Item No.: 07
Date: NOV 25 2026
RELEASED
By:
Date: 11.16.26 Time: 9:47

Republic of the Philippines
PROVINCE OF LEYTE
Provincial Capitol
Tacloban City

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PROVINCIAL LEGAL OFFICE

Sangguniang Panlalawigan
Province of Leyte
RECEIVED
Date: NOV 17 2026
By:

2nd INDORSEMENT
August 27, 2026

Respectfully returned to the Sangguniang Panlalawigan of Leyte, through the SP Secretary, the attached Ordinance No. 2026-09 of the Sangguniang Bayan of Dagami, Leyte.

REVIEW/RECOMMENDATION/LEGAL OPINION:

This office is of the opinion that Section 7 of the subject Ordinance is in contravention with Section 447(a)(1)(iii)[1] of the Local Government Code. Hence, further review of the Ordinance is recommended.

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
Provincial Legal Officer

[1] iii) Approve ordinances imposing a fine not exceeding Two thousand five hundred pesos (P2,500.00) or an imprisonment for a period not exceeding six (6) months, or both in the discretion of the court, for the violation of a municipal ordinance;

Republic of the Philippines
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OFFICE OF THE SANGGUNIANG PANLALAWIGAN

PROVINCE OF LEYTE
LEGAL OFFICE
RECEIVED
By:
Date: 9.1.26 Time: 9:27

1st Indorsement
27 August 2026

The Provincial Legal Office is respectfully requested to review and submit recommendations on the herein enclosed **Municipal Ordinance No. 2026-09 of the Municipality of Dagami, Leyte, entitled, An Ordinance amending Ordinance No. 2026-03, entitled, an Ordinance regulating the extraction of Sand and Gravel with Inspection Fees."**

FLORINDA JILL S. UYVICO
Secretary to the Sanggunian

Republic of the Philippines
Province of Leyte
MUNICIPALITY OF DAGAMI
*

BAGONG PILIPINAS

Office of the Sangguniang Bayan

EXCERPT FROM THE MINUTES OF THE 14TH REGULAR SESSION OF THE SANGGUNIANG BAYAN OF DAGAMI, LEYTE, HELD AT THE MUNICIPAL SESSION HALL ON APRIL 13, 2026, AT 9:00 O'CLOCK IN THE MORNING.

Present:

Hon. Homobono U. Bardillon	- Mun. Vice-Mayor/Presiding Officer
Hon. Floradima N. Bud-oy	- Sangguniang Bayan Member
Hon. Andres Bryan M. Bayona	-do-
Hon. Susan O. Mendoza	-do-
Hon. Caridad B. Cabidog	-do-
Hon. Reynaldo U. Gerona	-do-
Hon. Dan Joseph D. Berino	-do-
Hon. Jericho O. Cabidog	-do-
Hon. Alvaro P. Loreno, Jr.	-do-
Hon. Arvin M. Delusa	- ABC President/Ex-Officio Member
Hon. Jameson C. Madalina	- SK Fed. Pres./Ex-Officio Member

Sangguniang Panlalawigan
Province of Leyte
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By:

Absent:

NONE

MUNICIPAL ORDINANCE NO. 2026-09

AUTHORED BY:
Hon. Caridad Cabidog and Hon. Alvaro P. Loreno Jr.

AN ORDINANCE AMENDING ORDINANCE NO. 2026-03, ENTITLED: "AN ORDINANCE REGULATING THE EXTRACTION OF SAND AND GRAVEL WITH INSPECTION FEES".

WHEREAS, the extraction and transport of sand, gravel, and other quarry resources play a vital role in supporting fiscal support and economy. However, unregulated or poorly monitored transportation of sand, gravel and other quarry resources have also been identified as causes of road damage, and loss of potential local revenue.

WHEREAS, the existing issuances and regulations of the Municipality of Dagami governing quarry operations are already outdated, inconsistent with current environmental and fiscal realities, and no longer responsive to present-day challenges in resource management, technological advancement, and enforcement capability. Thus, there is a pressing need to update and consolidate these fragmented rules into a single, comprehensive, and enforceable code.

WHEREAS, this Ordinance seeks to strengthen the mechanisms governing the operation, extraction, and transport of sand, gravel, and other quarry resources within the Municipality. It provides clear guidelines, delineates responsibilities among municipal and barangay officials, and ensures that environmental protection, fiscal transparency, and sustainable development are prioritized.

HON. HOMOBONO U. BARDILLON
Mun. Vice-Mayor/Presiding Officer

FLOR G. YAP
Secretary to the Sanggunian

HON. FLORADIMA N. BUD-OY *SB Member*
HON. ANDRES BRYAN M. BAYONA *SB Member*
HON. SUSAN O. MENDOZA *SB Member*
HON. CARIDAD B. CABIDOG *SB Member*
HON. REYNALDO U. GERONA *SB Member*
HON. DAN JOSEPH D. BERINO *SB Member*
HON. JERICHO O. CABIDOG *SB Member*
HON. ALVARO P. LORENO, JR. *SB Member*
HON. ARVIN M. DELUSA *ABC Pres./Ex-Officio Member*
HON. JAMESON C. MADALINA *SK Fed. Pres./Ex-Officio Member*

(Cont. Ordinance No. 2026-09 of SB Regular Session, held on April 13, 2026, etc.)

WHEREAS, this measure also mandates the use of modern monitoring systems like CCTV cameras, drones, and geotagging to ensure efficient enforcement, transparency in toll collection, and the prevention of illegal transport or under-declaration of loads.

BE IT RESOLVE, as it is hereby **RESOLVED,** to enact the Municipal Ordinance No. 09, Series of 2026 **"AN ORDINANCE AMENDING ORDINANCE NO. 2026-03, ENTITLED: "AN ORDINANCE REGULATING THE EXTRACTION OF SAND AND GRAVEL WITH INSPECTION FEES".**

BE IT ORDANED, by the Honorable Sangguniang Bayan of Dagami, Leyte in its regular session assembled, that:

Section 1. *Definitions* – as used in this Ordinance, the following terms, whether in singular or plural, shall mean:

a. Collection hub means any strategic location in the Municipality where the toll fee shall be assessed and/or collected by the collection agent.

b. Collection agent means any officer, employee, or contractual personnel designated by the Municipality to assess and/or collect toll fees for each delivery vehicle carrying sand, gravel, or other quarry materials.

c. Gravel refers to naturally occurring or mechanically crushed rock fragments, generally ranging in size from 2 millimeters to 75 millimeters in diameter. It is commonly used as a construction material for road bases, drainage, landscaping, and other municipal infrastructure projects. For the purposes of this ordinance, gravel shall be considered distinct from sand and cobbles.

d. Municipality refers to the Municipality of Dagami, Leyte.

e. Permittee means the holder of an exploration permit issued by the provincial governor.

f. 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, andesite, basalt, conglomerate, coral sand, diatomaceous earth, diorite, decorative stones, gabbro, granite, limestone, marble, marl, red burning clays for potteries and bricks, rhyolite, rock phosphate, sandstone, serpentine, shale, tuff, volcanic cinders, and volcanic glass: Provided, That such quarry resources do not contain metals or metallic constituents and/or other valuable minerals in economically workable quantities: *Provided, further*, That non-metallic minerals such as kaolin.

g. feldspar, bull quartz, quartz or silica, sand and pebbles, bentonite, talc, asbestos, barite, gypsum, bauxite, magnesite, dolomite, mica, precious and semi-precious stones, 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 under the category of quarry resources.

h. Sand means a loose granular substance resulting from the erosion of siliceous and other rocks and forming a major constituent of beaches, riverbeds, the seabed, and deserts.

HON. FLORABELLA N. BUD-OY
SB Member

HON. ADAN JOSEPH D. BERINO
SB Member

HON. ANDRES BRYAN M. BAYONA
SB Member

HON. JERICHO O. CABIDOG
SB Member

HON. SUSAN O. MENDOZA
SB Member

HON. ALVARO P. LUCERO, JR.
SB Member

HON. CARMELO B. CABIDOG
SB Member

HON. ARVIN M. DELUSA
ABC Pres./Ex-Officio Member

HON. REYNALDO U. GERONA
SB Member

HON. KIMSON C. MAHALIM
SK Fed. Pres./Ex-Officio Member

HON. HOMOBONO U. BARDILLON
Mun. Vice-Mayor/Presiding Officer

FLOR G. IYAP
Secretary to the Sanggunian

(Cont. Ordinance No. 2026-09 of SB Regular Session, held on April 13, 2026, etc.)

i. Toll fee means the charge imposed for the use of a highway or barangay road that has been designated and built using funds provided by the Municipality."

Section 2. *Situs of Fees to be Collected and its corresponding Collection* – Payment of the fees imposed by this Ordinance shall be levied, assessed, and collected within the Municipality whom the permittee is currently operating their extraction of sand, gravel or quarry resources. In the event that the permittee the area transcends two or more Local Government Units, the collection shall be made in the Municipality of Dagami as long as the delivery vehicle carrying these resources shall pass through the Municipal Highways.

Section 3. *Role of the Office of the Mayor* – the Office of the Mayor shall have the following responsibilities:

a. To establish checkpoint or collection hub in any strategic locations for the assessment and/or collection of toll fees imposed by this Ordinance;

b. Assign or deputize personnel that will be assigned in the checkpoint or collection hub;

c. Adopt a modernized system to facilitate the efficient collection of imposed toll fees and the enforcement of penalties for violations of any provisions of this Ordinance. Under this system, the Municipal Mayor may recommend, but is not limited to, the following measures, to wit:

   i. Internet Protocol Close-Circuit Television Camera (IP-CCTV Cam) placed in every checkpoint or collection hub;

   ii. Drone Monitoring;

   iii. Geotagging of delivery vehicles transporting sand, gravel, and other quarry resources;

Section 4. *Imposition of toll fee* – there shall be assessed and/or collected toll fee for every delivery of sand, gravel or quarry resources, in the following rate as follows:

a. ₱500.00 per ten (10) wheelers delivery vehicle carrying about twenty (20) cubic meters to twenty-two (22) cubic meters of sand, gravel or quarry resources;

b. ₱250.00 per six (6) wheelers delivery vehicle carrying four (4) cubic meters but not more than eleven (11) cubic meters of sand, gravel or quarry resources; and

c. ₱150.00 small delivery vehicles carrying below four (4) cubic meters of sand, gravel or quarry resources.

Section 5. *Duties and Function of Collection Agent* – to ensure the assessment and/or collection of toll fees, the mayor shall deploy collection agents to the collection hub pursuant to Section 3(a) & 3(b) of this Ordinance. The mayor secures that collection agent is always available in every collection hub every day. The collection agent shall have the following duties and functions, to wit:

a. Stay in the check points established by the mayor in identified strategic places;

HON. HOMOBONO U. BARDILLON
Mun. Vice-Mayor/Presiding Officer

FLOR G. YAP
Secretary to the Sanggunian

HON. FLORADILDA N. BUD-OY
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HON. ANDRES BRYAN M. BAYONA
SB Member

HON. SUSAN O. MENDOZA
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HON. CARIDAD B. CABIDOG
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SB Member

HON. JUAN JOSEPH D. BERINO
SB Member

HON. JERICHO CABIDOG
SB Member

HON. ALVARO P. LORENZO, JR.
SB Member

HON. ARVIN M. DELUSA
ABC Pres./Ex-Officio Member

HON. JAMES JOHN C. MARALINA
SK Fed. Pres./Ex-Officio Member

(Cont. Ordinance No. 2026-09 of SB Regular Session, held on April 13, 2026, etc.)

b. Assess the necessary toll fees to be collected from the delivery vehicle of sand, gravel and other quarry resources;

c. Make sure the delivery vehicle's load is properly covered when transporting sand, gravel, or other quarry materials;

d. Verify the Delivery Receipt for every transport of sand, gravel and other quarry resources, and record in the logbook the vehicle's plate number and the permittee's name. The Municipal Mayor may add further details to be entered in the logbook as necessary;

e. Report to the Mayor for any violation of this Ordinance.

Section 6. *Prohibited Acts* – without prejudice to the provisions of the Republic Act No. 7942, otherwise known as the Philippine Mining Act of 1995, the Revise Penal Code, and the related laws, rules, regulation, and Ordinances, a case may be filed once found to be violation *in flagrante delicto* of the following prohibited acts, to wit:

a. Transportation of sand, gravel, or any quarry resources in between the time of 6:00PM of the day until 6AM of the following day;

b. Non-payment of toll fee once collected;

c. Transportation of sand, gravel, or any quarry resources by a delivery vehicle that has not shown any Delivery Receipt;

Section 7. *Penalty* – without prejudice to the provisions of the Republic Act No. 7942, otherwise known as the Philippine Mining Act of 1995, the Revise Penal Code, and the related laws, rules, regulation, and Ordinances, any person found to be violating Section 6 of this Ordinance *in flagrante delicto*, shall be meted the following:

a. FINE not exceeding Two Thousand Pesos (₱2,000.00) for first offence;

b. FINE not exceeding Three Thousand Pesos (₱3,000.00) for second offence;

c. FINE not exceeding Five Thousand Pesos (₱5,000.00) for third and subsequent offence

d. In addition to the Fines imposed in 'a', 'b', and 'c' of this Subsections, there shall be an IMPOUNDING or CONFISCATION of the delivery vehicle;

e. A daily fee of One Hundred Pesos (P100.00) will be charged for each day the delivery vehicle remains impounded.;

Section 8. *Separability Clause* – If, for any reason or reasons, any part or provision of this Ordinance shall be held to be unconstitutional or invalid, other parts or provisions hereof which are not affected thereby shall continue to be in full force and effect.

Section 9. *Effectivity Clause.* - This Ordinance shall take effect after fifteen (15) days upon the approval of the Sangguniang Panlalawigan and upon compliance of the posting requirements as prescribed under the Local Government Code.

This Ordinance shall take effect upon its approval.

HON. HONORIO U. BARDILLON
Mun. Vice-Mayor/Presiding Officer

FLORIS. TAP
Secretary to the Sanggunian

HON. FLORADELMA N. BUD-OY
SB Member

HON. ANDRES BRYAN M. BAYONA
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HON. SUSAN O. MENDOZA
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HON. CARLITO B. ABIDOG
SB Member

HON. REYNALDO U. GERONA
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HON. JUAN JOSE D. BERINO
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HON. JERICHO O. CABIDOG
SB Member

HON. ALVARO P. LAUNO, JR.
SB Member

HON. ARVIN N. DELOSA
ABC Pres./Ex-Officio Member

HON. JAMESON C. MAGALINA
SK Fed. Pres./Ex-Officio Member

(Cont. Ordinance No. 2026-09 of SB Regular Session, held on April 13, 2026, etc.)

ENACTED this 13th day of April, 2026 at the Sangguniang Bayan Session Hall, Dagami, Leyte.

APPROVED.

I HEREBY CERTIFY the correctness of the foregoing ordinance.

CERTIFIED CORRECT:

FLOR G. YAP
Sangguniang Bayan Secretary

ATTESTED:

HON. HOMOBONO U. BARDILLON
Municipal Vice-Mayor/Presiding Officer

HON. FLORADIMA N. BUD-OY
SB Member

HON. ANDRES BRYAN M. BAYONA
SB Member

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HON. ALVARO P. LORENO, JR.
SB Member

HON. ARVIN M. DELUSA
ABC Pres./Ex-Officio Member

HON. JAMESON C. MADALINA
SK Fed. Pres./Ex-Officio Member

APPROVED:

HON. JOSE JINGLE N. SUDARIO
Municipal Mayor