



Republic of the Philippines  
PROVINCE OF NEGROS OCCIDENTAL  
Old Capitol Building, Bacolod City  
Tel. No. 707-8075 (Admin) \* 435-7698 (Board Member) \* 709-0121 (Legislative Division)  
**OFFICE OF THE SANGGUNIANG PANLALAWIGAN**

EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE SANGGUNIANG PANLALAWIGAN OF NEGROS OCCIDENTAL HELD IN THE CITY OF BACOLOD, NEGROS OCCIDENTAL ON THE 10<sup>TH</sup> DAY OF JANUARY 2023.

Present:

Hon. Jeffrey P. Ferrer	Vice Governor/ Presiding Officer
Hon. Rommel T. Debulgado	Member - 1 <sup>st</sup> District
Hon. Araceli T. Somosa	Member - 1 <sup>st</sup> District
Hon. Sixto Teofilo Roxas V. Guanzon, Jr.	Member - 2 <sup>nd</sup> District
Hon. Samson C. Mirhan	Member - 2 <sup>nd</sup> District
Hon. Manuel Frederick O. Ko	Member - 3 <sup>rd</sup> District
Hon. Andrew Gerard L. Montelibano	Member - 3 <sup>rd</sup> District
Hon. Andrew Martin Y. Torres	Member - 4 <sup>th</sup> District
Hon. Rita Angela S. Gatuslao	Member - 5 <sup>th</sup> District
Hon. Anthony Dennis J. Occeño	Member - 5 <sup>th</sup> District
Hon. Valentino Miguel J. Alonso	Member - 6 <sup>th</sup> District
Hon. Jeffrey T. Tubola	Member - 6 <sup>th</sup> District
Hon. Juvy A. Pepello	Member – ABC
Hon. Pocholo C. Yuvienco	Member – SK
On Official Business:	
Hon. Jose Benito A. Alonso	Member - 4 <sup>th</sup> District
Hon. Julius Martin D. Asistio	Member - PCL

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**ORDINANCE NO. 2023-001**  
Series of 2023

**ORDINANCE ENTITLED: “THE PROVINCIAL MINING ORDINANCE OF 2022 OF THE PROVINCE OF NEGROS OCCIDENTAL”**

Be it enacted by the Sangguniang Panlalawigan of the Province of Negros Occidental in its regular session duly assembled that:

**ARTICLE I**  
**INTRODUCTION**

**SECTION 1. SHORT TITLE.** – This ordinance shall be known as the “Provincial Mining Ordinance of 2022” of the Province of Negros Occidental.

**SECTION 2. DECLARATION OF POLICY.** – As provided in Republic Act No. 7942, otherwise known as the “Philippine Mining Act of 1995”, all mineral resources in public and private lands within the territory and exclusive economic zone of the Republic of the Philippines are owned by the State. It shall be the responsibility of the State to promote their rational exploration, development, utilization and conservation through the combined efforts of government and the private sector in order to enhance national growth in a way that effectively safeguards the environment and protect the rights of affected communities.

**SECTION 3. COVERAGE.** – This ordinance shall govern the acceptance and processing of applications and issuance of any and all kinds of Governor’s Permits, namely: quarry, sand and gravel, gratuitous, guano and gemstone gathering within the jurisdiction of the Province of Negros Occidental. Further, this ordinance governs the monitoring, enforcement, prosecution and imposition of administrative fees, charges and penalties, relative to Governor’s Permit.

*[Handwritten signatures]*



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(Page 2, Ordinance No. 2023-001, series of 2023)

**SECTION 4. DEFINITION OF TERMS.** - As used in this Ordinance, the following terms, whether singular or plural, unless the context indicates otherwise, shall have the following meanings:

- 4.1 Act – refers to Republic Act No. 7942, otherwise known as the "Philippine Mining Act of 1995".
- 4.2 Annual Environmental Protection and Enhancement Program (AEPEP) - refers to a yearly environmental management work plan based on the approved environmental protection and enhancement strategy.
- 4.3 Ancestral lands – refer to all lands exclusively and actually possessed, occupied or utilized by Indigenous Cultural Communities by themselves or through their ancestors in accordance with their customs and traditions since time immemorial, and as may be defined and delineated by law.
- 4.4 Annual Social Development and Management Program (ASDMP) – refers to a yearly community development programs/projects/activities based on the approved Social Development and Management Program for Commercial/Industrial Sand and Gravel (C/ISAG) and Quarry Permits.
- 4.5 Area Status/Clearance – refers to a document issued by the Office of the Mines and Geosciences Bureau, Region VI (MGB VI) stating, among others, whether or not the applied area is closed or free from conflict with other mining permits/applications.
- 4.6 Bed of lakes, rivers, streams, creeks – means the ground covered by water during its highest flood without causing inundation.
- 4.7 Block or meridional block – means an area bounded by one-half (1/2) minute of latitude and one-half (1/2) minute of longitude, containing approximately eighty-one (81) hectares.
- 4.8 Bureau – refers to the Mines and Geo-sciences Bureau – Region VI (MGB-VI).
- 4.9 CENRO – refers to Community Environment and Natural Resources Office of the DENR Region VI.
- 4.10 Cease and Desist Order (CDO) – means an order to a person, corporation, partnership or government entity/instrumentality to stop doing something based on Precautionary Principle or upon a strong showing that the activity is harmful and/or contrary to law.
- 4.11 Certificate on Environment and Management Community Relations Records (CEMCRR) – refers to the applicant's proof of satisfactory environmental management and high regard for the environment in its past and/or present mineral resource use or mining-related ventures, and proof of its present financial capability to undertake resource protection, restoration and/or rehabilitation of degraded areas and similar activities, as well as to its proof of its satisfactory past and/or present community relations which may consist, but is not limited to, sociocultural sensitivity, the character of its past relations with local communities, cultural appropriateness and social acceptability of its resource management strategies.

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(Page 3, Ordinance No. 2023-001, series of 2023)

- 4.12 Claim owner – means the holder of valid and existing mining claims and/or mining lease contracts.
- 4.13 Community Relations Record - refers to the applicant's proof of its community relations which may consist, but is not limited to, sociocultural sensitivity, the character of its past relations with local communities, cultural appropriateness and social acceptability of its resource management strategies: Provided, That this shall not be required in cases where the applicant has no previous community relations experience in resource use ventures, locally or internationally
- Department – means the Department of Environment and Natural Resources (DENR) of the Republic of the Philippines.
- 4.14 Consolidated DENR Administrative Order No. 2010-21 (CDAO 2010-21) – Revised Implementing Rules and Regulations of RA. 7942
- 4.15 Direct Milling Cost - refers to expenditures and expenses directly incurred in the mechanical and physical processing and/or chemical separation of the ore from the waste to produce marketable mineral products
- 4.16 Director – means the Director of Mines and Geo-sciences Bureau, Region VI.
- 4.17 EMB – means the Environmental Management Bureau of the Republic of the Philippines, Region VI.
- 4.18 Environmental Compliance Certificate (ECC) – refers to the document issued by the Regional Director of EMB Region VI, certifying that based on the representation of the proponent and the preparer, as reviewed and validated by the EIA Review Committee, the proposed project or undertaking will not cause a significant negative environmental impact, that the proponent has complied with all the requirements of the EIS System and that the proponent is committed to implement its approved Environmental Management Plan in the EIS or mitigating measures in the Initial Environmental Examination.
- 4.19 Environmental Impact Assessment (EIA) – refers to the process of predicting the likely environmental consequences of implementing projects or undertakings and designing appropriate preventive, mitigating and enhancement measures.
- 4.20 Environmental Impact Statement (EIS) – refers to the document(s) of studies on the environmental impacts of a project including the discussions on direct and indirect consequences upon human welfare and ecological and environmental integrity. The EIS may vary from project to project but shall contain in every case all relevant information and details about the proposed project or undertaking, including the environmental impacts of the project and the appropriate mitigating and enhancement measures.
- 4.21 Environmental Management Record - refers to an applicant's high regard for the environment in its past resource use ventures and proof of its present technical and financial capability to undertake resource protection, restoration and/or rehabilitation of degraded areas and similar activities: Provided, That this shall not be required in cases where the applicant has no previous experience in resource use ventures, locally or internationally.

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(Page 4, Ordinance No. 2023-001, series of 2023)

- 4.22 Environmental Protection and Enhancement Program (EPEP) – refers to the comprehensive and strategic environmental management plan for the life of the mining project on which AEPEPs are based and implemented to achieve the environmental management objectives, criteria and commitments including protection and rehabilitation of the disturbed environment.
- 4.23 Environmental Work Program (EWP) – refers to the comprehensive and strategic environmental management plan to achieve the environmental management objectives, criteria and commitments including protection and rehabilitation of the disturbed environment during the exploration period.
- 4.24 Excise tax – tax levied on actual market value of the gross output of minerals at the time of removal.
- 4.25 Existing mining/quarrying rights – means a valid and subsisting claim or permit or any mining lease contract or agreement covering a mineralized area granted/issued under pertinent mining laws.
- 4.26 Extraction – refers to an act or process of taking, excavating and removing minerals covered by this Ordinance.
- 4.27 Extraction Fee – amount levied on minerals of not more than 10% of the fair market value in the locality per cubic meter of ordinary earth, sand and gravel resources extracted from public lands, or from the beds of rivers, seas and other quarry resources.
- 4.28 Fair market value – means the appraisal per cubic meter/metric ton in the locality of ordinary stones, sand, gravel, earth, quarry resources, and other minerals, made periodically by the Provincial Treasurer. The appraised value herein mentioned shall be based on the average selling price as traded in the open market of the locality.
- 4.29 Fee – means a charge fixed by the law or ordinance for the regulation or inspection of a business or activity. It shall also include charges fixed by law or agency for the services of a public officer in the discharge of his official duties.
- 4.30 FTAA – refers to Financial or Technical Assistance Agreement, which is a contract involving financial or technical assistance for large-scale exploration, development and utilization of mineral resources.
- 4.31 Governor – means the Provincial Governor of Negros Occidental.
- 4.32 Government – means the government of the Republic of the Philippines.
- 4.33 Gross Output – means the actual market value of minerals or mineral products from its mining area.
- 4.34 Habitual Offender – refers to any person/entity who is administratively and/or criminally held liable under this ordinance for a third time or oftener.
- 4.35 Legal Officer – means the Provincial Legal Officer of the Province of Negros Occidental.

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(Page 5, Ordinance No. 2023-001, series of 2023)

- 4.36 Mechanical processing – refers to any operation undertaken on the sand and gravel and other loose and unconsolidated materials which will change its physical property or quality. Mechanical processing refers to size classification, washing or size reduction of mineral resources, which in essence changes the mineral's physical characteristics.
- 4.37 Minerals – refer to all naturally occurring inorganic substance in solid, gas, liquid, or any intermediate state, soil which support organic life, sand and gravel, guano excluding energy materials such as coal, petroleum, natural gas, radioactive materials, and geothermal energy. This does not include mineral water.
- 4.38 Mine Rehabilitation Fund (MRF) – refers to a Trust Fund which shall be used for physical and social rehabilitation of areas and communities affected by mining activities and for research on the social, technical and preventive aspects of rehabilitation. The MRF shall be in two forms, namely:
- 4.38.1 Monitoring Trust Fund (MTF). This Fund shall be deposited in a mutually acceptable Government depository bank for the exclusive use in the monitoring program approved by the MRF Committee.
- 4.38.2 Rehabilitation Cash Fund (RCF). This Fund shall be set up for a designated amount to ensure compliance with the approved rehabilitation activities and schedules, including research programs, as defined in the EPEP/AEPEP.
- 4.39 Mineral products – refer to materials derived from ores, minerals and/or rocks and prepared into a marketable state by mineral processing.
- 4.40 Mineral Ore Export Permit (MOEP) – refers to the permit that maybe granted to a contractor, accredited dealer, retailer, processor and other permit holders to transport minerals/mineral ores including tailings exported outside the country.
- 4.41 Next-of-kin – shall mean a person's closest next living relative by blood, such as children, or parents, or brothers and/or sisters.
- 4.42 Ordinary earth – means ordinary soil (garden soil).
- 4.43 Ore – means a naturally occurring substance or material or an element that can be mined and/or processed for profit.
- 4.44 Ore Transport Permit (OTP) – refers to the permit that may be granted to a contractor, accredited dealer, retailer, processor and other permit holders to transport minerals/mineral products outside the Province.
- 4.45 PEMO – refers to the Provincial Environment Management Office of the Province of Negros Occidental.
- 4.46 PENRO – refers to the Provincial Environment and Natural Resources Office of the DENR.
- 4.47 Permit – for this purpose, refers to the permit issued by the Governor under this Ordinance.

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(Page 6, Ordinance No. 2023-001, series of 2023)

- 4.48 Permit area – refers to an area covered by any of the permits issued by the Governor under this Ordinance.
- 4.49 Permit holder – means a holder of any mining permit issued under this Ordinance.
- 4.50 Permit To Transport (PTT) – refers to a document that may be granted to permit holders to transport minerals/mineral products within the province of Negros Occidental.
- 4.51 PMRB – means the Provincial Mining Regulatory Board of Negros Occidental.
- 4.52 PMRFC – means the Provincial Mine Rehabilitation Fund Committee in Negros Occidental which manages, operates, monitors and looks after the safety of the Mine Rehabilitation Fund (MRF) and evaluates Environmental Protection and Enhancement Plan (EPEP).
- 4.53 Precautionary Principle – states that when human activities may lead to threats of serious and irreversible damage to the environment that is scientifically plausible but uncertain, actions shall be taken to avoid or diminish that threat.
- 4.54 Private land – refers to any land belonging to any private person or entity which includes alienable and disposable land being claimed by a holder, claimant, or occupant who has acquired a vested right thereto under the law, although the corresponding certificate or evidence of title or patent has not been actually issued.
- 4.55 Province – means the Province of Negros Occidental.
- 4.56 Provincial Multi-Partite Monitoring Team (PMMT) – a composite team composed of different public agencies and non-government organizations deputized by the Provincial Mine Rehabilitation Fund Committee pursuant to Consolidated Department Administrative Order (CDAO) No. 2010-21 of the Department of Environment and Natural Resources (DENR).
- 4.57 Republic Act No. 7942 – The Philippine Mining Act of 1995
- 4.58 Provincial Treasurer – means the Provincial Treasurer of Negros Occidental.
- 4.59 Public land – refers to land of public domain which have been classified as agricultural land, mineral land, forest or timber land subject to management and disposition or concession under existing laws.
- 4.60 Public waters – refers to bodies of water belonging to the public domain such as but not limited to seas, bays, lakes, creeks, streams, rivers and swamps.
- 4.61 Qualified person – means any citizen of the Philippines having the capacity to enter into contracts, or a corporation, partnership, association, cooperative or firm duly organized and existing under the laws of the Philippines authorized to do or engaged in small-scale mining or extraction of sand, gravel, and other quarry and mineral resources, or engaged in a business that requires the requisition, use or application of sand, gravel, and other quarry and mineral resources.
- 4.62 Quarrying – means the process of extracting, removing and disposing quarry resources found on or underneath the surface of public land or private land.

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(Page 7, Ordinance No. 2023-001, series of 2023)

- 4.63 Quarry resources – refers to any common rock or other mineral substances as the Director of Mines and Geosciences Bureau may declare to be quarry resources such as, but not limited to ordinary earth, andesite, basalt, conglomerate, coral sand, diatomaceous earth and other filling materials, diorite, decorative stones, gabbro, granite, limestone, marble, marl, red burning clays for potteries and bricks, rhyolite, rock phosphate, sandstone, serpentine, silica, shale, tuff, volcanic cinders, and volcanic glass: Provided, that such quarry resources do not contain metals and metallic constituents and/or other valuable minerals in economically workable quantities. Provided, further that non-metallic minerals such as kaolin, feldspar, bull quartz or silica, sand and pebbles, bentonite, talc, asbestos, barite, gypsum, bauxite, magnesite dolomite, mica, precious and semi-precious stone, and other non-metallic minerals that may later be discovered and which the Director declares the same to be of economically workable quantities, shall not be classified in the category of quarry resources.
- 4.64 Republic Act No. 7076 – refers to the People’s Small Mining Act of 1991.
- 4.65 Sand and gravel – means particles of rocks measuring 0.0625 mm and above. They are classified as follows:
- 4.65.1 Sand – refers to particles of rock measuring 0.0625 mm to 1.99 mm.;
  - 4.65.2 Gravel – refers to those particles of rock measuring 2 mm. and above.
    - 4.65.2.1. Pebble – smooth rounded stones ranging in diameter from 2 mm. to 63 mm., deposited by wave action along the beaches/shorelines.
    - 4.65.2.2. Cobble – 64 mm. to 255 mm.
    - 4.65.2.3. Boulders – means fragment of rock that measure 256 mm. and above.
- 4.66 Social Development and Management Program (SDMP) – refers to the comprehensive one-year or five-year plan of the Permit Holder authorized to conduct actual mining and/or milling operations towards the sustained improvement in the living standards of the host and neighboring communities by creating responsible, self-reliant and resource-based communities capable of developing, implementing and managing community development programs, projects, and activities in a manner consistent with the principle of people empowerment. It is a tool for the development and implementation of community programs and projects in consultation and in partnership with the host and neighboring communities.
- 4.67 Small scale mining – refers to mining activities that rely on manual labor using simple implements and methods and do not use explosives or heavy mining equipment.
- 4.68 Tax – means an enforced contribution, usually monetary in form, levied by the law making body on persons and property subject to its jurisdiction for precise purpose of supporting government needs.
- 4.69 Utilization – means the extraction and/or disposition, commercially or for personal-use, of minerals.

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(Page 8, Ordinance No. 2023-001, series of 2023)

**ARTICLE II**  
**GENERAL PROVISIONS**

**SECTION 5. GOVERNOR'S PERMIT TO TAKE AND DISPOSE OF MINERALS. –**

No person, natural or juridical, shall be allowed to take and dispose of minerals from public waters, public and private lands, unless authorized under a permit issued by the Provincial Governor in accordance with this Ordinance.

**SECTION 6. WHO MAY BE GRANTED PERMIT. –** A permit may be granted to any qualified person, as herein defined, who has complied with the requirements prescribed by this Ordinance.

**SECTION 7. AREAS OPEN TO MINING APPLICATIONS. –** The following areas are open to mining applications:

1. Public or private lands not covered by valid and existing mining rights and mining applications;
2. Lands covered by expired/abandoned/cancelled mining/quarrying rights;
3. Mineral reservations
4. Timber or forest lands as defined in existing laws; and
5. In areas occupied/claimed by Indigenous Cultural Communities, subject to the Prior Informed Consent of the concerned communities, pursuant to Section 16 and 17 of R.A. 7942 and Section 16 of CDAO 2010-21, and without prejudice to further rules and procedural requirements that may hereafter be promulgated to implement Republic Act No. 8371, otherwise known as "Indigenous People's Right Act" ("IPRA").

Provided: in a river system, all applications for sand and gravel Governor's Permit shall strictly observe the bank to bank scheme, including applications for renewal. However, if bank to bank is not feasible, the application should be confined at the center of the riverbed. Provided further, that in case of private land, the area applied shall observe the legal easement required under applicable laws. In addition to the legal easement, a five-meter buffer zone from the boundary of the same shall also be required.

**SECTION 8. AREAS WHICH MAY BE OPENED FOR MINING APPLICATIONS SUBJECT TO CONDITIONS. –** The following areas may be opened for mining applications the approval of which are subject to following conditions:

1. Military and other Government Reservations, upon prior written clearance by the government agency having jurisdiction over such Reservations;
2. Areas near or under public or private buildings, cemeteries, archaeological and historic sites, bridges, highways, waterways, railroads, reservoirs, dams or other infrastructure projects, public or private works, including plantations or valuable crops, within one (1) kilometer upstream and downstream except upon written consent of the concerned government agency or private entity subject to technical evaluation and validation by the concerned owner or agency/agencies;
3. Areas covered by FTAA applications which shall be opened for quarry resources mining applications pursuant to section 53 of DENR Administrative Order No. 2010-21 (DAO 2010-21) upon the written consent of the FTAA applicants, except for sand and gravel applications which shall require no such consent;
4. Areas covered by small-scale mining under R.A. 7076 upon prior consent of the small-scale miners, in which case a royalty payment, upon the utilization of minerals, shall be agreed upon by the concerned parties and shall form a Trust Fund for the socio-economic development of the concerned community; and



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(Page 9, Ordinance No. 2023-001, series of 2023)

5. DENR Project Areas upon prior consent from the concerned agency.

**SECTION 9. AREAS CLOSED TO MINING APPLICATIONS.** – Pursuant to R.A. 7942 and in consonance with State policies and existing laws, areas may be closed to mining applications:

1. Areas covered by valid and existing mining rights and mining applications subject to Subsection b (3) of DENR Administrative Order No. 2010-21 (CDAO 2010-21) or the Implementing Rules and Regulations of R.A 7942;
2. Old growth or virgin forests, proclaimed watershed forest reserves, wilderness areas, mangrove forest, mossy forests, national parks, provincial/municipal forests, tree parks, green-belts, game refuge, bird sanctuaries and areas proclaimed as marine reserves/marine parks and tourist zones as defined by law and identified initial components of the National Integrated Protected Areas System (NIPAS) pursuant to R.A. No. 7586 and such areas expressly prohibited thereunder, as well as under DENR Department Administrative Order No.26, Series of 1992, and other laws;
3. Areas which the DENR Secretary may exclude based, inter alia, on proper assessment of their environmental impacts and implications on sustainable land uses, such as built-up areas and critical watersheds with appropriate Barangay/Municipal/City/Provincial Sanggunian Ordinance specifying therein the location and specific boundary of the concerned area;
4. Area or major portion of an area covered by a previous permit that already expired with unsettled obligation unless the unsettled obligation is paid by the new applicant; and
5. Areas expressly prohibited by law.

Mining applications which, after technical review and evaluation, are found out to fall within the foregoing areas shall be denied.

**SECTION 9.1. OTHER AREAS CLOSED TO MINING.** – Pursuant to Presidential Executive Order No. 79, series of 2012 and its implementing rules, applications for mineral contracts, concessions and agreements shall not be allowed in the following:

1. Areas expressly enumerated under Section 19 of RA No. 7942;
2. Protected areas categorized and established under the National Integrated Protected Areas System (NIAPS) under RA No. 7586;
3. Prime agricultural lands, in addition to lands covered by RA 6657, or the Comprehensive Agrarian Reform Law of 1988, as amended, including plantations and areas devoted to valuable crops, and strategic agriculture and fisheries development zones and fish refuge and sanctuaries declared as such by the Secretary of the Department of Agriculture (DA);
4. Tourism development areas,
5. Other critical areas, island ecosystems, and impact areas of mining as determined by current and existing mapping technologies, that the DENR may hereafter identify pursuant to existing laws, rules, and regulations, such as, but not limited to, the NIPAS Act.

**SECTION 10. CONDITION PRECEDENT.** – An application shall not be processed unless an applicant submits to the Governor, through the PEMO as the Provincial Mining Regulatory Board (PMRB) Secretariat, the initial mandatory requirements provided under Section 42 (42.1 and 42.5.1), Article V of this Ordinance.

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(Page 10, Ordinance No. 2023-001, series of 2023)

**SECTION 11. PERIOD OF PROCESSING.** – The applicant shall submit all the documentary requirements to the RSD-PEMO within 270 days from the date of submission of Letter of Intent with Application. The three-notice rule will apply. In case the last day falls on a holiday, or a Saturday, or a Sunday, the deadline of submission shall be the next working day.

Failure on the part of the applicant to submit the complete documentary requirements within the period provided for shall cause the automatic cancellation of his/her/its application, and the applicant could not re-apply in any part or a portion of the area for six (6) months, except in case of gratuitous permit applications and permit applications involving private lands. The reckoning date for the six (6)-month period shall be the day after the end of the processing period.

**SECTION 12. VERIFICATION OF AREA.** – Field Verification shall be conducted by PEMO after the one-time submission of complete mandatory requirements with attached official receipts of payment for other administrative fees. Verification fees shall be paid to the Provincial Treasurer's Office.

No permit shall be recommended for approval without the verification actually made by the PEMO.

**SECTION 13. APPLICATIONS INVOLVING THE SAME AREA.** – In cases of applications involving the same area(s), the application first registered, accompanied by the initial mandatory requirements as enumerated in Subsection 42.1 hereof, shall be accepted and preferred.

**SECTION 14. SURETY BOND.** – To answer for and guarantee payment for whatever actual damages that may be incurred by the quarry or sand and gravel operations, a surety bond of Twenty Thousand Pesos (P20,000.00) shall be annually posted by the applicants, except for those applying for Gratuitous and Exclusive Sand and Gravel Permits or permits with 60-day validity period.

**SECTION 15. ASSIGNMENT AND TRANSFER.** – An application or permit may be assigned or transferred by the applicant or the permit holder, respectively, to any qualified person by instrument duly filed and registered with the PEMO stating therein the reason/s or justification/s for the assignment or transfer. The transfer or assignment shall not be effective unless approved by the Governor and duly registered.

An application may be transferred only upon the completion of the one-time complete submission of mandatory documentary requirements and payment of fees.

A permit may be transferred to any qualified person, natural or juridical; provided, that all documentary requirements enumerated under Section 42 of this Ordinance are complied with.

15.1. DEATH OF THE APPLICANT OR PERMIT HOLDER. – In case of death of an applicant or permit holder, the spouse or the next-of-kin, in that order, has ninety (90) calendar days after the death of the former to tender a Letter of Intent (LOI). The first to tender the LOI will be preferred. Otherwise, the area will be considered open for application after the ninety (90) - calendar day period.

**SECTION 16. SUSPENSION AND REVOCATION/CANCELLATION OF PERMIT.** – Without prejudice to other pertinent provisions hereof, permits issued under this ordinance may be suspended or revoked/cancelled by the Governor for the following grounds:

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(Page 11, Ordinance No. 2023-001, series of 2023)

1. Failure to comply with the terms and conditions of the permit and the ECC;
2. Violation of any provision of this Ordinance;
3. Any violation of Section 151 of RA 8242, as amended, and its implementing revenue regulations;
4. Any misrepresentation in any statement made in the application or those made later in support thereof or in documents required of permit holders;
5. When national interests and public welfare so require or for environmental protection or ecological reasons; or
6. When human activities may lead to threats of serious and irreversible damage to the environment that is scientifically plausible but uncertain.

Upon the revocation/cancellation of the Permit, the area subject of the permit shall be considered open for application.

**SECTION 17. WITHDRAWAL FROM A PERMIT.** – The permit, due to causes which in the opinion of the permit holder make continued mining operations no longer feasible or viable, may be withdrawn by submitting a Notice of Withdrawal to the PMRB. The PMRB shall consider the notice, and issue its decision within a period of thirty (30) calendar days after its deliberation for the approval of the Governor; Provided, that the permit holder has met all his/her/its financial, environmental and legal obligations at the time of withdrawal, or has complied with all obligations as a permit holder.

The foregoing provisions notwithstanding, suspension or revocation or withdrawal of permit shall not release the permit holder from any and all obligations, particularly with regard to ecological management at the time of suspension or revocation and withdrawal from permit.

**SECTION 18. RENEWAL OF PERMIT.** – Within sixty (60) calendar days before the expiration of the permit, the permit holder may apply for the renewal of C/ISAG/Quarry Governor's Permit by submitting to the PMRB, through PEMO, the initial mandatory requirements for renewal of permit enumerated in Subsection 42.5.1, Article V of this Ordinance.

Special, gratuitous and exclusive sand and gravel permits are non-renewable.

**SECTION 19. AMENDMENT OF VOLUME.** – A permit holder may apply for an increase in the allowable volume of materials to be extracted by submitting the following documents:

1. Letter-request to the Governor, through the PMRB, for the increase in volume permitted for extraction subject to the field verification of PEMO;
2. Amended ECC covering and allowing said increase in volume for extraction; and
3. Approved amended AEPEP and SDMP and Certificate of Lodging.

Provided, however, that the corresponding taxes and fees as imposed by this Ordinance shall be paid covering the additional quantity.

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Tel. Nos. 435-7698 \* 433-4894 \* 707-8075

(Page 12, Ordinance No. 2023-001, series of 2023)

**SECTION 20. RECORDS OF EXTRACTED/REMOVED/DISPOSED MATERIALS.** – The permit holder shall always keep a Book of Accounts wherein there shall be entered every day the quantity of materials removed or extracted from the area as well as the quantity disposed of or sold during the day, its selling price, the name and address of the person or party to whom the same was sold or disposed of, the plate number of the truck used in transporting the materials, and the Permit To Transport (PTT) serial numbers covering the volume of transported materials. The permit holder shall procure the standard Book of Accounts from the Provincial Treasurer's Office and the same shall be kept and always available for inspection of the representatives of the Governor at the project site office.

Failure to maintain said Book of Accounts or the refusal of the permit holder to allow the concerned authorities to inspect the same without justifiable reason shall be subject to penalties imposed under Section 77 hereof.

**SECTION 21. PERIODIC INSPECTION.** – All operations conducted in relation to a permit issued under this Ordinance shall be subject to periodic inspection by the duly authorized representative of the Governor or his/her deputies to determine compliance of the terms and conditions of the ECC and the Governor's Permit.

**SECTION 22. ENDING INVENTORY.** – The permit holder is required to submit a sworn Ending Inventory Report to PEMO upon expiration or termination of the permit period. The report shall state the total volume of sand and gravel or quarry materials allowed for extraction, the volume extracted, and left in stock.

**SECTION 23. AUTHORITY.** – The applicant/permit holder may be represented by another person provided said authority is contained in a public instrument duly registered with PEMO after payment of the required fees. Provided, further, that the grantee of Special Power of Attorney shall be allowed a maximum of three representations only.

All Technical Consultants/Preparers and Processors and other authorized representatives of the Applicants/Permit Holders shall secure Accreditation from the Province of Negros Occidental, which shall be renewed every year subject to evaluation and assessment of their performance.

In case of violation, malpractice, unsatisfactory performance, or unreasonable/unjustifiable delay in the processing, it shall be a ground for blacklisting or disqualification from accreditation of Technical Consultants/Preparers and Processors, in addition to administrative fees, penalties or liabilities provided under Section 77 hereof. Relative thereto, guidelines on the matter shall be formulated by the PMRB.

**SECTION 24. LOCAL GOVERNMENT UNIT RESOLUTIONS.** – The application for Governor's Permit shall be transmitted to the concerned Local Government Unit for issuance of Resolution favorably or not favorably endorsing the application and interposing objection or no objection to the application.

Within fifteen (15) days from receipt of the request/application for a resolution, the Sangguniang Barangay or Sangguniang Bayan/Panlungsod shall act on the same; otherwise, the application or request is deemed approved. In case of denial of the request/application, the reasons therefore shall be stated, and the same may be appealed to the Sangguniang Bayan/Panlungsod for reconsideration/reversal, in case of Sangguniang Barangay Resolution, and to the Sangguniang Panlalawigan, in case of Sangguniang Bayan/Panlungsod Resolution.



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Tel. Nos. 435-7698 \* 433-4894 \* 707-8075

(Page 13, Ordinance No. 2023-001, series of 2023)

**ARTICLE III**  
**INSTITUTIONAL MECHANISMS**

**SECTION 25. CREATION OF THE PROVINCIAL MINING ADJUDICATION PANEL (PMAP).** – There shall be created a Provincial Mining Adjudication Panel composed of representatives from the PEMO, the Provincial Legal Office and the Sangguniang Panlalawigan to hear and investigate appeals relating to adverse claims, protests and oppositions pertaining to mining rights and applications. The Governor shall issue an Order appointing the members of the Panel, which shall be chaired by the representative of the Provincial Legal Office. All Decisions made by the PMAP, upon approval of the Governor, shall be final and executory.

**SECTION 26. MUNICIPAL/CITY MONITORING COMMITTEE (M/CMC).** – There shall also be created a Municipal/City Monitoring Committee in each component municipality/city to be composed of local government representatives from the Philippine National Police, the Municipal/City Engineer's Office, the executive environment officer, a representative from a duly accredited non-government organization or religious sector, and to be chaired by the Chairman on Environment of the Sangguniang Bayan/Panlungsod. The members of the Committee shall be appointed by the Governor upon recommendation of the Municipal/City Mayor.

The Committee is deputized to apprehend violators of this Ordinance. Likewise, it is also authorized to investigate disputes and violations, and to make necessary recommendations based on its investigation. The said apprehension, investigation and recommendation shall be endorsed to the PLO for final resolution. The PLO shall report its findings to the Governor, whose decision shall be final and executory.

The Committee shall submit its report on apprehensions conducted which shall be the basis of the LGU share in the proceeds of fees, fines and penalties as enumerated in Section 77 of this ordinance.

**SECTION 27. BARANGAY MONITORING COMMITTEE (BMC).** – There shall also be created a Barangay Monitoring Committee in each component barangay of the municipality/city to be composed of the Kagawad on Environment, a representative from the religious sector or non-government organization or people's organization (where applicable) as selected by the Sangguniang Barangay, and to be chaired by the Punong Barangay. The membership of the BMC may be increased as the need arises.

The responsibilities of the BMC include strict monitoring of mining activities in its jurisdiction and apprehension of violators of the provisions of this Ordinance and the Governor's Permit. Likewise, it is also authorized to investigate disputes and to make necessary recommendations based on its investigation. The said apprehension, investigation and recommendation shall be endorsed to the PLO for final resolution. The PLO shall report its findings to the Governor, whose decision on such disputes and violations shall be final and executory.

The committee shall submit its report of all apprehension which shall be the basis of its share as provided in Section 77 of this ordinance.

Together with the respective barangay officials, the BMC shall also ensure that the Notices of Application for permits are properly posted in the barangay in compliance with the provisions of Article VII of this Ordinance.

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Tel. Nos. 435-7698 \* 433-4894 \* 707-8075

(Page 14, Ordinance No. 2023-001, series of 2023)

**SECTION 28. DEPUTIES.** – The PEMO, Provincial Treasurer, Provincial Legal Officer, Municipality/City Mayors and Punong Barangays with the assistance of the BMC shall be the deputies of the Governor who shall perform the functions provided for in the succeeding sections and those that the Governor may assign from time to time in connection with the provisions of this Ordinance.

**SECTION 29. PROVINCIAL ENVIRONMENT MANAGEMENT OFFICE (PEMO).** – The Regulatory Services Division (RSD) of the PEMO shall handle some of the devolved functions from the DENR and shall perform, among others, the following:

1. Enforce all pertinent provisions of the Provincial Mining Ordinance of Negros Occidental;
2. Process permits for small-scale mining, guano collection, gemstone-gathering, sand and gravel and other quarry and mineral resources;
3. Cause the collection of fees and charges for small-scale mining, guano collection, gemstone gathering, sand and gravel and other quarry and mineral resources;
4. Spearhead in organizing the involvement of local government units in safeguarding the extraction and disposition of sand and gravel, quarry and other mineral resources within its territorial jurisdiction;
5. Formulate courses of action/strategic plans to address the increasing environmental degradation caused by illegal mining and quarrying operation;
6. Conduct monitoring activities in coordination with local government units, the DENR and other agencies concerned on a scheduled basis;
7. Issue show-cause order for clarificatory purposes on issues arising from application or permit;
8. Endorse to the Provincial Legal Office for the administrative hearing all cases of apprehensions immediately after the apprehension is done.
9. Issue a Cease and Desist Order (CDO) based on the Precautionary Principle upon approval of the Provincial Environment Management Officer.

**SECTION 30. PROVINCIAL TREASURER.** – The Provincial Treasurer shall determine the fair market value in the locality of the materials covered by this Ordinance, collect all taxes and fees prescribed herein and shall inspect or cause inspection of the permit holder's Book of Accounts.

It shall also be the duty of the Provincial Treasurer's Office (PTO) to periodically conduct, inspect, and investigate the use and production of the "Permit To Transport" and make the necessary recommendations on the appropriate actions to be taken.

The recommendations shall be endorsed to the Governor thru the Provincial Legal Office or to the Sangguniang Panlalawigan as the case may be.

**SECTION 31. THE PROVINCIAL LEGAL OFFICE.** – In cases of apprehensions for violations of this Ordinance and/or complaints against applicants or permit holders and upon verification by and endorsement of PEMO, the Provincial Legal Office shall be responsible for the (a) conduct of the administrative hearing and impose fines, fees and penalties and (b) preparation of documents necessary for the filing of complaints with the appropriate Prosecutor's office or courts of law if the circumstances warrant.

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(Page 15, Ordinance No. 2023-001, series of 2023)

**SECTION 32. MUNICIPAL/CITY MAYORS, PUNONG BARANGAYS AND PNP PERSONNEL.** – As deputies of the Governor in the enforcement of this Ordinance, Municipal/City Mayors, Punong Barangays and personnel of the Philippine National Police assigned to the various municipalities/cities of the province shall apprehend violators hereof and cause the immediate filing of appropriate criminal charges against them by the Station Commander concerned in the proper Municipal Trial Court or Municipal Circuit Trial Court, as the case may be.

**ARTICLE IV  
MINAHANG BAYAN**

**SECTION 33. GENERAL PROVISION.** – No small-scale mining shall be undertaken outside a Minahang Bayan and that no entity shall engage in small-scale mining without a small-scale mining contract.

All persons undertaking or intending to undertake small-scale mining shall register as small-scale miners with the PMRB, subject to the submission of a valid government issued identification card and proof of Filipino citizenship.

For the above purpose, the PMRB shall maintain a registry of small-scale miners within its jurisdiction.

The guidelines and provisions specified in the Administrative Order No. 2022-03 with subject Revised Implementing Rules and Regulations of Republic Act No. 7076, otherwise known as the "People's Small-Scale Mining Act of 1991", and the implementing rules and regulations of Republic Act No. 7942, otherwise known as the "Philippine Mining Act of 1995", insofar as they are not inconsistent with the former, shall govern small-scale mining operations.

**ARTICLE V  
GOVERNOR'S PERMIT**

**SECTION 34. GENERAL PROVISION.** – Quarry, sand and gravel, guano and gemstone resources in private and/or public lands may be extracted, removed, disposed and/or utilized. Any qualified person may be granted only one (1) permit in a municipality/city at any one time under such terms and conditions as provided herein.

**SECTION 35. KINDS OF PERMIT.** – The Governor may issue the following permits under this Ordinance:

1. Quarry Permit
2. Sand and Gravel Permit
  - i. Commercial
  - ii. Industrial
  - iii. Exclusive
3. Gratuitous
  - i. Government Gratuitous
  - ii. Private Gratuitous
4. Guano Permit
  - i. Gratuitous Guano
  - ii. Commercial Guano

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Tel. Nos. 435-7698 \* 433-4894 \* 707-8075

(Page 16, Ordinance No. 2023-001, series of 2023)

5. Gemstone-Gathering
6. Special Permit
7. Ore Transport Permit (OTP)
8. Mineral Ore Export Permit (MOEP)

**SECTION 36. QUARRY PERMIT.** – Any qualified person may apply for a Quarry Permit with the Provincial Governor, through the PMRB, for the extraction, removal and disposition of quarry resources covering an area of not more than five (5) hectares for a term not exceeding five (5) years from date of issuance thereof, renewable for like periods but not to exceed a total term of twenty-five (25) years, subject to the succeeding provisions hereof.

**SECTION 37. SAND AND GRAVEL PERMIT.** – The following sand and gravel permits may be issued:

**37.1. Commercial Sand and Gravel (CSAG) Permit.** – Any qualified person may apply for a Commercial Sand and Gravel Permit with the Provincial Governor through the PMRB for the extraction, removal and disposition of sand and gravel and other loose or unconsolidated materials which are used in their natural state without undergoing processing covering an area of less than three (3) hectares for a term of one (1) year from the date of issuance thereof, renewable for like period and in such quantities as may be specified in the permit: Provided, that any qualified person may be granted only one (1) permit in a municipality/city at any one time under such terms and conditions as provided herein.

**37.2. Industrial Sand and Gravel (ISAG) Permit.** – Any qualified person, may apply for an Industrial Sand and Gravel Permit with the Provincial Governor through the PMRB for the extraction, removal and disposition of sand and gravel and other loose or unconsolidated materials that necessitate the use of mechanical processing covering an area of three (3) to five (5) hectares at any one time for a term not exceeding five (5) years from date of issuance thereof, renewable for like period but not to exceed a total term of twenty five (25) years.

No operations shall be allowed until after the processing machinery or crushing equipment shall have been installed by the permit holder; Provided, that the permit holder may enter into an operating agreement with a Mineral Processing Permit (MPP) holder; Provided, further, that failure of the permit holder to install the required processing equipment within six (6) months from grant of the permit may cause the revocation of the permit.

**37.3. Exclusive Sand and Gravel Permit.** – Any qualified person may apply for an Exclusive Sand and Gravel Permit with the Provincial Governor through the PMRB for the extraction, removal and utilization of sand and gravel and other loose or unconsolidated materials from public land for his/her/its own use covering an area of not more than one (1) hectare for a non-renewable period not exceeding sixty (60) calendar days and a maximum volume of fifty (50) cubic meters: Provided, that there will be no commercial disposition thereof.

**SECTION 38. GRATUITOUS PERMITS.** – The following gratuitous permits may be issued:



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(Page 17, Ordinance No. 2023-001, series of 2023)

**38.1. Government Gratuitous Permits.** – Any government entity/instrumentality in need of quarry, sand and gravel or loose/unconsolidated materials in the construction of building(s) and/or infrastructure for public use or other purpose may apply for a Government Gratuitous Permit with the Provincial Governor through the PMRB for a period coterminous with the construction stage of the project but not to exceed one (1) year in public/private land(s) covering an area of not more than two (2) hectares. The applicant shall submit a project proposal stating where the materials to be taken shall be used and the estimated volume needed.

**38.2. Private Gratuitous Permit.** – Any landowner may apply for a Private Gratuitous Permit with the Provincial Governor through the PMRB for the extraction, removal and utilization of quarry, sand and gravel or earth/soil loose/unconsolidated materials from his/her/its land for a non-renewable period of sixty (60) calendar days: Provided, that there is adequate proof of ownership and that the materials shall be for personal use.

**SECTION 39. GUANO.** – Any qualified person whose domicile is within the municipality/city where the applied area for is located may apply for a Guano Permit with the Provincial Governor through the PMRB for the extraction, removal, disposition, and/or utilization of loose, unconsolidated guano and other organic fertilizer deposits in specific caves and/or confined sites for a specified term or upon extraction of the quantity as specified in the permit. The application of permit for extraction of cave resources specifically of Guano shall only be issued in caves open for permit application under RA 9072 also known as the National Caves and Cave Resources Management and Protection Act. Clearance from Biodiversity Management Bureau (BMB) shall be required prior to the issuance of any mining permit for cave resources.

**39.1. Gratuitous Guano Permit.** – Any qualified person may apply for a Gratuitous Guano Permit with the Provincial Governor through the PMRB for his/her/its personal use or to any government agency in need of the materials within sixty (60) days and in such quantity of not more than two thousand kilograms (2,000 kg.)

**39.2. Commercial Guano Permit.** – Any qualified person may apply for a Commercial Guano Permit with the Provincial Governor through the PMRB for sale or commercial disposition thereof within one (1) year and in such quantity as may be specified thereof.

**SECTION 40. GEMSTONE-GATHERING PERMIT.** – Any qualified person may apply for a Gemstone-Gathering Permit with the Provincial Governor, through the PMRB, for the extraction, removal and utilization of loose stones useful as gemstones for a term not exceeding one (1) year from the date of issuance thereof, renewable for like periods; Provided, that the application for renewal shall be filed before the expiry date of the permit; Provided further, that the permit holder has complied with all the terms and conditions of the original Permit as provided herein and has not been found guilty of violation of any provision of the Act and this Ordinance.

**SECTION 41. GOVERNOR'S SPECIAL PERMIT.** – The Governor may issue a Special Permit to any government entity that needs to extract, remove and transport sand and gravel, soil, and other loose and unconsolidated materials subject to verification of PEMO, under the following circumstances and purposes:

1. Materials of limited volume, with maximum of 1,000 cubic meters, which are necessary for small infrastructure projects implemented by government institutions or agencies, or local government units; and

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(Page 18, Ordinance No. 2023-001, series of 2023)

2. Materials necessary for emergency repairs of damaged infrastructure resulting from disasters.

In case of excess materials from diggings and construction surplus of any earth movement activities conducted by private or public entities, a Governor's Special Permit may be granted; Provided, said materials and construction surplus shall be for personal use only and not for commercial disposal.

#### **SECTION 42. MANDATORY REQUIREMENTS FOR PERMITS.**

**42.1. Initial Mandatory Requirements.** The initial mandatory requirements, in 3 sets - one (1) original and two (2) photocopies, shall be submitted as condition precedent in the filing of an application for Governor's Permit, to wit:

- i. Notarized Letter of Intent with Application;
- ii. Blueprint copies, one (1) soft copy (in USB) and the original survey plan (Bureau of Land-Form No. 1) of the area applied for duly signed and sealed by a deputized geodetic engineer by the Bureau, with the following documents attached:
  - a. Lot Data Computations on a separate sheet duly signed by the deputized geodetic engineer;
  - b. Latitude and longitude of corner "1" on a separate sheet duly signed by the deputized geodetic engineer;
  - c. Computations of conversion from Geographic to Grid and vice-versa of reference monument and corner "1" on a separate sheet duly signed by the deputized geodetic engineer;
  - d. A certification issued by the deputized Geodetic Engineer that the area applied for does not encroached/overlapped any private property. The deputized geodetic engineer shall be required to indicate the date of the survey; his/her professional licensed number, the duration of validity, including the Professional Tax Receipt (PTR) number on the survey plan;
- iii. Proof of technical competence including, among others, curricula vitae and track records in mining operations and environmental management of the technical personnel who shall undertake the activities in accordance with the submitted Work Program and EPEP;
- iv. Proof of financial capability to undertake the activities pursuant to Work Program and EPEP, such as the following:
  - a. For individuals - Statement of assets and liabilities duly sworn in accordance with existing laws, credit lines and income tax return for the preceding three (3) years; and
  - b. For corporations, partnerships, associations or cooperatives - Latest Audited Financial Statement, and where applicable, Annual Report for the preceding year, credit lines, bank guarantees and/or similar negotiable instruments.
- v. Photocopy of Articles of Incorporation/ Partnership/Association, By-Laws, Certificate of Registration, duly certified by the SEC or authorized Government agency(ies) concerned for corporations, partnerships, associations or cooperatives, and notarized Secretary's Certificate or Board Resolution assigning an authorized representative or liaison officer;
- vi. Work Program prepared and signed by a licensed Mining Engineer/Geologist; and
- vii. Official Receipt for Payment of Filing Fee

Provided that in case of a new application, an applicant shall be allowed to file only one application in a year.

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Tel. Nos. 435-7698 \* 433-4894 \* 707-8075

(Page 19, Ordinance No. 2023-001, series of 2023)

Provided, further, that in the case of Quarry, Ordinary Earth, Gemstone-Gathering, Guano Permit applications, the notarized written permission of affected landowner(s) or surface owner(s) and an original copy of the authenticated land title from the Registry of Deeds shall also be required as initial mandatory requirement in the acceptance of such applications.

**42.2. Other Mandatory Requirements Quarry, Sand and Gravel, Guano and Gemstone Gathering Permits.**

- i. Area Clearance
- ii. Five (5) colored pictures of the applied area including panoramic angles;
- iii. Resolution from the Sangguniang Barangay, stating among others that the barangay interposes no objection to the area subject of the application and that the proposed extraction will not adversely affect any proposed, ongoing or existing project of the barangay;
- iv. Resolution from Sangguniang Bayan/ Panlungsod;
- v. Certificate of Registration/Excise Tax Clearance from the Bureau of Internal Revenue;
- vi. Certification of Posting of the endorsed Notice of Application by the concerned offices/agencies
- vii. Except for Special Permit and other permits with 60-day duration, Work Program signed by a licensed mining engineer or licensed geologist, duly supported with Site Development, Zoning Clearance, photos of mechanical processing facilities designed by a mechanical engineer, original copy of Certified True Copy of land title where the processing plant shall be installed, and land owner's consent, if applicable,;
  - a. Affidavit of Undertaking, in case of Agreement on Mechanical Processing Equipment/Facility
  - b. Approved Design of the Electrical and Mechanical Plans for the Mechanical Processing Requirement for Industrial Sand and Gravel Extraction Project
- viii. Approved A/EPEP with Certificate of Lodging from PMRFC
- ix. Approved SDMP
- x. Approved CEMCCR or Certificate of Exemption
- xi. ECC with initial environmental examination (IEE) from the DENR;
- xii. Proof of updated payment of Real Property Tax
- xiii. Other additional requirements, where applicable:
  - a. For permits involving public land:
    1. Certification as to status of land and number of trees to be affected from CENRO concerned
  - b. For permits involving private land:
    1. Certification as to status of land and number of trees to be affected from CENRO concerned
    2. Certification as to CARP non-coverage from DAR
  - c. For Commercial Guano Permit:
    1. Certification from the Punong Barangay of the concerned barangay stating that the applicant has established domicile in the barangay
  - d. For Quarry Permit:
    1. Laboratory Analysis Result on Sample on Materials to be applied for indicating the specific gravity for purposes of conversion from metric tons to cubic meters



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Tel. Nos. 435-7698 \* 433-4894 \* 707-8075

(Page 20, Ordinance No. 2023-001, series of 2023)

- xv. Official Receipts for other Administrative Fees and Charges
- xvi. Other documents that may be required by the approving authority.

**42.2.1 Exclusive Sand and Gravel Permit.** In case of Exclusive Sand and Gravel Governor's Permit, the following shall be submitted as mandatory documentary requirements:

- i. Letter-request from the proponent;
- ii. Duly accomplished and notarized application form;
- iii. Survey plan of the applied area duly signed by a geodetic engineer;
- iv. Resolution from the concerned barangay stating that said barangay interposes no objection to the proposed project;
- v. Brief project description and work program;
- vi. Pictures of area;
- vii. Field inspection and favorable endorsement of PEMO;
- viii. Official Receipt for Administrative Fees and Charges required under the Ordinance.

**42.3. Gratuitous Permits**

**42.3.1. Government Gratuitous Permit.**

- i. Letter-request from the proponent;
- ii. Duly accomplished and notarized application form;
- iii. Resolution from the concerned barangay stating that said barangay interposes no objection to the proposed project;
- iv. Survey plan of the applied area duly signed by a licensed deputized geodetic engineer;
- v. ECC or Certificate of Non-Coverage of ECC from the DENR;
- vi. Work Program indicating the time frame of extraction;
- vii. Statement that there is no fund allocation for the cost of required materials and that the project is conducted by administration;
- viii. Approved project proposal where the materials to be taken shall be used and the estimated volume needed;
- ix. In case the Government Agency will utilize a private vehicle for transporting/hauling materials, a contract for that purpose shall be submitted for approval of the Governor and shall form part of the mandatory documentary requirements; and
- x. Official Receipt for Administrative Fees and Charges required under the Ordinance.

**42.3.2. Private Gratuitous Permit.**

- i. Duly accomplished application form;
- ii. Proof of ownership;
- iii. Survey plan of the applied area duly signed by a licensed deputized geodetic engineer;
- iv. Resolution from the concerned barangay stating that said barangay interposes no objection to the proposed project;
- v. Brief project description and work program;
- vi. Pictures of area; and
- vii. Field inspection and favourable endorsement of PEMO; and
- viii. The proposed volume must not exceed one thousand (1000) cubic meters subject to the assessment and recommendation of the PEMO; and
- ix. Official Receipt for Administrative Fees and Charges required under the Ordinance



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South Wing, Provincial Capitol Building  
South Capitol Road, Bacolod City, Negros Occidental 6100  
Tel. Nos. 435-7698 \* 433-4894 \* 707-8075

(Page 21, Ordinance No. 2023-001, series of 2023)

**42.3.3. Guano Gratuitous Permit.**

- i. Duly accomplished application form;
- ii. Proof of ownership or certification of status of land from the CENRO concerned;
- iii. Survey plan should be prepared and signed by deputized Geodetic Engineer;
- iv. Resolution from the concerned barangay stating that said barangay interposes no objection to the proposed project;
- v. Brief project description and work program;
- vi. Pictures of area;
- vii. Field inspection and favourable endorsement of PEMO; and
- viii. Clearance from the DENR Region VI shall be required prior to the issuance of any mining permit for cave resources.

**42.4. Governor's Special Permit**

**42.4.1 In case of Government Projects**

- i. Duly accomplished and notarized Application Form;
- ii. Resolution from a concerned barangay stating that the said barangay interposes no objection to the proposed extraction activity;
- iii. Survey plan of the applied area signed by the City or Municipal Engineer with technical description and coordinates;
- iv. Approved Project Proposal with approved Work Program stating the project description and volume needed, where materials are supplied, the time frame of the project, and the area of disposal;
- v. Certificate issued by the budget office of the concerned agency/body that the proposed project has no funds available for the aggregate materials and that the project shall be implemented by the concerned government agency/body;
- vi. If an entity has been previously issued with Special Permit, accomplishment report must be submitted prior to the application/processing and issuance of another Special Permit in another area by the same entity;
- vii. The entity shall maintain a record where the quantity of materials removed or extracted are recorded;
- viii. In case the Government Agency will utilize a private vehicle for transporting/hauling materials, a contract for that purpose shall be submitted for approval of the Governor and shall form part of the mandatory documentary requirements; and
- ix. The authorized representative/liaison officer must be an employee of the requesting entity.

**42.4.2. In case of excess materials from diggings and construction surplus** of any earth movement activities conducted by private or public entities, the mandatory requirements are as follows:

- i. Duly accomplished and notarized application addressed to the Governor;
- ii. Four (4) pictures in panoramic view; and
- iii. Sketch Map of the location of the project and area of disposal.

**42.5. RENEWAL OF CSAG/ISAG/QUARRY GOVERNOR'S PERMIT**

**42.5.1 Initial Documentary Requirements**

- i. Notarized Letter Of Intent with Application



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Tel. Nos. 435-7698 \* 433-4894 \* 707-8075

(Page 22, Ordinance No. 2023-001, series of 2023)

- ii. Proof of technical competence including, among others, curricula vitae and track records in mining operations and environmental management of the technical personnel who shall undertake the activities in accordance with the submitted Work Program and EPEP;
- iii. Proof of financial capability to undertake the activities pursuant to Work Program and EPEP, such as the following:
  - a. For individuals - Statement of assets and liabilities duly sworn in accordance with existing laws, credit lines, bank certifications and income tax return for the preceding year for CSAG Permit and for the three (3) preceding years for ISAG and Quarry Permits;
  - b. For corporations, partnerships, associations or cooperatives - Latest Audited Financial Statement and where applicable, Annual Report for the preceding year, credit lines, bank guarantees and/or similar negotiable instruments.
- iv. Proof of Compliance of SDMP Implementation and CEMCRR
- v. Work Program prepared by a licensed Mining Engineer/Geologist
- vi. Official Receipt for Payment of Filing Fee

**42.5.2 Additional Documentary Requirements**

- i. Environmental Compliance Certificate (ECC) (only in case the previously allowed materials are exhausted);
- ii. Compliance Monitoring and Validation Report (CMVR);
- iii. Annual/Environmental Protection and Enhancement Program (A/EPEP);
- iv. Annual/Social Development and Management Program (A/SDMP);
- v. Excise Tax Clearance;
- vi. Bank Certification in the amount commensurate to its three (3) months operating cost;
- vii. Proof of updated payment of RPT;
- viii. Certificate of Membership in the provincial accredited small-scale sand and gravel and quarry association/organization; and
- ix. Official Receipt for Administrative Fees

**SECTION 43. SOCIAL DEVELOPMENT MANAGEMENT PROGRAM (SDMP)**

**43.1. What is SDMP?**

All Governor's Permit Applicant shall prepare an SDMP, in consultation and in partnership with the host and neighboring communities. The SDMP shall be actively promoted and shall cover and include all Programs, Projects and Activities (PPAs) towards enhancing the development of the host and neighboring communities in accordance with Republic Act No. 7942, otherwise known as the Philippine Mining Act of 1995 and its Revised Implementing Rules and Regulations (CDAO 2010-21), particularly Sections 135 and 136. The minimum SDMP fund allocation is computed as follows:

Minimum SDMP Fund = Operating Cost x 1.5% x Volume allowed in the ECC

An approved SDMP may be amended or realigned due to circumstances or grounds as may be recommended by the Provincial Mining Regulatory Board (PMRB), the Provincial Mine Rehabilitation Fund Committee (PMRFC), and/or the PEMO and approved by the Provincial Governor.



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Tel. Nos. 435-7698 \* 433-4894 \* 707-8075

(Page 23, Ordinance No. 2023-001, series of 2023)

**43.2. Documentary Requirements for the Issuance of Certificate of Approval of SDMP**

The applicant, either personally or through his/her/its duly authorized representative, shall file the duly filled-in SDMP Application in three (3) copies to the Governor through Provincial Environment Management Office (PEMO). The following documents in three (3) sets shall be submitted together with the SDMP:

1. For Applicant with neither past nor present mineral resource use or mining-related ventures
  - a. Environmental Compliance Certificate (ECC)
  - b. For new Sworn Statement of the Operating Cost
  - c. SDMP Matrix Presentation of Programs/Projects/ Activities
  - d. Notarized Barangay Resolution/s favorably endorsing the SDMP of Applicant
  - e. Barangay Profile/s
2. For Applicant with past and/or present mineral resource use or mining-related ventures
  - a. Same documentary requirements with Section 43.2.
  - b. Notarized Barangay Resolution/s acknowledging the complete implementation of the previous approved SDMP for the duration of the permit

**43.3. Processing and Issuance of Certificate of Approval of SDMP**

The Applicant/Permit Holder shall submit at least three (3) legible copies of SDMP to the PEMO. Within five (5) days upon receipt thereof, PEMO shall conduct an evaluation of the submitted programs as to its form, substance, and completeness. Additional documents or information which are deemed necessary to supplement the programs may be required by PEMO.

If the proposed SDMP, together with its PPAs, are found appropriate and complete, the Governor shall issue a Certificate of Approval for the proposed SDMP upon submission of a Report recommending for the issuance of a Certificate of Approval by the PEMO-RSD, noted by the PEM Officer, to the Governor.

If the SDMP requires some revisions/additional information, the Applicant/Permit Holder shall be required to address the deficiencies within ten (10) days from the date of notice of such deficiency/ies. Should the Applicant/Permit Holder fail to address the same within the prescribed period, the SDMP shall be returned to the proponent for revision/rectification and resubmission.

The Applicant/Permit Holder shall provide each of the LGUs concerned and the host and neighboring communities with a copy each of the approved SDMP within five (5) days after the registration of the approved Permit.

A copy each of the succeeding approved amended SDMP shall be provided to the LGUs concerned and the host and neighboring communities within five (5) days from its approval. Based on the approved Programs and for effective implementation of the same, Annual Programs shall be submitted, at least thirty (30) days prior to the beginning of every calendar year, to the PEMO, for approval and implementation the following year.



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Tel. Nos. 435-7698 \* 433-4894 \* 707-8075

(Page 24, Ordinance No. 2023-001, series of 2023)

#### **43.4. Approving Authority**

All CEMCRR and SDMP Certificate of Approval shall be signed by the Provincial Governor. In any case, the Governor may delegate such approving authority to the PEM Officer through a Special Order (SO).

#### **43.5. Compliance Monitoring and Validation Report**

For renewal of existing Governor's Permit, no CEMCRR and Certificate of Approval of SDMP shall be issued without the Compliance Monitoring and Validation Report of the Provincial Multi-partite Monitoring Team (PMMT) showing that the applicant has not committed any violation of the terms and conditions of the Environmental Compliance Certificate (ECC) and the Governor's Permit, or in case of commission of any violation, the applicant has not settled or satisfied the penalties imposed therein.

#### **43.6. SDMP Non-compliance**

The Permit Holder found not implementing accordingly its approved SDMP shall be liable for violation of the Terms and Conditions of the Governor's Permit issued, particularly the item stipulating that "*The permit holder shall comply with pertinent provisions of the Republic Act 7942*". Such violation is punishable under the Provincial Tax Ordinance No. 2017-001 or its amendment, with corresponding administrative penalties.

### **SECTION 44. CERTIFICATE OF ENVIRONMENTAL MANAGEMENT AND COMMUNITY RELATIONS RECORD (CEMCRR)**

#### **44.1. Who may be Issued with a CEMCRR**

An applicant for a Quarry or Commercial/Industrial sand and Gravel Permits and other Governor's Permit under PTO No. 2017-001 or its amendment with past and/or present mineral resource use or mining-related ventures, may be issued a CEMCRR upon showing of compliance with the requirements as defined under Sections 44.2, 44.3 and 43.6 hereof.

A Certificate of Exemption (COE) will be issued by the Governor, in lieu of the CEMCRR, to an applicant with no past mineral resource use or mining related ventures.

#### **44.2. Documentary Requirements for the Issuance of CEMCRR**

The applicant, either personally or through his/her/its duly authorized representative, shall file the duly filled-in and notarized application for CEMCRR in three (3) copies to the Governor through the Provincial Environment Management Office (PEMO). The following documents in three (3) sets shall be submitted together with the duly filled-in and notarized Application:

1. For Applicant with past and/or present mineral resource use or mining-related ventures
  - a. Endorsement Letter
  - b. Brief Report on the Environmental Management and Community Relations Activities
  - c. Certificate of No Violation and for satisfactory or unsatisfactory Environmental Management Compliance (ECC/EMP) issued by EMB-R6



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Tel. Nos. 435-7698 \* 433-4894 \* 707-8075

(Page 25, Ordinance No. 2023-001, series of 2023)

- d. Proof of SDMP implementation (previous year)
    - i. Certification from the Barangay/s or Head of Institution/s concerned
    - ii. Photos during the actual implementation and turn-over
  - c. Compliance Monitoring and Verification Report (CMVR)
  - d. Certificate of Fund Replenishment/Fund Lodging (updated) issued by Provincial Mine Rehabilitation Fund Committee (PMRFC)
  - e. Certificate of SDMP Lodging for individual implementation issued by PMRFC (if applicant opted for individual implementation) or Certificate of SDMP Fund Lodging (if applicant opted for unified implementation) issued by Permit Holders Association
  - f. Copy of previous approved EPEP/AEPEP
3. For Applicant with neither past nor present mineral resource use or mining-related ventures
- a. Endorsement Letter
  - b. A duly notarized Affidavit of Non-Operation containing the statements on the following:
    - i. It is newly organized (state date of organization)
    - ii. It has never been engaged in any mineral resource use or mining-related ventures; and
    - iii. It has no environmental management and community relations records to verify

In cases where mining rights have been transferred through a Deed of Assignment, copy of the said documents shall be attached to the application form. If the previous Applicant/Permit Holder has committed any environmental violation, CEMCRR or COE shall not be issued to the assignee/applicant unless appropriate action on the aforementioned violation has been taken.

#### **44.3. Processing/Registration/Issuance of a CEMCRR**

The Applicant/Permit Holder shall file the application, with complete mandatory requirements, to the PEMO. A technical personnel pre-evaluates the completeness of the supporting documents based on the checklist provided to the applicant. If found complete, an Order of Payment for application and processing fee shall then be prepared.

Within five (5) working days from receipt of the mandatory requirements mentioned in Section 5 hereof, the PEMO-RSD technical personnel shall evaluate the application and shall submit a report to the Governor, upon endorsement of the PEM Officer, recommending for the approval or denial of CEMCRR.

Upon approval of the CEMCRR by the Governor, the PEMO-RSD shall notify the Applicant to cause the registration of the same within fifteen (15) working days from receipt of notice. An Order of Payment for its registration shall then be prepared and issued to the Applicant. After registration, the PEMO shall officially release the CEMCRR to the applicant.

#### **44.4. Validity of the CEMCRR/COE**

A CEMCRR/COE issued to the applicant is valid only for the mining permit being applied for and can neither be used for the renewal of the said permit nor for other succeeding applications.

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(Page 26, Ordinance No. 2023-001, series of 2023)

**SECTION 45. TERMS AND CONDITIONS.**

**45.1. Quarry, Sand and Gravel, Guano and Gemstone Gathering.** – The following terms and conditions shall be incorporated in Quarry, Industrial and Commercial Sand and Gravel, Guano Commercial, and Gemstone-Gathering Permits:

- i. The permit shall be for the exclusive use and benefit of the permit holder and shall not be transferred or assigned without prior written approval by the Provincial Governor;
- ii. Unless otherwise renewed or amended, the permit shall ipso facto terminate after the whole quantity and kind of materials specified therein have been removed or taken;
- iii. The term of the permit shall be for a period as specified therein from the date of issuance thereof; Provided, that no renewal of the permit shall be allowed unless the permit holder has complied with the terms and conditions of the permit and shall not have been found guilty of violating any provision of the Act and DAO 2010-21;
- iv. The extraction, removal and/or disposition of materials under the permit shall be confined within the area specified therein, the boundaries of which, according to the application, are established on the ground with prominent marks;
- v. For Quarry, Industrial, and Commercial Sand and Gravel permits, no extraction, removal and/or disposition of materials shall be allowed within a distance of one (1) kilometer from the boundaries of reservoirs established for public water supply, archaeological and historical sites or of any public or private works or structures, unless the prior clearance of the concerned government agency/ies or owner is obtained. No extraction, removal and/or disposition of materials shall likewise be allowed in offshore areas within five hundred (500) meters distance from the coast and two hundred (200) meters from the mean low tide level along the beach;
- vi. The permit/permit area can be inspected and examined at all times by the deputies of the Governor;
- vii. The permit holder shall furnish the records of accounting and other relevant data from its operations and these book of accounts and records shall be open for inspection by the deputies of the Provincial Governor at all time at the quarry site;
- viii. The permit holder shall pay fees, taxes and other obligations in accordance with the provisions of this Ordinance and other existing laws, rules and regulations;
- ix. The permit holder shall file the required reports as indicated in Article XI of this Ordinance;
- x. The permit holder shall comply with the terms and conditions of the ECC, which shall form part of the terms and conditions of the permit;
- xi. The permit holder shall manage its operations in a technically and environmentally responsible manner to achieve a safe, non-polluting and self-sustaining post disturbance landform;
- xii. The permit holder shall assume full responsibility and be liable for damages to private and/or public property/ies that may be occasioned by its operations under the Permit;
- xiii. The permit holder shall conduct its operations in accordance with the provisions of the Act and its implementing rules and regulations;
- xiv. The permit holder shall not interfere with the rights of other permit holders/operators, contractors;
- xv. The permit holder shall not, by virtue of the permit, acquire any title over the permit area, without prejudice to its acquisition of the land/surface rights through any mode of acquisition provided by laws;



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Tel. Nos. 435-7698 \* 433-4894 \* 707-8075

(Page 27, Ordinance No. 2023-001, series of 2023)

- xvi. The permit holder shall conform to laws, rules and regulations regarding, among others, labor, safety and health standards;
- xvii. The permit holder shall recognize and respect the rights, customs and traditions of local communities, particularly indigenous cultural communities;
- xviii. The permit holder shall immediately stop digging and extracting materials the moment man-made articles or artifacts are found. He/she shall notify the Director of the National Museum of such findings, in which case, the digging shall be under the supervision of the National Museum until said artifacts are recovered;
- xix. The permit holder shall comply with his/her obligations under the Environmental Protection and Enhancement Program (EPEP) and Annual EPEP, including the allocation of the prescribed annual environmental expense pursuant to Section 171 of DENR Administrative Order 2010-21 (DAO 2010-21);
- xx. No explosives shall be used in small-scale mining operations;
- xxi. The permit holder shall comply with pertinent provisions of the Act, DAO 2010-21 and such other terms and conditions not inconsistent with the Constitution, the Act and DAO 2010-21, as well as those which the Provincial Governor may deem to be for the national interest and public welfare;
- xxii. The permit shall be subject to cancellation, revocation and termination as provided for in Section 100 of DENR Administrative Order No. 2010-21; and
- xxiii. The permit holder shall be bound by all other conditions that may be stipulated in the permit by the approving authority.

In case of Gemstone-Gathering Permit, it shall be included as a condition that the removal/gathering of gemstones shall be conducted manually without the aid of any mechanized equipment and shall be confined within the limits of the permitted area as specified in the special permit with the boundaries established on the ground with prominent marks.

**45.2. Exclusive Sand and Gravel Permits.** – An Exclusive Sand and Gravel Permit may be issued under the following conditions:

- i. That the permit shall be for the exclusive use of the permit holder and shall not be transferred without the prior written approval of the Provincial Governor;
- ii. That extraction shall not exceed the volume specified in the permit;
- iii. That extraction shall be limited to the permit area as specified in the survey plan;
- iv. That the materials authorized to be removed shall be strictly for the permit holder's personal use and in no case shall the same be disposed of commercially; otherwise, person responsible therefor shall be prosecuted under appropriate laws;
- v. The permit holder shall assume full responsibility and shall be liable for damages to private and/or public property that may be occasioned by his/her extraction or operation under the permit;
- vi. That the permit may be suspended or revoked at any time by the Provincial Governor, when in his/her opinion public interest, welfare and peace and order conditions so require or demand upon failure of the permit holder to comply with the other terms and conditions stated in the permit or for ecological reasons without any obligations on the part of the government;
- vii. The permit shall ipso facto terminate after the whole quantity and kind of materials specified therein have been removed or taken or immediately after the expiration of the term thereof, and to such other conditions that the Provincial Governor may impose;
- viii. A barangay resolution interposing no objection on the proposed quarry project located within the barangay; and

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(Page 28, Ordinance No. 2023-001, series of 2023)

- ix. Proof of ownership of the land in case the applied area is a private property.
- x. The permit holder shall be bound by all other conditions that may be stipulated in the permit by the approving authority;

**45.3. Gratuitous Permit.** – The following Gratuitous Permits may be granted by the Provincial Governor under this Ordinance:

**45.3.1. Government Gratuitous Permit.**- A Government Gratuitous Permit may be issued under the following conditions:

- i. That the period of the grant shall be co-terminus with the term of the project, but not to exceed one (1) year for Government Gratuitous Permits unless for justifiable reasons a different period is provided;
- ii. That for Government Gratuitous Permits, the permit holder shall comply with the terms and conditions of the ECC, which shall form part of the terms and conditions of the permit;
- iii. That the government office concerned shall whenever practicable, use and utilize its own vehicles and equipment in extracting, hauling and transporting the materials: Provided, however, that the permit holder may enter into a contract with a private person/entity for the purpose of hauling and transporting such materials. Provided, further, that such contract shall be approved by the Governor;
- iv. That the materials authorized to be removed shall be strictly for infrastructure projects and in no case shall the same be disposed of commercially, otherwise, persons responsible therefore shall be liable for prosecution under appropriate laws;
- v. That the permit holder shall submit the required reports as provided in Article XI of this Ordinance;
- vi. That in justifiable cases, more than one (1) Government Gratuitous permit may be granted to the applicant depending upon the volume of materials needed, project proposal, proximity, size and other factors; and
- vii. That the permit holder shall be bound by all other conditions that may be stipulated in the permit by the approving authority.

**45.3.2. Private Gratuitous Permit.** - A Private Gratuitous Permit may be issued under the following conditions:

- i. That the permit shall be for the exclusive use of the permit holder and shall not be transferred without the prior written approval of the Provincial Governor;
- ii. That extraction shall not exceed the volume specified in the permit and only manual mode of extraction shall be allowed for operation;
- iii. That extraction shall be limited to the permit area as specified in the survey plan;
- iv. That the materials authorized to be removed shall be strictly for the permit holder's personal use and in no case shall the same be disposed of commercially, otherwise, person responsible therefor shall be prosecuted under appropriate laws;
- v. The permit holder shall assume full responsibility and shall be liable for damages to private and/or public property that may be occasioned by his/her extraction or operation under the permit;

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Tel. Nos. 435-7698 \* 433-4894 \* 707-8075

(Page 29, Ordinance No. 2023-001, series of 2023)

- vi. That the permit may be suspended or revoked at any time by the Provincial Governor, when in his opinion public interest, welfare and peace and order conditions so require or demand upon failure of the permit holder to comply with the other terms and conditions stated in the permit or for ecological reasons without any obligations on the part of the government;
- vii. The permit shall ipso facto terminate after the whole quantity and kind of materials specified therein have been removed or taken or immediately after the expiration of the term thereof, and to such other conditions that the Provincial Governor may impose; and
- viii. The permit holder shall be bound by all other conditions that may be stipulated in the permit by the approving authority.

**45.3.3. Guano Gratuitous Permits.** - A Guano Gratuitous Permit may be issued under the following conditions:

- i. That the permit shall be for the exclusive use of the permit holder and shall not be transferred without the prior written approval of the Provincial Governor;
- ii. That extraction shall not exceed the volume specified in the permit;
- iii. That extraction shall be limited to the permit area as specified in the survey plan;
- iv. That the materials authorized to be removed shall be strictly for the permit holder's personal use and in no case shall the same be disposed of commercially, otherwise, person responsible therefor shall be prosecuted under appropriate laws;
- v. The permit holder shall assume full responsibility and shall be liable for damages to private and/or public property that may be occasioned by his/her extraction or operation under the permit;
- vi. That the permit may be suspended or revoked at any time by the Provincial Governor, when in his opinion public interest, welfare and peace and order conditions so require or demand upon failure of the permit holder to comply with the other terms and conditions stated in the permit or for ecological reasons without any obligations on the part of the government;
- vii. The permit shall ipso facto terminate after the whole quantity and kind of materials specified therein have been removed or taken or immediately after the expiration of the term thereof, and to such other conditions that the Provincial Governor may impose;
- viii. A barangay resolution interposing no objection on the proposed quarry project located within the barangay;
- ix. Proof of ownership of the land in case the applied area is a private property; and
- x. The permit holder shall be bound by all other conditions that may be stipulated in the permit by the approving authority

**45.4. Governor's Special Permit.** - A Governor's Special Permit may be issued subject to the following terms and conditions:

- i. That the period of the grant shall in no case shall exceed sixty (60) days.
- ii. The materials authorized to be removed shall be strictly for the purpose stated in the application and in no case shall the same be disposed of commercially, otherwise the persons responsible shall be prosecuted under the appropriate laws.
- iii. The quarrying operations shall be managed in a technically and environmentally responsible manner to achieve a safe, non-polluting and self-sustaining post disturbance land form;

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(Page 30, Ordinance No. 2023-001, series of 2023)

- iv. In case of Government Special Permit, the government office concerned shall, whenever practicable, use and utilize its own vehicles and equipment in extracting, hauling and transporting the materials: Provided, however, that the permit holder may enter into a contract with a private person/entity for the purpose of hauling and transporting such materials: Provided, further, that such contract shall be approved by the Governor;
- v. That the materials authorized to be removed shall be strictly for infrastructure projects and in no case shall the same be disposed of commercially, otherwise, persons responsible therefore shall be liable for prosecution under appropriate laws;
- vi. That the permit holder shall submit the required reports as provided in Article XI of this Ordinance; and
- vii. That the permit holder shall be bound by all other conditions that may be stipulated in the permit by the approving authority.

**SECTION 46. PERMIT TO TRANSPORT MINERALS AND MINERAL PRODUCTS.**

**46.1. Permit To Transport (PTT).** – The permit holder shall at all times issue a Permit to Transport to truck drivers engaged in hauling of allowed quarry materials, sand and gravel, and/or other minerals from the permit area, which Permit to Transport shall be presented upon demand for the purpose of inspection by the deputies or duly-authorized representatives of the Governor. The Permit to Transport are in quadruple copies in Blue, Green, Yellow and Pink copies. The Blue Copy shall be retained by the permit holder for filing; the Yellow Copy shall be attached to the required Sworn Production Report for submission to PEMO; the Green Copy shall be issued to the truck drivers and buyers to be carried while in transit and to be shown upon demand as above-stated; and the Pink Copy shall be submitted to the barangay which copy shall be made available at all times for the inspection by proper authorities. Failure of the Permit Holder or the employee or person authorized by the Permit Holder to issue the required PTT to drivers of vehicles hauling/transporting extracted minerals or quarry resources shall constitute a prohibited act under Section 76 hereof and shall render the permit holder primarily liable.

The failure of the truck drivers to so present the Permit to Transport upon demand shall constitute a prohibited act under Section 76 and penalized under Section 77 of this Ordinance. The quarry materials, sand and gravel, and/or ordinary earth, and the vehicles or conveyances, tools and equipment, shall be seized and impounded as proof of the commission or fruits of the offense, and tools or instruments with which it was committed. For purposes of this Ordinance, the failure or refusal to present the Permits to Transport as provided in the foregoing, shall constitute prima facie evidence that the driver and/or hauler is extracting sand and gravel, ordinary earth, quarry or other mineral resources without first securing a permit considered as a prohibited act under Section 76 and penalized under Section 77 hereof.

To effectively implement and carry out the purposes of this Section, the deputies or duly authorized representatives of the Governor are hereby authorized to stop and inspect as herein provided, the vehicles or any form of conveyances hauling or transporting sand and gravel, ordinary earth, quarry or other mineral resources.

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(Page 31, Ordinance No. 2023-001, series of 2023)

**46.2. Ore Transport Permit (OTP).** – The transport of all minerals/mineral products outside of the Province by permit holders, accredited traders, retailers, processors and other mining rights holders must be accompanied by an Ore Transport Permit issued by the Provincial Governor or his/her authorized representative: Provided, that the transport of Quarry, Sand and Gravel, Ordinary Earth, Guano, Gemstone and Pebbles shall be covered by a Delivery Receipt/Permit to Transport (PTT).

**46.2.1. OTP for Ore Dressing Test.** – In case of sample for ore dressing test, the permit holder may apply for Ore Transport Permit, subject to the following guidelines:

- i. Submission of a Letter-request to the Governor, through the PMRB, for such ore sample(s)/ore dressing test(s);
- ii. Submission of description of particle ore dressing/tests to be undertaken or particular use of sample(s) by attaching the following to the letter request:
  1. Mineral subject or ore dressing/samples;
  2. Type/stages or ore dressing to be utilized;
  3. Expected output(s) or results of tests run;
  4. Assay/lab tests to be undertaken; and
  5. Other relevant information.
- iii. Volume to be transported will be limited to a sample volume not exceeding five (5) kilograms;
- iv. The permit shall be valid for fifteen (15) to thirty (30) days depending on the period given; and
- v. Report(s) or ore dressing/test run shall be submitted to the Office of the Governor, with a copy to be furnished the PMRB, to include among others, assay/lab results and volume of dressed minerals. Non-submission of these reports may be a ground for the denial of future application for a Governor's Permit.

**46.3. Mineral Ore Export Permit.** – Permit Holders may be granted Mineral Ore Export Permit (MOEP) to transport minerals/mineral ores, excluding tailings, from areas covered by Governor's Permit to be exported outside the country.

The following are the mandatory requirements which shall be submitted in two (2) sets for the acceptance of the application:

- i. Original and duly accomplished and notarized MOEP application form
- ii. Original or certified true copy of Ore Transport Permit (OTP) and Permit to Transport (PTT) in the case of sand and gravel permit holders
- iii. Original or certified true copy of Marketing Contract/Sales Agreement with the purchaser
- iv. Original or MGB-certified true copy of Permit/contract issued to the Permit Holder/ Contractor, and/or Accreditation of traders, retailers, processors, whichever is applicable
- v. Original or certified-true copy Proof of payment of the excise tax or guarantee/surety bond as prescribed in Section 4 of DMO No. 2006-04
- vi. When the mineral(s) and/or ore(s) is sourced from a Mineral Reservation, proof of payment of royalty pursuant to the pertinent provisions of RA 7942 and DAO 9640
- vii. Original or certified-true copy Sales//invoice receipt of the previously exported similar mineral(s) or ore(s), if any
- viii. Joint Validation Report by MGB-R6 & PEMO as to volume stockpile and mineral commodity;



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PROVINCE OF NEGROS OCCIDENTAL  
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South Capitol Road, Bacolod City, Negros Occidental 6100  
Tel. Nos. 435-7698 \* 433-4894 \* 707-8075

(Page 32, Ordinance No. 2023-001, series of 2023)

- ix. Proof of payment of Excise Tax with the BIR
- x. Other supporting papers as the Provincial Governor may require or the applicant may submit.

**SECTION 47. REVISIONS TO MANDATORY REQUIREMENTS AND TERMS AND CONDITIONS FOR PERMITS.** – The PMRB and/or PEMO may recommend revisions to the above-mentioned mandatory requirements, terms and conditions for permits without the necessity of amending this Ordinance, subject to the approval of the Governor.

**SECTION 48. WORKFLOW OF PERMIT PROCESSING.** – The PEMO shall recommend the appropriate workflow for permit processing as well as specific amendments or revisions thereto as may be deemed necessary without the necessity of amending this Ordinance, subject to the endorsement of the PMRB and approval of the Governor.

**SECTION 49. ONE-STOP-SHOP.** There shall be established a One-Stop Shop for the application and processing of Governor's Permit under this Ordinance pursuant to Republic Act No. 11032, otherwise known as the "Ease of Doing Business and Efficient Government Service Delivery Act of 2018". A Memorandum of Understanding and/or Agreement may be executed by and among concerned local government units and agencies relative thereto. The Province of Negros Occidental shall provide in its annual appropriation for the annual budgetary allocations for the staffing, equipment, operations and maintenance requirement of the One-Stop-Shop.

**ARTICLE VI**  
**PROVINCIAL MINING REGULATORY BOARD**

**SECTION 50. PROVINCIAL MINING REGULATORY BOARD.** – The Provincial Mining Regulatory Board is created pursuant to the pertinent provisions of Republic Act no. 7942, the "Philippine Mining Act of 1995" and Republic Act No. 7076, the "People's Small Scale Mining Act of 1991" and their applicable implementing rules and regulations.

The Provincial Mining Regulatory Board shall be composed of the following:

1. MGB-VI Regional Director or his/her duly authorized representative (as Chairperson)
2. Provincial Governor or his/her representative (as Vice-Chairperson)
3. Representative of an Accredited Small-Scale Mining Cooperative and/or Sand and Gravel/Quarry Permit Holders Association
  - 3.1 Certificate of Registration
  - 3.2 The Articles of Cooperation/Incorporation and By-laws
  - 3.3 Secretary's Certificate attesting to a Board Resolution endorsing their representative to the PMRB
4. Representative of Large Scale Mining Sector
5. Representative of DENR-accredited environmental Non – Government Organization/Peoples Organization with the following supporting documents:
  - 5.1 Certificate of Registration
  - 5.2 The Articles of Incorporation/Association and By-laws
  - 5.3 Secretary's Certificate attesting to a Board Resolution endorsing their representative to the PMRB



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South Capitol Road, Bacolod City, Negros Occidental 6100  
Tel. Nos. 435-7698 \* 433-4894 \* 707-8075

(Page 33, Ordinance No. 2023-001, series of 2023)

Provided, however, that additional non-voting members may be recommended by the Board as the need arises subject to endorsement of the Provincial Governor.

**SECTION 51. POWERS AND FUNCTIONS.** – The PMRB shall perform the following powers and functions:

1. Accept, process and evaluate applications and recommend administrative charges and fees for Quarry, Sand and Gravel, Guano Collection, Gemstone-Gathering, Small-Scale Mining, Special Permits and Ore Dressing Test Transport Permits duly filed with the same;
2. Declare and segregate existing gold-rush areas for small-scale mining;
3. Reserve future gold and other mining areas for small-scale mining;
4. Award contracts to small-scale miners;
5. Formulate its own guidelines and implements rules and regulations related to R.A. 7076 and 7942;
6. Formulate and recommend policies, rules and regulations related to small-scale mining, quarry and sand and gravel permits, and implement the same upon approval of the Governor;
7. Settle disputes, conflicts or litigation over conflicting claims within a people's small scale mining area, an area that is declared a small scale mining area;
8. Perform such other functions as may be necessary to achieve the goals and objectives of RA 7942 and RA 7076; and
9. Minutes and resolution made by the board shall be signed only by the chairman.

**SECTION 52. PMRB SECRETARIAT.** – Personnel from the Provincial Environment Management Office shall be assigned to serve as the Secretariat for the PMRB. The Secretariat shall, on behalf of the PMRB, accept and process Quarry, Sand and Gravel, Guano Collection, Gemstone-Gathering, Small-Scale Mining, Special Permits and Ore Dressing Test Transport Permits duly filed with the Board.

The PMRB shall define other specific functions and duties of the Secretariat.

**SECTION 53. PMRB OPERATIONAL FUND.** – In order that the PMRB can effectively perform its mandated function a budget for its operation shall be appropriated annually. The funds may be utilized by the PEMO for any activities related to the functions of the PMRB.

**SECTION 54. HONORARIA OF THE MEMBERS OF THE PMRB.** – The Chairman and members of the Provincial Mining Regulatory Board shall receive per diem in the amount of Two Thousand Pesos (P2,000.00) for attendance in each meeting, but not to exceed two (2) paid sessions or Four Thousand Pesos (P 4,000.00) per month. The duly designated Secretariat shall be entitled to honoraria of One Thousand Pesos (P 1,000.00) per session, but not to exceed two (2) paid sessions per month or Two Thousand Pesos (P 2,000.00) per month. The honoraria herein mentioned shall take effect upon approval of this Ordinance, pursuant to Budget Circular No. 72, dated December 5, 2000.

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Tel. Nos. 435-7698 \* 433-4894 \* 707-8075

(Page 34, Ordinance No. 2023-001, series of 2023)

**ARTICLE VII**  
**POSTING OF NOTICE OF APPLICATION**

**SECTION 55. POSTING OF QUARRY, COMMERCIAL/INDUSTRIAL SAND AND GRAVEL, GUANO COMMERCIAL, GEMSTONE-GATHERING AND SMALL SCALE MINING PERMIT APPLICATIONS.** – Within fifteen (15) working days from receipt of the Area Clearance, the PEMO shall issue a Notice of Application to the applicant. Such notice shall be submitted to the concerned barangay(s), municipality(ies)/city(ies), PENRO(s), CENRO(s) and other agencies for posting within fifteen (15) working days from receipt thereof.

The Notice must contain among others, the name and complete address of the applicant, duration of the permit applied for, extent of operation to be undertaken, area location, geographical coordinates, meridional block(s) of the proposed permit area and location/sketch plan with index map relative to major environmental features and projects and to the nearest municipalities/cities.

**SECTION 56. WHERE TO POST.** – The concerned office/agency shall then cause the posting of the Notice of Application for two (2) consecutive weeks on their bulletin boards. When necessary, the Notice shall be in a language generally understood in the concerned locality where it is posted.

**SECTION 57. ISSUANCE OF CERTIFICATION.** – Within fifteen (15) calendar days from the last date of posting, the authorized officer(s) of the concerned offices/agencies shall issue to the applicant a certification that the posting have been complied with.

**ARTICLE VIII**  
**SEIZURE AND DISPOSITION OF ILLEGALLY SOURCED MINERALS/  
MINERAL PRODUCTS**

**SECTION 58. SCOPE.** – Illegally-sourced minerals/mineral products are those which are mined, extracted, removed and/or disposed without authority or permit under this Ordinance and other existing mining laws, rules and regulations.

**SECTION 59. FAILURE TO PRESENT PERMIT TO TRANSPORT/ORE TRANSPORT PERMIT/MINERAL ORE EXPORT PERMIT.** – The failure of the truck drivers to present the Permit to Transport (PTT)/Ore Transport Permit (OTP)/Mineral Ore Export Permit (MOEP) upon demand shall constitute a prohibited act under Section 76 (76.25) and penalized under Section 77 of this Ordinance. The quarry materials, sand and gravel, and/or ordinary earth, and the vehicles or conveyances, tools and equipment, shall be seized and impounded as proof of the commission or fruits of the offense, and tools or instruments with which the offense was committed. For purposes of this Ordinance, the failure or refusal to present the Delivery Receipts and/or Permit to Transport as provided in the foregoing, shall constitute prima facie evidence that the driver and/or hauler is extracting sand and gravel, ordinary earth, quarry or other mineral resources without first securing a permit considered as a prohibited act under Section 76 and penalized under Section 77 hereof.

To effectively implement and carry out the purposes of this Section, the deputies or duly authorized representatives of the Governor are hereby authorized to stop and inspect as herein provided, the vehicles or any form of conveyances hauling or transporting sand and gravel, ordinary earth, quarry or other mineral resources.



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South Capitol Road, Bacolod City, Negros Occidental 6100  
Tel. Nos. 435-7698 \* 433-4894 \* 707-8075

(Page 35, Ordinance No. 2023-001, series of 2023)

**SECTION 60. CUSTODY OF SEIZED MINERALS/MINERAL PRODUCTS, TOOLS, EQUIPMENT AND CONVEYANCES.** – In case of apprehension by the deputies or authorized representatives of the Governor, the mineral products, tools and equipment and conveyances used which have been seized in connection with commission of an offense herein provided shall be deposited to the nearest Army Detachment or Headquarter, the PNP Station, or the nearest barangay where the apprehension was effected, unless otherwise directed by the Governor. The Army Detachment or Headquarter, PNP Station, or barangay concerned shall issue a detailed receipt signed by the Property Custodian and the Head of the said Detachment/Headquarter or PNP Station or Officer of the Day.

**SECTION 61. LIABILITY OF OWNERS OF TOOLS, EQUIPMENT AND TRUCKS.** – Owners of tools, equipment and/or trucks shall be held liable independently or together with the drivers, haulers or equipment operator, if the evidence warrants.

**SECTION 62. ADMINISTRATIVE HEARINGS.** – The administrative hearing shall be held between the apprehended person/s, the apprehending officers, concerned representatives from the Provincial Government, and the Municipal/City/ Barangay Monitoring Committee, as the case may be. For small-scale sand and gravel and quarry permits issued by the Governor, the PLO shall conduct the necessary administrative hearing and shall make the necessary recommendation to the Governor of the prescribed fines, fees and/or penalties of any violation of the Provincial Tax Ordinance by Quarry/Sand and Gravel operator whether issued a permit or not.

Should the Municipal/City Monitoring Committee conduct an administrative hearing, the recommendation of the said committee shall be subject to review and approval of the PLO. Provided, however, that the PLO can affirm/revise the said recommendation as it may deem fit, subject to the provisions of this ordinance and existing laws. Any recommendation of the PLO shall be subject to the approval of the Governor.

The imposable fees and penalties shall be determined by the provisions of Section 77 hereof.

**SECTION 63. RECEIPT FOR SEIZED MINERALS/MINERAL PRODUCTS/ TOOLS, EQUIPMENT AND CONVEYANCES.** – Upon inspection and determination that the minerals/mineral products being transported are illegal, the apprehending officers shall issue a Seizure Receipt and Notice of Hearing as well as a Receipt for Materials/Minerals/Mineral Products/By-Products/Conveyances/ Equipment/Tools Seized. The conveyance and transported materials shall be impounded by the apprehending officers. The above-mentioned documents shall be immediately endorsed for administrative hearing.

Whenever minerals, mineral products, tools and equipment and conveyances are seized by virtue of the provisions of this Ordinance, a detailed receipt shall be signed and issued by the authorized person making the seizure, to the driver, hauler or equipment operator.

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 Tel. Nos. 435-7698 \* 433-4894 \* 707-8075

(Page 36, Ordinance No. 2023-001, series of 2023)

**ARTICLE IX**  
**IMPOSITION OF TAXES AND ADMINISTRATIVE FEES**

**SECTION 64. QUARRY/EXTRACTION FEE AND TAXES TO BE PAID.** – All permit holders shall pay the required administrative fees and taxes to the Provincial Treasurer or his/her authorized deputies, unless otherwise exempted by this Ordinance. Provided that in case of Government Gratuitous and Special Permits, holders of the same shall be exempted from extraction fee, provided further, that the project should be implemented by the Government entity/agency/body concerned and not by a private entity.

**SECTION 65. IMPOSITION OF TAX ON SAND AND GRAVEL AND OTHER QUARRY RESOURCES AND SMALL SCALE MINING.** – There is hereby levied and collected a tax per cubic meter or metric ton of ordinary stones, sand, gravel and earth extracted from public lands or from the beds of seas, lakes, rivers, streams, creeks and other public waters, other quarry resources and small scale mining such as but not limited to marl, marble, granite, volcanic cinders, basalt, tuff, rock phosphate, limestone, guano, decorative stones, red burning clays for potteries and bricks, rhyolites, volcanic glass, sandstone, coral sand, diatomaceous earth, manganese, dolomite, pebbles, silica, gold panning, gold sluicing extracted from public lands and from caves and other public waters within the territorial jurisdiction of the Province as provided under the Provincial Revenue/Tax Ordinance of 2022.

**SECTION 66. IMPOSITION OF FEES.** – There is hereby levied and collected fees and charges for the application and processing of Governor’s Permit under this Ordinance, to wit:

**1. Administrative Fees**

Kinds of Permit	Filing Fee	Processing Fee	Verification Fee	Occupation Fee	Permit Fee	Total Fees
Commercial SAG	600.00/ha.	1,000.00	1,700.00+30.00/km	350.00/ha.	1,200.00	4,850.00+
Industrial SAG	600.00/ha.	1,000.00	1,700.00+30.00/km	600.00 per ha./yr	5,000.00	8,900.00+
Exclusive SAG	600.00/ha.	600.00	1,700.00+30.00/km	None	600.00	3,500.00+
Private Gratuitous	600.00/ha.	600.00	1,700.00+30.00/km	None	600.00	3,500.00+
Govt. Gratuitous	600.00/ha.	600.00	1,700.00+30.00/km	None	600.00	3,500.00+
Quarry	600.00/ha.	1,000.00	1,700.00+30.00/km	600.00 per ha./yr	5,000.00	8,900.00+
Guano Comm'l.	600.00/ha.	1,000.00	1,700.00+30.00/km	None	1,700.00	5,000.00+
Guano Gratuitous	600.00/ha.	1,000.00	1,700.00+30.00/km	None	600.00	3,900.00+
Gemstone-Gathering	600.00/ha.	1,000.00	1,700.00+30.00/km	None	1,700.00	5,000.00+
Special Permit	1,200.00	600.00	1,700.00+30.00/km	None	1,200.00	4,700.00+
Small Scale Mining	600.00/ha.	1,500.00	1,700.00+30.00/km	600.00/ha/yr	2,500.00	6,900.00+
Ore Transport Permit (OTP)	600.00	200.00	1,700.00+15.00/km	None	600.00	3,100.00+
Mineral Ore Export Permit (MOEP)	600.00	1,500.00	2,000.00 +15.00/km	None	600.00	3,100.00+

In addition to the administrative fees for Ore Transport Permit to be issued under this Ordinance, an amount of ₱1,000.00 per cubic meter is imposed upon the applicant. The purpose of which is to regulate the transportation of mineral resources subject of the Governor’s Permit outside the Province of Negros Occidental.

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 Tel. Nos. 435-7698 \* 433-4894 \* 707-8075

(Page 37, Ordinance No. 2023-001, series of 2023)

Based on the market demands, notwithstanding the provision under the Provincial Revenue Code of Negros Occidental on the automatic increase of the taxes and fees relative to the Governor's Permit covered by this Ordinance, the Provincial Treasurer's Office may recommend for the increase or decrease of the aforementioned fees subject to the approval of the Governor and the Sangguniang Panlalawigan without the necessity of amending this Ordinance.

**2. Other service fees:**

Service	Fee (PhP)
Conduct of Survey and Issuance of Report and Plan of Survey (hard and soft copies)	PhP25,000.00 for the first hectare and PhP10,000.00 for every hectare thereafter  In case of extra costs/adjustments and increases due to vegetation cover and difficult terrain, obstructed, irregular or complex boundaries, risk, additional cadastral datum required, other expenses incurred due to the area or the documents of the client, such cost/adjustment/ increase shall be determined by the assigned Geodetic Engineer and be charged to the client.
Volume Assessment and Work Program Preparation	PhP50,000.00 to PhP70,000.00 per Project to be determined by the assigned Mining Engineer or Geologist

A Technical/Financial Working Committee shall be created to determine the most relevant/recent appropriate fees for the abovementioned other service fees, which shall be effective upon the approval of the Governor, without the necessity of amending this Ordinance.

**3. Certificate of Environmental Management and Community Relations Records (CEMCRR) and Certificate of Approval of SDMP**

Fees	Applica-tion Fee	Process-ing Fee	Registra-tion Fee	Certifica-tion Fee	Total
1. CSAG	P1,000.00	P 300.00	P1,000.00	P250.00	P2,300.00
2. ISAG	5,000.00	1,000.00	1,000.00	250.00	7,000.00
3. Quarry	5,000.00	1,000.00	1,000.00	250.00	7,000.00
4. Other Governor's Permit	1,000.00	300.00	1,000.00	250.00	2,300.00

**SECTION 67. OTHER FEES.** – Operators/Truckers and vehicles used in the transportation of minerals, sand and gravel and other quarry resources shall be registered with the Province of Negros Occidental, as well as documents relating to permits. Thus, corresponding fees for registration and stickers shall hereby be levied and collected:

1. Annual Registration Fees for Proprietor /Trucker	500.00
1.1 Annual Registration/Sticker Fee	200.00/vehicle
2. Registration/Sticker Fee for Processing Equipment	200.00/equipment
3. Permit Holders Book of Account	
4. Registration of Mining Documents	
4.1 Special Power of Attorney (SPA)	200.00
4.2 ECC New	600.00
4.2.1 ECC Renewal	500.00
4.3 Transfer/Waiver/Assignment	1,400.00
4.4 Operating Agreement	1,400.00
4.5 Other Documents Affecting/Relating to Mining Rights	1,400.00
5. Inspection Fee (Processing Machinery/Facility)	1,700.00+15.00/km
6. Environmental Fee (if Governor's Permit covers private land)	500.00/hectare



Republic of the Philippines  
PROVINCE OF NEGROS OCCIDENTAL  
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South Capitol Road, Bacolod City, Negros Occidental 6100  
Tel. Nos. 435-7698 \* 433-4894 \* 707-8075

(Page 38, Ordinance No. 2023-001, series of 2023)

The Proprietor/Trucker shall execute an undertaking stating among others that he/she/it shall abide by the provisions of this Ordinance and its implementing rules, as well as the requirements provided under Republic Act No. 7942 and its revised implementing rules and regulations, in transporting sand and gravel and quarry materials and other minerals and submit the same to PEMO to form part of his/her/its on-file mining documents.

The fees of the Permit Holder's Book of Accounts shall be determined by the Provincial Treasurer's Office based on its production cost, which shall be effective upon approval of the Governor. Likewise, other fees included in this Section shall be subject to review by a Technical/Financial Committee created to determine the most relevant and appropriate fees, which shall be effective upon the approval of the Governor without the necessity of amending this Ordinance.

**ARTICLE X**  
**ADVERSE CLAIMS, PROTESTS AND OPPOSITIONS**

**SECTION 68. SUBSTANTIAL REQUIREMENTS.** – All adverse claims, protests or oppositions against an application or permit covered by this Ordinance must be in writing, under oath and shall be filed with and investigated by PEMO. The Complaint containing the adverse claim, protest or opposition shall indicate therein the following information: name/s and address/es of the adverse claimant/s, protestant/s or oppositor/s and the respondent/s; detailed statement of the grounds and facts relied upon; and exhaustive discussion of the issues and arguments raised. In addition, it shall be accompanied by affidavits of witnesses and other supporting documents. The Complaint, together with all supporting document/s, shall form part of the records of the application.

If the Complaint is sufficient in form and substance, it shall be given due course; otherwise, it shall be dismissed.

Upon receipt and investigation by PEMO of the adverse claim, protest or opposition against an application, it shall be forwarded to the Provincial Legal Office for evaluation and referral or hearing.

In all cases, the Principle of Exhaustion of Administrative Remedies shall be observed.

**68.1 Issues Involving LGU Resolutions, Dispute on Location Involving at Least 2 LGUS, and All Other Issues Within the Jurisdiction of LGU.** – In case the claim, protest or opposition is based on the conduct of public consultation, issuance of barangay/city/municipal resolution/s, or dispute between two adjoining barangays or city or municipality as to where the applied area is located, or other issues within the jurisdiction of the LGU, the same shall be referred to the concerned Sangguniang Barangay/Bayan/Panlungsod for resolution.

**68.2 Environmental, Health, and Other Concerns.** – In case the claim, protest or opposition is based on issues involving environmental, health, or other concerns beyond the jurisdiction, authority, and/or expertise of PEMO and/or any department or offices of the Province of Negros Occidental, it shall be referred to the proper government agency or institution.



Republic of the Philippines  
PROVINCE OF NEGROS OCCIDENTAL  
**OFFICE OF THE SANGGUNIANG PANLALAWIGAN**  
South Wing, Provincial Capitol Building  
South Capitol Road, Bacolod City, Negros Occidental 6100  
Tel. Nos. 435-7698 \* 433-4894 \* 707-8075

(Page 39, Ordinance No. 2023-001, series of 2023)

**68.3 Issues Within the Jurisdiction and Authority of the Province of Negros Occidental.** – In all other cases, where due course is warranted, the PLO shall issue an Order to the respondent notifying him/her of said adverse claim/protest/opposition and the date/s of summary hearing/s, requiring him/her to answer within a period of ten (10) days from receipt thereof.

**SECTION 69. ANSWER.** – The answer shall contain a detailed statement of the facts relied upon by the respondent and an exhaustive discussion refuting the issues and arguments raised in the claim, protest or opposition as well as the defense/s availed of. It shall be accompanied by affidavits of witnesses and other supporting documents, if needed.

The answer shall be under oath and shall form part of the records of the application.

In case of non-submission of the Answer by the Respondent within the reglementary period provided for under Subsection 68.3 of the preceding Section, the right of the respondent to answer or present countervailing evidence shall be deemed waived and the case shall be considered submitted for decision by the Provincial Legal Office.

**SECTION 70. SUMMARY HEARING.** – Upon receipt of the transmitted complaint, the Provincial Legal Office shall conduct a summary hearing.

The PLO shall promulgate rules and regulations governing the hearing and disposition of cases before it and such rules and regulations as may be necessary to carry out its functions.

**SECTION 71. APPEAL.** – The Resolution of the Provincial Legal Office may be appealed to the Provincial Mining Adjudication Panel (PMAP) by the losing party upon payment of filing fee in the amount of Five Thousand Pesos (PhP5,000.00). The case-file, which includes the Resolution of the PLO shall be forwarded to the PMAP, which shall be convened by the Governor.

PMAP shall hear and investigate the appeal and shall issue its decision within 15 working days from the date of the last hearing. Said decision shall be forwarded to the Office of the Governor for approval, reversal or modification.

**SECTION 72. DECISION.** – The decision of the Governor on the appeal shall be final and executory. No Motion for Reconsideration shall be allowed.

**ARTICLE XI**  
**REPORTING REQUIREMENTS AND FINES**

**SECTION 73. REPORTING REQUIREMENTS.** – Every permit holder or his/her/its operator is required to submit the following:

**73.1 Quarterly Report on Production, Sales and Inventory of Quarry Resources (except sand and gravel) and Employment.**

A holder of a Quarry Permit or its operator shall submit to the Provincial Governor, through the PEMO, copy furnished the Director and concerned Regional Director, a sworn quarterly report on Production, Sales and Inventory of Quarry Resources and employment within fifteen (15) working days after the end of each calendar quarter.

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Tel. Nos. 435-7698 \* 433-4894 \* 707-8075

(Page 40, Ordinance No. 2023-001, series of 2023)

**73.2 Monthly Report on Production, Sales and Inventory of Industrial Sand and Gravel and Employment.**

A holder of an Industrial Sand and Gravel Permit or its operator shall submit to the Provincial Governor, through the PEMO, copy furnished the concerned Regional Director, a sworn monthly report on production, sales and inventory of Industrial sand and gravel and employment within fifteen (15) working days after the end of each calendar month.

**73.3 Monthly Report on Production and Sales of Commercial Sand and Gravel and Employment.**

A holder of a Commercial Sand and Gravel Permit or its operator shall submit to the Provincial Governor, through the PEMO, copy furnished the concerned Regional Director, a sworn monthly report on Production, Sales and Inventory of Commercial Sand and Gravel and employment within fifteen (15) working days after the end of each calendar month.

**73.4 Quarterly Report on Production and Sales of Small-Scale Metallic and Employment.**

A holder of a Small-Scale Metallic Mines Permit or its operator shall submit to the Provincial Governor, through the PEMO, copy furnished the concerned Regional director, a sworn Quarterly report on production and sales of Small-Scale Metallic

Mines and employment for Metallic minerals other than gold or for gold mineral only within fifteen (15) working days after the end of each calendar quarter.

**73.5 Integrated Annual Report.**

A holder of a Quarry Permit or its operator and a Small-Scale Mining Permit Holder shall submit to the Provincial Governor, through the PEMO, a sworn Integrated Annual Report within two (2) months after the end of each calendar year, copy furnished the concerned Regional Director.

**73.6 Annual Mineral Reserve Inventory Report.**

For areas outside Mineral Reservations, a holder of Quarry, Sand and Gravel and Small-Scale Mining Permit or its operator shall submit to the Provincial Governor, through the PEMO, copy furnished the Regional Director, on or before the end of the first quarter of each calendar year.

**73.7 Quarterly Report on Production, Sales and Inventory of Small-Scale Mines within Mineral Reservation.**

A holder of a Small-Scale Mining Permit within Mineral Reservation shall submit to the Governor, through the PEMO, a sworn and verified Quarterly Report on Production, Sales and Inventory of Small-Scale Mines within Mineral Reservation within thirty (30) calendar days after the end of each calendar quarter.

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Republic of the Philippines  
PROVINCE OF NEGROS OCCIDENTAL  
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South Capitol Road, Bacolod City, Negros Occidental 6100  
Tel. Nos. 435-7698 \* 433-4894 \* 707-8075

(Page 41, Ordinance No. 2023-001, series of 2023)

**73.8 Ending Inventory and Other Reports as may be required by the Governor.**

A holder of a Quarry Permit, any of the Sand and Gravel Permits (including Ordinary Earth), Guano Permits, Gemstone-Gathering Permit or Small-Scale Mining Permit is required to submit reports (a) to (h) mentioned in this section, whichever is applicable to its operations, even when there is no production for a given period. The report, however, should indicate the causes or reasons why there was no production for the period. The Provincial Governor shall be promptly notified in writing before the implementation of any mine suspension or mine closure.

At the end or expiration of a permit, an Ending Report shall be submitted, which shall state the total volume of sand and gravel and quarry materials allowed for extraction, the volume extracted, and the remaining inventory on hand.

**SECTION 74. FINES.** – A report is considered submitted late if it is submitted after the 15<sup>th</sup> working day of the succeeding month; while a report is considered not submitted if the permit holder failed to submit it within the next due date of the same report.

In case of late or non-submission to the Governor, through the PEMO, of any of the reports mentioned in the preceding section, the following penalties shall be imposed:

**74.1. Late submission of any of the required reports:**

<b>Fine</b>	
1 <sup>st</sup> Violation	- P 5,000.00
2 <sup>nd</sup> Violation	- P 7,500.00
3 <sup>rd</sup> Violation	- P10,000.00
Subsequent Violation	- Revocation of Permit

**74.2. Non-submission of any of the required reports:**

<b>Fine</b>	
1 <sup>st</sup> Violation	- P 7,500.00
2 <sup>nd</sup> Violation	- P 10,000.00
3 <sup>rd</sup> Violation	- Revocation of Permit

Provided, That a late report classified under non-submission category shall not pay the accumulated fine in Subsection 74.1 but instead pay the fines imposed in Subsection 74.2 of this Section.

**SECTION 75. FAILURE TO PAY FINES.** – Failure of the permit holder to pay fines within thirty (30) days upon demand shall be sufficient ground for suspension, cancellation or non-renewal of the permit.

Payment of fines shall be made to the Provincial Treasurer or his/her duly authorized representative.

*[Handwritten signatures and initials]*



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Tel. Nos. 435-7698 \* 433-4894 \* 707-8075

(Page 42, Ordinance No. 2023-001, series of 2023)

**ARTICLE XII**  
**PROHIBITIONS AND PENALTIES**

**SECTION 76. PROHIBITED ACTS AND OMISSIONS.** – The following acts or omissions shall be unlawful:

- 76.1. Conduct of preparatory or related quarry or mining work in rivers and public lands such as but not limited to earth moving, excavation, installation of extraction/processing device or equipment, and the like without a permit;
- 76.2. Extraction of minerals or quarry resources covered by this and other related ordinances without a permit;
- 76.3. Hauling or transport minerals or quarry resources covered by this and other related ordinances without a permit;
- 76.4. Misrepresentation made by an applicant, permit holder or his/her authorized representative in the application or in the supporting documents, including submission or presentation of false or falsified documents;
- 76.5. Transfer, assignment or conveyance of permit by the permit holder to another without the written approval/consent of the Governor;
- 76.6. Extraction of minerals or quarry resources covered by this and other related ordinances by the permit holder, their representative or any person under his employment in excess of the allowable quantity specified in the permit;
- 76.7. Extraction of minerals or quarry resources from an area other than that covered by the permit;
- 76.8. Selling, transferring or conveying a fake or spurious permit, knowing fully well of its falsity;
- 76.9. Failure of the permit holder to erect vertical poles or ground markers in the permitted area;
- 76.10. Failure of the permit holder to place or erect a signboard in the permitted area;
- 76.11. Unauthorized removal or destruction by any person of the aforementioned markers/signboards without authority/approval from the Governor or his authorized representative;
- 76.12. The use of the Permit Holder or his/her/its authorized representative of a processing equipment without Certificate of Inspection, or Permit to Operate and/or Official Sticker;
- 76.13. Failure of the Proprietor/Trucker of vehicle/s used in transporting quarry, sand and gravel or any materials subject of the Governor's Permit issued under this Ordinance to register with the Province of Negros Occidental;
- 76.14. Failure of the Proprietor/Trucker to attach Official Sticker/s to his/her/its vehicle/s used in transporting quarry, sand and gravel or any materials subject of the Governor's Permit as required under this Ordinance, or the use of the Proprietor/Trucker of said vehicle in transporting said materials without attached Official Sticker;
- 76.15. Failure of the Permit Holder to use the Standard Book of Accounts issued by the Provincial Treasurer Office;
- 76.16. Failure of the permit holder to keep a book of accounts in the permitted area;
- 76.17. Failure of the permit holder or refuse to keep or open for inspection by proper authorities book of accounts or falsify such book of accounts or entries therein;
- 76.18. False entries in the Book of Accounts of the permit holder which shall render the permit holder primarily liable;
- 76.19. Late submission of report or failure on the part of the permit holder or any person under their employment to submit the report, which shall render the permit holder primarily liable for penalties defined in the immediately preceding section;

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(Page 43, Ordinance No. 2023-001, series of 2023)

- 76.20. Failure or refusal on the part of the permit holder or any person under their employment to allow entry to the Governor, the Provincial Treasurer, the Provincial Assessor, the Provincial Environment Management Officer, their representatives or other law enforcement officers to premises where minerals or quarry resources or by products are being stored, stockpiled or dumped;
- 76.21. Failure or refusal on the part of the permit holder or any person under their employment to allow the Governor, the Provincial Treasurer, the Provincial Assessor, the Provincial Environment Management Officer or their representatives to inspect the Book of Accounts of the permit holder;
- 76.22. Failure on the part of the permit holder to issue the required Permit to Transport receipts and other required documents to driver/s of each vehicle hauling/transporting extracted minerals or quarry resources, which shall render the permit holder primarily liable;
- 76.23. Issuance on the part of the permit holder to drivers, haulers extractors and/or assignees of fake, false, tampered, expired or open-dated, not using permanent ink in filling out permit to transport, recycling or tampering of used Permit to Transport and other required documents, which shall render the permit holder primarily liable;
- 76.24. Failure on the part of the driver/hauler/transporter to present Permit to Transport upon demand by authorities;
- 76.25. Any buying and/or receiving extracted or removed minerals and other quarry resources without the required appropriate and valid Permit to Transport and other documents;
- 76.26. Any buying/selling or misuse of Permit to Transport and other required documents;
- 76.27. Hauling/transporting minerals or quarry resources whose volume or weight is more than the volume/weight/tonnage indicated in the delivery receipts/transport permits;
- 76.28. Sale or conveyance or transfer for a price or consideration minerals extracted under a gratuitous permit, special permit or exclusive sand and gravel permit;
- 76.29. Sale or conveyance, whether gratuitously or onerously, adulterated minerals and quarry resources covered by this and related ordinances;
- 76.30. Misrepresentation or mislabeling the quality and/or quantity of the minerals or quarry resources, covered by this and related ordinances, in advertisement and/or sale or trade;
- 76.31. Extraction of minerals, sand and gravel from beaches or riverbanks or in offshore areas within a distance of 500 meters from the coast or within two hundred (200) meters from the mean low tide level along the beach
- 76.32. Extraction or destruction of stalactites and stalagmites from caves;
- 76.33. Selling by the permit holder of their Permit to Transport receipts and other required documents to persons extracting minerals in areas without a permit or in permitted areas whose permit is not in the name of the permit holder or to any persons transporting/hauling/conveying minerals or quarry resources taken from an area without a permit or covered by a permit not issued to the permit holder, or allowing any other persons to use their Permit to Transport receipts for purposes not related or connected to their permitted area;
- 76.34. Obstruction, hindrance or prevention through violence or intimidation or harassment of the Governor or his deputies/representative or other law enforcement personnel from the performance of their functions, authorities and duties under this ordinance;
- 76.35. Violation on the part of the permit holder of any of the terms and conditions of their Governor's Permit; and
- 76.36. Violation of any provision of this Ordinance.

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(Page 44, Ordinance No. 2023-001, series of 2023)

**SECTION 77. PENALTIES AND FINES AND ADMINISTRATIVE FEES AND CONFISCATION OF EQUIPMENT AND IMPLEMENTS**

- 77.1. Except as provided in section 76.19 hereof, violations of any of the prohibited acts and omissions shall subject the violator to imprisonment of not less than one (1) month and not more than six (6) months AND a fine of not less than Five Thousand Pesos (P5,000.00), at the discretion of the court.
- 77.2. Violations under 76.1, 76.2, 76.3, 76.4, 76.6, 76.7, 76.23, 76.24, 76.25, 76.27, 76.28, 76.29, 76.30, 76.31, 76.32, and as may be applicable, shall carry with it the penalty of confiscation and forfeiture of sand and gravel, ordinary earth, minerals and/or other materials involved in favor of the Provincial Government.
- 77.3. Violations under 76.1, 76.2, 76.3, 76.31, 76.32 and as may be applicable, shall moreover be penalized with confiscation and forfeiture of the vehicles, conveyances, equipment, and tools in favor of the Provincial Government, regardless of ownership of the vehicles/conveyances/tools.
- 77.4. Every conviction by the court of the prohibited acts and omission in the next preceding section shall carry with it the cancellation of the permit, if the violation is by a permit holder.
- 77.5. Moreover, the equipment, vehicles, conveyances, implements, tools and the like used in connection with the commission of the offense as defined under 76.1, 76.2, 76.3, 76.31, 76.32, and as may be applicable, and the sand and gravel, ordinary earth, quarry, mineral products, minerals or other materials seized in connection with the commission of the offense under 76.1, 76.2, 76.3, 76.4, 76.6, 76.7, 76.23, 76.24, 76.25, 76.27, 76.28, 76.29, 76.30, 76.31, 76.32, and as may applicable, shall be administratively confiscated in favor of the Provincial Government.

An administrative hearing, as defined in Section 62 of this ordinance, shall be conducted by the Provincial Government through the Provincial Legal Office for violations defined in the preceding section. Confiscated equipment and materials shall be auctioned by the Provincial Government through the Provincial Treasurer's Office, at the discretion of the Provincial Governor.

- 77.6. If the violator has a proper permit, the corresponding administrative fee hereunder enumerated may be paid to the Governor or his duly – authorized representative, to wit:

Offense	First Offender	Second Offender
Simple Offense	P5,000.00	P15,000.00
Less Grave	P10,000.00	P35,000.00
Grave	P15,000.00	P50,000.00

However, a third offense shall cause the cancellation of the permit, unless deemed otherwise by the Governor. Provided, Section 74 of this ordinance shall also applied.

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(Page 45, Ordinance No. 2023-001, series of 2023)

For this purpose, Subsection 76.10 shall be considered simple offense; Subsection 76.11 shall be considered less grave offense when the thing destroyed or removed is a signboard and shall be a grave offense when the thing destroyed or removed is/are a marker/s; Subsection 76.20 shall also be considered a less grave offense; and all offenses enumerated in Section 76 not specifically categorized in this paragraph shall be considered serious offenses.

The application for the payment of administrative fee shall state that the violator admits the commission of the offense, that he has a proper permit, that he is willing to pay the fee to be imposed and that he willingly surrenders whatever rights and interests he has over any of the equipment, vehicles, conveyances, implements, tools and the like and the sand and gravel, ordinary earth, quarry, mineral products or other materials seized in connection with the commission of the offense to be confiscated and forfeited in favor of the Provincial Government. The application must be filed within three (3) days from date of apprehension. Only applications duly approved by the Governor or his duly authorized representatives shall cause the acceptance of the payment of the administrative fee herein provided.

- 77.7. If the violator has no permit, he can avail the payment of administrative fee, only once, in the amount of not less than Fifty Thousand Pesos (P50,000.00) per violation. The requirements in the immediately preceding subsection shall likewise apply.

Subsequent violation shall cause the filing of charges in court in accordance with this ordinance or other relevant mining laws, as may be applicable. Unless, a different recommendation is endorse by the PLO to the Governor.

- 77.8. If the offender is a corporation or a juridical entity, the person who ordered or allowed the commission of the offense shall also be penalized with the same penalty.

- 77.9. The approval of the application and the full payment of the administrative fee imposed may cause the withdrawal or preclude the filing of corresponding criminal charges against the violator. In case the seized equipment, vehicles, conveyances, implements, tools is not subject to administrative confiscation, the same shall be released to their owners.

- 77.10. Any person held criminally liable for violating this and/or other related ordinances shall be disqualified from applying for any Governor's permit issued under this Ordinance for five (5) years from the date of the imposition of the penalty.

- 77.11. Any person, who is a habitual offender, shall likewise be disqualified for applying for a Governor's Permit for five (5) years from the date of the imposition of the penalty from applying for a Governors Permit.

- 77.12. The sand and gravel, ordinary earth, quarry, minerals or other materials as well as vehicles, conveyances, equipment and tools confiscated and forfeited and fees paid under this section shall be disposed of or the proceeds thereof shared and distributed as follows:



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(Page 46, Ordinance No. 2023-001, series of 2023)

- 77.12.1. 40% to the Provincial Government and
- 77.12.2. 60% to the Barangay, City/Municipality or other Agencies involved who effected the apprehension.

The administrative case is independent and separate from the criminal case. As such, the Provincial Legal Office has the option to pursue both administrative and criminal case if the circumstances warrants. Provided, however, that the administrative case does not and cannot determine the outcome of the criminal case and vice-versa.

**ARTICLE XIII**  
**TRANSITORY PROVISIONS**

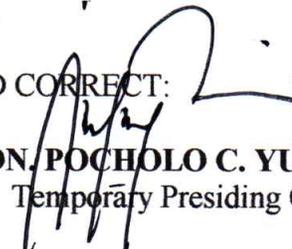
**SECTION 78. SEPARABILITY CLAUSE.** – If any clause, provision or section of this Ordinance shall be held invalid or unconstitutional, the remaining parts shall not be affected thereby.

**SECTION 79. REPEALING CLAUSE.** – Other ordinances, rules and regulations inconsistent with or contrary to the provisions of this Ordinance are hereby repealed or modified accordingly.

**SECTION 80. EFFECTIVITY.** – This Ordinance shall take effect ten (10) days after the last day of its publication in a newspaper of local circulation in the Province of Negros Occidental and shall apply to new and renewal of applications submitted on the same date of effectivity.

**ADOPTED UNANIMOUSLY**, January 10, 2023.

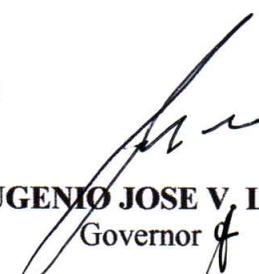
CERTIFIED CORRECT:

  
**HON. POCHOLO C. YUVIENCO**  
Temporary Presiding Officer

ATTESTED:

  
**ATTY. MAKIANGEL O. ASCALON**  
Provincial Secretary

APPROVED:

  
**HON. EUGENIO JOSE V. LACSON**  
Governor

Date: 13 MAR 2023