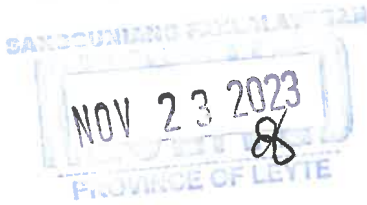
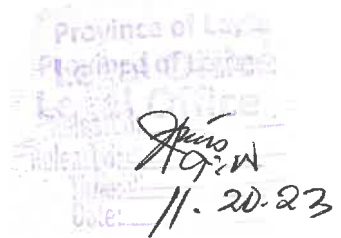


Item No.: 08
Date: 28 2023 NOV



Republic of the Philippines
PROVINCE OF LEYTE
Palo, Leyte

PROVINCIAL LEGAL OFFICE



2nd INDORSEMENT
November 13, 2023

Respectfully returned to the Sangguniang Panlalawigan of Leyte, through the SP Secretary, the attached Ordinance No. 11 S. 2023 of the Sangguniang Bayan of Barugo, Leyte, recommending for the declaration of its validity, pursuant to its power under Section 56 (C) of R.A. 7160, to the opinion of the Provincial Legal Office (PLO), a valid exercise of authority mandated under Section 447(1)(iv)ⁱ and (vi)ⁱⁱ of the Code.


ATTY. JOSE RAYMUND A. ACOL
Asst. Provincial Legal Officer

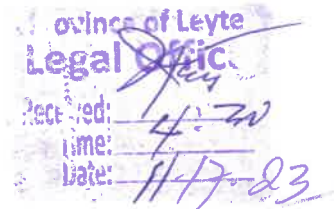
ⁱ (iv) Adopt measures to protect the inhabitants of the municipality from the harmful effects of man-made or natural disasters and calamities and to provide relief services and assistance for victims during and in the aftermath of said disasters or calamities and their return to productive livelihood following said events;

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


Republic of the Philippines
Province of Leyte
OFFICE OF THE SANGGUNIANG PANLALAWIGAN



Endorsement
16 November 2023



The Provincial Legal Office is respectfully requested to review and submit recommendations on the herein enclosed **ORDINANCE NO. 11 s 2023** of the Municipality of **BARUGO, Leyte**; entitled, **"AN ORDINANCE DECLARING THE WATER WAYS OF ARABUNOG RIVER, PONGSO RIVER AND HIMANGLOS RIVER TRAVERSING SEVERAL BARANGAYS OF THE MUNICIPALITY OF BARUGO BE EXCLUDED FROM APPLICATIONS FOR QUARRY CONCESSIONS."**


FLORINDA JILL S. UYVICO
Secretary to the Sanggunian

SP RECORDS
11162023

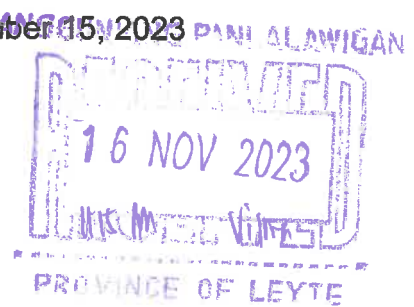


Republic of the Philippines
PROVINCE OF LEYTE
Local Government Unit
Barugo, Leyte

Office of the Sangguniang Bayan

November 15, 2023

HON. LEONARDO "SANDY" JAVIER, JR.
Vice-Governor/Presiding Officer
Sanggunian Panlalawigan
Province of Leyte



THRU: **FLORINDA JILL S. UYVICO**
Secretary to the Sanggunian
Province of Leyte

Sir:

Respectfully submitted to your good office for review/approval the herein **ORDINANCE NO. 11, S. 2023, ENTITLED "AN ORDINANCE DECLARING THE WATER WAYS OF ARABUNOG RIVER, PONGSO RIVER AND HIMANGLOS RIVER TRAVERSING SEVERAL BARANGAYS OF THE MUNICIPALITY OF BARUGO BE EXCLUDED FROM THE APPLICATIONS FOR QUARRY CONCESSIONS.**

Anticipating your favorable action on this matter.

Very respectfully yours,


DANILO V. AVORQUE
SB Secretary

BARUGO PADAYON AN GUGMA!

Municipal Hall, Poblacion District I Burgos St., Barugo, Leyte
09423386298/09458857038 lgu.barugo@yahoo.com



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PROVINCE OF LEYTE
Local Government Unit
Barugo, Leyte

Office of the Sangguniang Bayan

CERTIFICATION OF PUBLIC HEARING

THIS IS TO CERTIFY that on July 25, 2023 and August 1, 2023 a Public Hearings were conducted related to the proposal to pass **AN ORDINANCE DECLARING THE WATER WAYS OF ARABUNOG RIVER, PONGSO RIVER AND HIMANGLOS RIVER TRAVERSING SEVERAL BARANGAYS OF THE MUNICIPALITY OF BARUGO BE EXCLUDED FROM THE APPLICATIONS FOR QUARRY CONCESSIONS.**

This certification is issued this 15th day of November 2023, for whatever legal purpose it may serve.


DANILO V. AVORQUE
SB Secretary

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09423386298/09458857038 lgu.barugo@yahoo.com



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PROVINCE OF LEYTE
Municipality of Barugo

Office of the Sangguniang Bayan

EXCERPT FROM THE MINUTES OF THE MEETING OF THE 11TH SANGGUNIANG BAYAN OF BARUGO, LEYTE ON ITS 53RD REGULAR SESSION HELD ON THE 1TH DAY OF AUGUST 2023, AT THE MUNICIPAL SESSION HALL, LEGISLATIVE BUILDING, BARUGO, LEYTE.

- | | | |
|----------|------------------------------|------------------------------|
| Present: | Hon, Josephine C. Tiu | Municipal Vice Mayor |
| | Hon. Don A. Dehayco | Presiding Officer |
| | Hon. Wayne B. Avestruz | SB Member |
| | Hon. Eduardo C. Calzita | SB Member |
| | Hon. Nikkos Rhet V. Astorga | SB Member |
| | Hon. Clinio A. Balais | SB Member |
| | Hon. Jeffrey P. Cañezal | SB Member |
| | Hon. Jesus B. Cabanacan | SB Member |
| | Hon. Domingo E. Adrales | SB Member |
| | Hon. Jake Andrian C. Gerona | SK Fed. President |
| Absent: | | |
| | Hon. Marl Oscar A. De Guzman | ABC President (Liga meeting) |

16 NOV 2023
PROVINCE OF LEYTE

ORDINANCE NO. 11, S. 2023
(Sponsor and Author: Hon. Jesus B. Cabanacan)

AN ORDINANCE DECLARING THE WATER WAYS OF ARABUNOG RIVER, PONGSO RIVER AND HIMANGLOS RIVER TRAVERSING SEVERAL BARANGAYS OF THE MUNICIPALITY OF BARUGO BE EXCLUDED FROM THE APPLICATIONS FOR QUARRY CONCESSIONS.

Be it ordained by the Sangguniang Bayan in regular session assembled:

SECTION 1. RATIONALE. Over the past years quarrying in the water ways of Arabunog River, Pongso River and Himanglos River has been shown to be a destructive man-made activity. The environmental harm brought on by river quarrying, together with the resulting loss of life and destruction of property, as has been demonstrated in the Municipality of Barugo, surpasses any advantages that accrue to concessionaires and even the LGU's budget.

River quarrying causes uneven bed depth, bank destruction, soil erosion, pollution, siltation, flooding, and noise pollution, negatively impacting downstream populations. River bank destruction and soil erosion have been evident in Arabunog River, Pongso River and Himanglos River, causing severe damage to flood control infrastructure along Barangay Poblacion District VI, Barangay Poblacion District II and Barangay Poblacion District V, and damage to the provincial road in Barangay Hinugayan. The uneven bed depth in portions of Arabunog River and Himanglos River caused by quarrying has been directly attributed to the death of children by drowning.

Damage to other government facilities, such as roads and bridges, caused by quarrying close to such facilities, and which continued quarrying operations would probably cause further harm, make the issue even more serious.

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PROVINCE OF LEYTE
Municipality of Barugo

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Ordinance No. 11, 2023

SECTION 2. LEGAL BASIS.

A. Section 16 (General Welfare) of Republic Act No. 7160 provides that “every local government unit shall exercise the powers expressly granted, those necessarily implied therefrom, as well as powers necessary, appropriate, or incidental for its efficient and effective governance, and those which are essential to the promotion of the general welfare...”

B. Paragraph (I), Section 2 (Declaration of Policy) of Republic Act No. 10121, expressly provides to “recognize and strengthen the capacities of LGUs and communities in mitigating and preparing for, responding to, and recovering from the impact of disasters.”

C. Paragraph 1, Section 14 (Local Climate Change Action Plan) of Republic Act No. 9729 requires the LGUs to “be the frontline agencies in the formulation, planning and implementation of climate change action plans in their respective areas, consistent with the provisions of the Local Government Code, the Framework, and the National Climate Change Action Plan.”

SECTION 3. AREAS TO BE PROTECTED. All barangays traversed by Arabunog River, Pongso River and Himanglos River are protected and excluded from applications for quarry concessions.

SECTION 4. EXEMPTED GOVERNMENT ENTITIES. Upon coordination with the LGU, quarrying may be conducted by the Department of Public Works and Highways (DPWH), Provincial Engineer’s Office and the National Irrigation Administration (NIA) when undertaking repair/rehabilitation of government projects/infrastructures within the Municipality of Barugo, provided that quarrying shall be done only in specific area(s) designated by the Municipal Mayor for de-siltation.

SECTION 5. QUARRY MATERIALS DERIVED FROM DE-SILTATION. The Municipal Mayor shall apply for a Gratuitous Permit from the Provincial Governor for the disposition of the quarry materials derived from de-siltation, consistent with the LGU’s economic enterprise activities; Provided, that the same may only be sold to residents of the municipality for use exclusively within the Municipality of Barugo. Reselling of materials for use outside this municipality is prohibited unless authorized by Resolution of the Sangguniang Bayan.

SECTION 6. PROMULGATION OF THE IMPLEMENTING RULES AND REGULATIONS.
– The Municipal Mayor through the Municipal Environmental and Natural Resources Officer (MENRO) shall, within ninety (90) days upon approval of this Ordinance, promulgate rules and regulation in connection with the implementation of the de-siltation activity. The MENRO shall report the status of the same to the Sangguniang Bayan every 30 days until completed and promulgated.

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PROVINCE OF LEYTE
Municipality of Barugo

SECTION 7. FUNDING REQUIREMENT. The Municipal Mayor shall allocate funds for de-silting operations and for related purposes.

SECTION 8. PENALTY. – Any person who violates any provision of this Ordinance shall suffer the penalty of fine in the amount of Nine Hundred Pesos (P900.00) for the first offense; the penalty of fine in the amount of One Thousand Five Hundred (P1,500.00) for the second offense; and penalty of fine in the amount of Two Thousand Five Hundred (P2,500.00) and/or imprisonment of one month for the third and each succeeding offense. If the person is a public officer or employee, he/she may also be held administratively liable.

SECTION 9. REPEALING CLAUSE. – All resolutions, ordinances and executive issuances, or provisions thereof, which are inconsistent with any of the provisions hereof are hereby accordingly repealed, amended and/or modified.

SECTION 10. SEPARABILITY CLAUSE. – Should any provision of this ordinance be subsequently declared unconstitutional or ultra vires, the rest of the provisions not so declared shall remain to be in full force and effect.

SECTION 11. EFFECTIVITY. – This ordinance shall take effect upon its approval.

RESOLVED FURTHER, to furnish copies of this Ordinance to the Local Chief Executive of Barugo, Leyte, the Municipal Local Government Operations Officer, the Human Resources Management Office Department Head, the PESO Labor and Employment Officer III, and to the Honourable Members of the Sangguniang Panlalawigan of Leyte for their information and approval.

APPROVED by the majority, this 1ST day of August, 2023 in Barugo, Leyte.

We hereby certify to the correctness of this foregoing Ordinance.

ATTY. DON A. DEHAYCO
SB Member

DANILO V. AVORQUE
SB Secretary
HON. WAYNE B. AVESTRUZ
SB Member
HON. EDUARDO C. CALZITA
SB Member
HON. NIKKOS RHET V. ASTORGA
SB Member




Republic of the Philippines
PROVINCE OF LEYTE
Municipality of Barugo

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Ordinance No. 11, 2023


HON. CLINIO A. BALAIS
SB Member



HON. JEFFREY P. CAÑEZAL
SB Member


ATTY. JESUS B. CABANACAN
SB Member


HON. DOMINGO E. ADRALES
SB Member


HON. JAKE ANDRIAN C. GERONA
SK Federation President

ATTESTED BY:


HON. JOSEPHINE C. TIU
Municipal Vice Mayor
Presiding Officer

APPROVED BY:


HON. ARON C. BALAIS, MD, FPCEM
Municipal Mayor

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PROVINCE OF LEYTE
Local Government Unit
Barugo, Leyte

Office of the Sangguniang Bayan

CERTIFICATION OF POSTING

THIS IS TO CERTIFY that Ordinance No. 11, S. 2023, RE: **“AN ORDINANCE DECLARING THE WATER WAYS OF ARABUNOG RIVER, PONGSO RIVER AND HIMANGLOS RIVER TRAVERSING SEVERAL BARANGAYS OF THE MUNICIPALITY OF BARUGO BE EXCLUDED FROM THE APPLICATIONS FOR QUARRY CONCESSIONS** was posted in three (3) conspicuous places in the Municipality of Barugo, Leyte from August 8 – August 22, 2023 in compliance with the provisions of RA 7160, otherwise known as Local Government Code of 1991.

This certification is issued this 15th day of March, 2023, for whatever legal purpose this may serve.


DANILO V. AVORQUE
SB Secretary

BARUGO PADAYON AN GUGMA!

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