

Item No.: 02

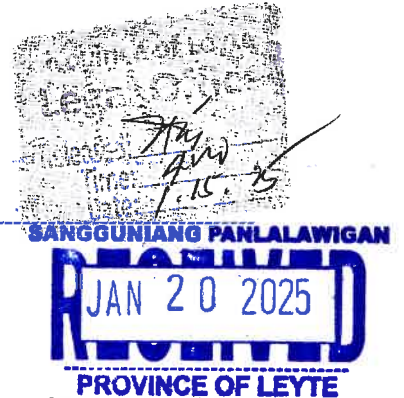
Date: 28 2025 JAN



Republic of the Philippines  
**PROVINCE OF LEYTE**  
Provincial Capitol  
Tacloban City

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**PROVINCIAL LEGAL OFFICE**



**2<sup>nd</sup> INDORSEMENT**  
December 26, 2024

Respectfully returned to the Sangguniang Panlalawigan of Leyte, through the SP Secretary, the attached Ordinance No. 2024-17 of the Sangguniang Bayan of Javier, Leyte.

**Issues/concerns for review/recommendation/legal opinion is/are as follows:**

- Ordinance No. 2024-17 entitled: **“An Ordinance regulating the resources from natural stream of waters or any place within the jurisdiction of the municipality of Javier, Leyte, etc.”**

**REVIEW/RECOMMENDATION/LEGAL OPINION:**

This office is of the opinion that the subject Ordinance is generally in accordance with its power under Section 447(a)(1)(vi)<sup>1</sup> of the Local Government Code of 1991 (R.A 7160). Hence, we recommend for the declaration of its validity.

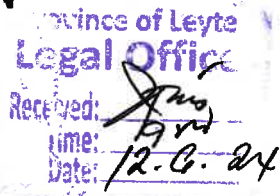
We hope to have assisted you with this request. Please note that the opinion rendered by this Office are based on the facts available and may vary or change when additional facts and documents are presented or changed. This opinion is likewise without prejudice to the opinions rendered by higher and competent authorities and/or the courts.

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

<sup>1</sup>(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  
Palo, Leyte

OFFICE OF THE SANGGUNIANG PANLALAWIGAN



1<sup>ST</sup> INDORSEMENT  
05 December 2024

The Provincial Legal Office is respectfully requested to review and submit recommendations on the herein enclosed **Ordinance No. 2024-17** of the **Municipality of Javier, Leyte**, entitled: **An Ordinance regulating the excavation, exploration, processing and transporting of quarry/river resources from natural stream of waters or any place within the jurisdiction of the Municipality of Javier, Leyte and imposing penalties hereof.**

  
FLORINDA JILL S. UYVICO  
Secretary to the Sanggunian

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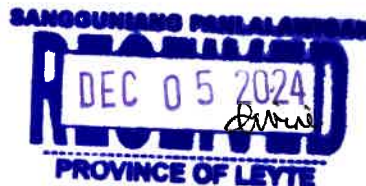
Republic of the Philippines  
Province of Leyte  
**MUNICIPALITY OF JAVIER**  
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Sangguniang Bayan

**EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE SANGGUNIANG BAYAN OF JAVIER, LEYTE HELD AT THE MUNICIPAL SESSION HALL ON NOVEMBER 18, 2024**

**Present :**

- Mun. Vice-Mayor Emma M. Abueva, presiding officer
- SB Member Guilbert M. Lanoy
- SB Member Roldan G. Meras
- SB Member Marino C. Merilo
- SB Member Eriberta R. Ponce
- SB Member Stephen Mark I. Papalid
- SB Member Michelle O. Moreno
- SB Member Romeo C. Malinao
- SB Member Alberto A. Rifoos
- SK Fed. President Ericka T. Cabangunay
- Liga President Andy L. Dingal

Absent : None



**ORDINANCE No. 2024-17**

- Authored by : ALL SB Member

**AN ORDINANCE REGULATING THE EXCAVATION, EXPLORATION, PROCESSING AND TRANSPORTING OF QUARRY/RIVER RESOURCES FROM NATURAL STREAM OF WATERS OR ANY PLACE WITHIN THE JURISDICTION OF THE MUNICIPALITY OF JAVIER, LEYTE AND IMPOSING PENALTIES HEREOF.**

**WHEREAS**, the 1987 Constitution guarantees the protection and advancement of the people to a balance and healthful ecology in accordance with the rhythm and harmony of nature ;

**WHEREAS**, to attain this guarantee, the state has a legitimate and valid exercise of power to supervise control the exploration, development and utilization of the natural resources ;

**WHEREAS**, to preserve the mineral resources of Javier and to uplift the value, dignity and respect to every Javiernons, there is a need to regulate the extraction, hauling and other activities of the mineral resources, hence, this Ordinance ;

**NOW THEREFORE**, be it ordained by the Sangguniang Bayan of Javier, Leyte, **THAT :**

**SECTION 1.** This Ordinance shall be known as "AN ORDINANCE REGULATING THE EXCAVATION, EXPLORATION, PROCESSING AND TRANSPORTING OF QUARRY/RIVER RESOURCES FROM NATURAL STREAM OF WATERS OR ANY PLACE WITHIN THE JURISDICTION OF THE MUNICIPALITY OF JAVIER, LEYTE AND IMPOSING PENALTIES HEREOF".

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Guilbert M. Lanoy

Roldan G. Meras

Marino C. Merilo

Eriberta R. Ponce

Stephen Mark I. Papalid

Michelle O. Moreno

Romeo C. Malinao

Alberto A. Rifoos

Ericka T. Cabangunay

Andy L. Dingal

**SECTION 2.** As used in this Ordinance, the following words shall mean :

- a) Quarry/river resources refers not only to sand, gravel, stores and earth but also to rocks, slate and other construction filling materials including other related mineral resources.
- b) Excavation, exploration of quarry river resources refers to any act of extracting, processing of mineral resources within Javier, Leyte.
- c) Transporting refers to haul as with vehicle or cart.
- d) Vehicle refers vehicle fuel propelled by an engine other than muscular power such as trucks, jeepneys and multicabs including motorcycles with sidecars.

**SECTION 3.** The following are considered prohibited acts:

- a) To excavate, extract and explore quarry/river resources inside the one (1) Kilometer protected area both upstream and downstream from the bridge.
- b) To do quarrying activity at any place at both approaches of the bridge.
- c) Excavation, extraction and hauling activities prior to 8:00 in the morning and after 5:00 in the afternoon from Mondays to Sundays in the Municipality of Javier, Leyte.
- d) Weight capacity of dump trucks/hauling trucks exceeding 12 cubic meters passing through the Barangay and Municipal Roads of Javier, Leyte.

**SECTION 4.** Violation to the provisions of this Ordinance shall be meted with the following penalties :

- a. First Offense – One Thousand Pesos (P 1,000.00)
- b. Second Offense-One Thousand Five Hundred Pesos (P 1,500.00)
- c. Third and succeeding offenses -Two Thousand Five Hundred Pesos (P 2,500.00)

**SECTION 5.** It is hereby provided that all local SAG-users/consumers/suppliers of this Municipality shall be given utmost priority to purchase/buy SAG and other form of aggregates by the existing SAG-Concessionaries operating within Javier, Leyte.

**SECTION 6.** Desilting and dredging within the one (1) kilometer from the upstream and downstream of the bridge structure maybe allowed only when the rivers are heavily silted, provided, that there must be an official recommendation from the Municipal Engineering Office and the Mun. Environment and Natural Resources Office after conducting proper survey and evaluation as to the depth and volume of silt that must be extracted.

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**SECTION 7.** The Municipal Mayor shall create a Taskforce authorized to check and inspect all river channels in the Municipality and quarry zones or concession areas, ensure the quarrying would not imperil the environment and to make sure that the provisions of this Ordinance are strictly implemented.

**SECTION 8.** Repealing Clause- Municipal Ordinances, Resolutions, Local Executive Orders or other administrative Issuances found to be inconsistent with any provision of this Ordinance are hereby repealed or modified accordingly.

**SECTION 9.** Separability Clause- If any provision of this Ordinance is declared invalid or unconstitutional, the other provisions not affected thereby shall continue to be in full force and effect.

**SECTION 10.** Effectivity Clause – This Ordinance shall take effect upon approval.

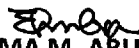
**APPROVED UNANIMOUSLY :**

**NOVEMBER 18, 2024**

CERTIFIED CORRECT:

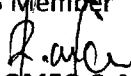
**ERVON DANIEL B. LAJARA**  
SB Secretary

ATTESTED :

  
**HON. EMMA M. ABUEVA**  
Municipal Vice-Mayor  
Presiding Officer

  
**HON. GUILBERT M. LANOY**  
SB Member


  
**HON. ERIBERTA R. PONCE**  
SB Member

  
**HON. ROMEO C. MALINAO**  
SB Member

  
**HON. ROLDAN G. MERAS**  
SB Member

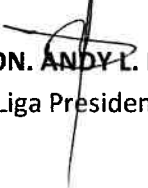
  
**HON. STEPHEN MARK I. PAPALID**  
SB Member

  
**HON. ALBERTO A. RINOS**  
SB Member

  
**HON. ERICKA T. CABANGUNAY**  
SK Fed. President

  
**HON. MARINO C. MERILO**  
SB Member

  
**HON. MICHELLE O. MORENO**  
SB Member

  
**HON. ANDY L. DINGAL**  
Liga President

APPROVED:

  
**HON. MICHAEL DRAGON T. JAVIER**  
Municipal Mayor

Republic of the Philippines  
Province of Leyte  
**MUNICIPALITY OF JAVIER**  
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Office of the Sangguniang Bayan

November 19, 2024

**CERTIFICATION**

**TO WHOM IT MAY CONCERN :**

**THIS IS TO CERTIFY** that **ORDINANCE NO. 2024-17**, "AN ORDINANCE REGULATING THE EXCAVATION, EXPLORATION, PROCESSING AND TRANSPORTING OF QUARRY/RIVER RESOURCES FROM NATURAL STREAM OF WATERS OR ANY PLACE WITHIN THE JURISDICTION OF THE MUNICIPALITY OF JAVIER, LEYTE AND IMPOSING PENALTIES HEREOF" is posted in the entrance of the Municipal Hall and two (2) conspicuous places in the Municipality since November 19, 2024 and shall remain posted for three (3) consecutive weeks.

  
**HON. EMMA M. ABUEVA**  
Municipal Vice-Mayor

Republic of the Philippines  
Province of Leyte  
**MUNICIPALITY OF JAVIER**

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Sangguniang Bayan

Upon instruction, the Secretary to the Sangguniang Bayan read the proposed measure, Draft Ordinance No. 2024-17,

AN ORDINANCE REGULATING THE EXCAVATION, EXPLORATION, PROCESSING AND TRANSPORTING OF QUARRY/RIVER RESOURCES FROM NATURAL STREAM OF WATERS OR ANY PLACE WITHIN THE JURISDICTION OF THE MUNICIPALITY OF JAVIER, LEYTE AND IMPOSING PENALTIES HEREOF

in toto. He gave emphasis on salient provisions of Section 3 which enumerates the prohibited acts and Section 6 which authorizes the conduct of desilting and dredging.

After the declaration of the open forum, Punong Barangay William Hingpit of Brgy. San Sotero asked the rationale behind having such sort of an Ordinance. ABC President Andy Dingal enlightened the audience that the proposed measure was considered to give the atmosphere of serenity to the people while resting and to protect the municipal and barangay roads as well as the other infrastructure like bridges, from being damaged.

Punong Barangay Maximo Impuesto, Jr., of Brgy. Odiong inquired about the plight of those owners of Ten-Wheeler Trucks which carry more than twenty (20) cubic meter load of sand and gravel. ABC President Andy Dingal suggested to haul sand and gravel with a weight not exceeding twelve (12) cubic meters and have a stockyard along the national highway where the mineral and other resources are to be stockpiled.



**ERVON DANIEL B. LAJARA**  
SB Secretary

Republic of the Philippines  
 Province of Leyte  
 Municipality of Javier



**ATTENDANCE SHEET**

DATE: Nov. 06, 2024

NO.	NAME	DESIGNATION	BARANGAY	SIGNATURE
1.	JAMES A. TAPALES	P.B	BATAL	[Signature]
2.	Jorge U. Sabundo Jr.	P.B	Abuyogay	[Signature]
3.	William M. Anipit	P.B	San Sotero	[Signature]
4.	Amado S. Morales Jr.	P.B	Ubay	[Signature]
5.	MA. TWYHEEZ P. CANON	P.B	BINULUO	[Signature]
6.	Salvacion L. Kinkito	P.B	A. Bonifacio	[Signature]
7.	Evelyn M. Florendo	P.B	Inayupan	[Signature]
8.	Helen C. Macasact	P.B	Guindapunan	[Signature]
9.	Virginia N. Muldura	P.B	Taray	[Signature]
10.	Annalyn M. Enciso	P.B	PINOCAWAN	[Signature]
11.	Rey A. Abalos	P.B	Zona 2	[Signature]
12.	DANTE T. ALMEDILLA	P.B	RIZAL	[Signature]
13.	Roberto M. Echavez	P.B	KALIWA TAN	[Signature]
14.	Fremio M. Cusi	P.B	Mantogay	[Signature]
15.	Ardinar M. Restor	P.B	Cavay	[Signature]
16.	APOLINAR T. ATIBONDO	P.B	STA. CRUZ	[Signature]
17.	PRENDO R. BERNALDEZ	P.B	MANLUKID	[Signature]



18.	Manuelito C. Balaga	P. B.	Manabrag	
19.	Arnold R. Ponce	P-B-	Comatin	
20.	ROD GARSOYA	U	CASILLO M. GAN	
21.	Maximo J. Jimenez Jr.	11-11	Devis	
22.	Wilma L. Jemland	P.B.	Salisayan	
23.	CRISTINE A. SPACKER	P.B	CARANHUG	
24.	RAFINO M. JORDAN III	PP	CANCAYAN	
25.	ALLAN D. CORNIBAS	P.B	CALZADA	
26.	Chito Merito	P.B.	PICAS	
27.	ANDY L. DINGAL	P.P	POP. ZONE 1	
28.	JANI RYAN A. ALONSO	MEMRO DESIGNER	LGU JAVIER	
29.	FRANZ OZIVER L. MABANTO	INDRMO STAFF	LGU JAVIER	
30.	EDEA CATY M. LAMBA	MPOC STAFF	LAW JAVIER	
31.	RAMON R. REBEVA	PUNONIA PROJ.	MAGSIBAT	
32.	JANIA P. JAVIER	NOTO	LGU - JAVIER	
33.	JOANIC F. ALFARACA	MUN. ADMINISTRATOR	LGU - JAVIER	
34.	ROSE FEDERICO B. CAPRINO JR.	ASST. CAD. PNCO	PNP - JAVIER	
35.	CLAUDIO E. VILLEGAS	Engineer III	LGU - Javier	
36.	KRISTINE EDE C. BUGAL	LIGA STAFF	LGU - JAVIER	
37.	ANABEL M. SAUNAS	MLGO	DILG	
38.	Michael M. Coolidge	GIP	LGU - Javier	
39.	EMMAN OBIVAS	GIP	LGU - JAVIER	
40.	Nathan C. Andrade	MPOC STAFF	LGU - Javier	