



Republic of the Philippines
PROVINCE OF LEYTE

OFFICE OF THE PROVINCIAL GOVERNOR
CARLOS JERICHO L. PETILLA

September 18, 2024

Hon. LEONARDO V. JAVIER, Jr.
Vice-Governor
Province of Leyte



Thru: The Honorable Sangguniang Panlalawigan Members

Dear Vice-Governor Javier, Jr.:


Respectfully forwarding the herein attached Proposed Ordinances, as follows:

1. AN ORDINANCE GRANTING THE PROVINCIAL GOVERNOR CONTINUING AUTHORITY TO PRESCRIBE LOAD LIMITS AND USE THEREOF ON CERTAIN CEMENTED PROVINCIAL ROADS, PROVINCE OF LEYTE, ON A CASE-TO-CASE BASIS AND WHEN THE NEED ARISES AND FOR OTHER PURPOSES.
2. AN ORDINANCE ESTABLISHING A DIGITAL MONITORING SYSTEM ON THE OPERATIONS OF QUARRY, SAND, AND GRAVEL ACTIVITIES IN THE PROVINCE OF LEYTE AND FOR OTHER PURPOSES.

For the Honorable August Body's consideration.

Thank you very much. Mabuhay!

By Authority of the Governor:


CORAZON M. ALVERO
Provincial Administrator



PROVINCIAL ORDINANCE No. _____
Series of 2024

AN ORDINANCE ESTABLISHING A DIGITAL MONITORING SYSTEM ON THE OPERATIONS OF QUARRY, SAND, AND GRAVEL ACTIVITIES IN THE PROVINCE OF LEYTE AND FOR OTHER PURPOSES.

WHEREAS, the Province of Leyte is the primary source, among others, of quality quarry, sand, and gravel resources in the Eastern Visayas. Said resources are even exported to other regions in the country for use on various infrastructure projects;

WHEREAS, as part of the regulations and environmental protection, the Honorable Sangguniang Panlalawigan enacted Provincial Ordinance No. 05-02, Series of 2005 entitled “An Ordinance Levying Taxes and Fees on Sand and Gravel and Quarry Operations within the Province of Leyte and Provincial Ordinance No. 08-01, Series of 2008 entitled “An Ordinance Providing for an Environmental Code of the Province of Leyte and For Other Purpose, respectively;

WHEREAS, validated reports from concerned citizens and the Mines and Geosciences Bureau (MGB) revealed that there exists a rampant illegal extraction and/or transport within or outside of the Province of Leyte of quarry, sand, and gravel resources sans any tax payments being paid pursuant to existing laws, rules, regulation, and ordinances;

WHEREAS, to further protect the environment and maximize the revenue generation, among others, on quarry, sand, and gravel resources there is an imperative need to innovate and consequently establish a digital monitoring system relative to the operations of, among others, the quarry, sand, and gravel activities within the province of Leyte.

WHEREAS, the benefits that will be obtained through this innovation and establishment of the system will be higher than the cost of its operations;

WHEREAS, a local government unit is empowered as well to apply its resources and assets for productive, developmental, or welfare purposes, in the exercise or in furtherance of their governmental or proprietary powers and functions.¹

BE IT RESOLVED AS IT IS HEREBY RESOLVED . . .

Section 1. Title – This Ordinance shall be known as the “**QSAG Operations Digital Monitoring System of the Province of Leyte**”.

Section 2. Establishment of Mobile Digital Application - The Provincial Government of Leyte, as the lead agency of this Project, shall establish, create, develop, manage, and maintain a real-time digital application intended for this purpose.

Section 3. Coverage of Monitoring – Except for those vehicles used for retail purposes, the system of monitoring shall cover, among others, as follows:

- a. All Quarry, Sand, and Gravel operations within the Province of Leyte;
- b. All trucks or similar vehicles used primarily to haul or transport quarry, sand, and/or gravel resources from the concession site, stockyard, or processing area that is within or nearby or the place where the extracted resources are placed.

¹ Ferrer vs. Bautista, G. R No. 210551, June 30, 2015 citing Section Secs. 18 and 129, LGC.

- c. All other vehicles directly used to transport, and haul to and from the concession or permit area or zoned area.

As used in this Ordinance, “*vehicle used for retail purposes*” shall mean vehicle not used for hauling or transporting quarry, sand, or gravel from the concession area, permit area, zoned area, and/or stockyard, and the load thereof, if any, is covered by official receipt as proof of purchase.

Section 4. *System of Monitoring* – All covered vehicles shall be installed with a government-issued Global Positioning System (GPS). For inventory, the installed GPS shall continue to be the property of the Provincial Government of Leyte.

After one year from effectivity of this Ordinance and thereafter, an administrative fee shall be collected from the permittees as may be provided for by an Ordinance.

Section 5. *Operating Cost of Maintaining the System* – The cost of operation and maintenance of the system shall be proportionally shared by the host Barangay, Municipality, and Province and shall be taken from and in accordance with the benefit sharing percentage under Section 138 of the Republic Act No. 7160 otherwise known as the Local government Code of 1991.

Section 6. *Deputization of the PNP* – The members of the Leyte Police Provincial Office (LPPO) and/or the concerned Municipal Police Office are hereby deputized to enforce and implement this Ordinance.

Section 7. *Establishment of Check Points* – Checkpoints shall be established strategically to ensure the strict implementation of this Ordinance to be manned by the designated and deputized members of the PNP and the Provincial SAG Task Force.

Section 8. *Adherence to Data Privacy* - Subject to the provisions of Republic Act No. 10173 otherwise known as the Data Privacy Act of 2012, unless otherwise directed by a competent court, any information gathered or obtained as a result of this digital monitoring system shall only be used for the purpose intended under this Ordinance.

Section 9. *Honorarium* – Subject to the usual accounting and auditing rules and regulations and personnel services limitation, the Provincial Sand and Gravel Task Force shall be entitled to an honorarium whose funding source shall be taken from the collection of fines or penalties and/or payment of excess volume from quarry, sand and gravel extractions.

Section 10. *Implementation, Conduct of Training and Seminars* – To ensure, the effective implementation of this program, the Provincial Government of Leyte, shall conduct and spearhead an information dissemination, education, and communication campaign.

Section 11. *Collaborative Duties of the Component City and Municipalities* – The respective component city, municipalities, and barangay within the jurisdiction of the Province of Leyte where there exist, among others, a quarry, sand, and gravel operations, through the Local Chief Executive and/or their respective Environment and Natural Resources Officer and/or designated focal person and/or office, shall collaboratively support this system of monitoring.

Section 12. *Penalty for Violation* – Without prejudice to the provisions of the Republic Act No. 7942 otherwise known as the Philippine Mining Act of 1995, Revised Penal Code, and the related laws, rules, regulations, and Ordinances, any person found to be violating this Ordinance *in flagrante delicto*, shall cause the immediate impoundment or

confiscation of the subject vehicle including the loaded quarry, or sand or gravel resources.

Section 13. *Separability Clause*– Any provision or provisions of this Ordinance declared to be unconstitutional by a competent court, the unaffected portion or portions shall remain valid and shall continue to have the full force and effect of law.

Section 14. *Repealing Clause*– All Ordinances and other issuances inconsistent with this ordinance are hereby amended, modified, or repealed accordingly.

Section 15. *Effectivity* – This Ordinance shall take effect after fifteen (15) days from publication in a newspaper of general circulation.