Valid and subsisting permits as of the date of effectivity of this Ordinance until their expiry; and
- b) Areas that need to be quarried or extracted in order to improve the drainage system and prevent flooding upon recommendation of the Director of the Mines and Geosciences Bureau Region I subject to all the requirements of the PMRB in the processing of the said application.

**SECTION 6. PENDING APPLICATIONS** – All pending applications those covering portions thereof on riverbanks as of the date of effectivity of the Ordinance shall be disapproved or amended, whichever is applicable, to conform with this Ordinance.

**SECTION 7. PENALTIES** -

- a) Any person, truck owner, or operator found to be extracting sand and gravel along riverbanks shall be apprehended and meted the following sanctions at the court's discretion:
  - 1) First Offense - Fine of P500.00
  - 2) Second Offense- Fine P1,000.00 or imprisonment of two months.
  - 3) Third Offense- Fine P2,000.00 or imprisonment of not exceeding three (3) months at the discretion of the court.
- b) A repetition of the same offense will be penalized by an imprisonment of not more than six (6) months and a fine of not exceeding P5,000.00 at the discretion of the court.





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**SECTION 8. DISPOSITION OF FINES** – The Local Government Unit, which apprehends the violator shall be entitled to a 50% share of the fine and the remaining 50% shall accrue to the provincial government.

**SECTION 9. SEPARABILITY CLAUSE** - If for any reason, any provision, section or part of this ordinance is declared invalid by a court of competent jurisdiction or declared unconstitutional or illegal by the Secretary of Justice, such judgment shall not affect or impair the remaining provisions, sections or parts which shall continue to be in force and effect.

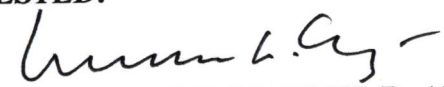
**SECTION 10. REPEALING CLAUSE** – All ordinances, rules and regulations which are in conflict or inconsistent with this Ordinance are hereby repealed or modified accordingly.

**SECTION 11. IMPLEMENTING GUIDELINE** – The Office of the Provincial Governor and the Environment and Natural Office – IMPACT shall make the Implementing Rules and Regulations of this Code within thirty (30) days from its effectivity.

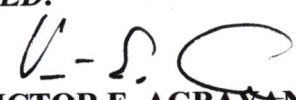
**SECTION 12. EFFECTIVITY** – This ordinance shall be effective after 15 days from last publication in a newspaper of general circulation in the Province of Pangasinan.

  
**MARCIANA P. GONZALES**  
*Acting Secretary to the Sanggunian*

**ATTESTED:**

  
**SP MEMBER MANUEL D. ANCHETA**  
*Temporary Presiding Officer*

**APPROVED:**

  
**VICTOR E. AGBAYANI**  
*Governor*