



EXECUTIVE ORDER NO. 01
Series of 2022

RELEASED
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DATE: _____

AN ORDER TEMPORARILY SUSPENDING THE OPERATION OF COMERCIAL AND INDUSTRIAL SAND AND GRAVEL PERMITS AND DIRECTING THE PROVINCIAL ENVIRONMENTAL MANAGEMENT OFFICE (PEMO) TO INSPECT THE PERMIT AREAS AND STOCKYARDS, TO COORDINATE WITH THE OFFICE OF THE DENR-REGIONAL EXECUTIVE DIRECTOR, ENVIRONMENTAL MANAGEMENT BUREAU (EMB), AND THE MINES & GEOSCIENCES BUREAU (MGB) FOR THE CONDUCT OF AN ASSESSMENT AND INVENTORY OF ALL EXTRACTIONS OF SAND, GRAVEL AGGREGATES, AND PEBBLES, AND TO FURTHER INVESTIGATE THE ENVIRONMENTAL EFFECTS OF ALL THE QUARRY AND MINING OPERATIONS WITHIN THE PROVINCE

WHEREAS, Section 2 of Article XII of the Constitution provides that the exploration, development and utilization of natural resources shall be under the full control and supervision of the State;

WHEREAS, Section 1 of Executive Order No. 292, s. 1987 provides that the State shall ensure, for the benefit of the Filipino people, the full exploration and development as well as the judicious disposition, utilization, management, renewal and conservation of the country's forest, mineral, land, waters, fisheries, wildlife, off-shore areas and other natural resources, consistent with the necessity of maintaining a sound ecological balance and protecting and enhancing the quality of the environment and the objective of making the exploration, development and utilization of such natural resources equitably accessible to the different segments of the present as well as future generations”;

WHEREAS, Republic Act No. 7942 or the Philippine Mining Act of 1995 recognizes the responsibility of the State to promote the rational exploration, development, utilization and conservation of resources 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;

WHEREAS, the Department of Environment and Natural Resources, through DENR Administrative Order No. 37, Series of 1992, has delegated to the Provincial Governor the authority to issue permits for extraction of sand and gravel and other quarry resources subject to existing laws;

WHEREAS, Section 52 of Provincial Ordinance No. ZN14-157 or the 2014 Amended Small-Scale Mining Ordinance of Zamboanga del Norte provides in part that the permit to take and dispose of quarry, sand and gravel, and other loose unconsolidated materials may be suspended or revoked at any time by the Governor or his duly authorized representative when in his opinion, public interest so requires or for ecological reasons or for safety and sanitation purposes;

WHEREAS, the Commercial and Industrial Sand and Gravel Permit includes a provision authorizing the Provincial Governor to revoke or cancel the permit at any time when in his/her opinion public interest so requires;

WHEREAS, the General Welfare Clause of the Local Government Code of 1991 reads:

granted, those necessary in place there from, 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. Within their respective territorial jurisdictions, local government units shall ensure and support, among other things, the preservation and enrichment of culture, promote health and safety, enhance the right of the people to a balanced ecology, encourage and support the development of appropriate and self-reliant scientific and technological capabilities, improve public morals, enhance economic prosperity and social justice, promote full employment among their residents, maintain peace and order, and preserve the comfort and convenience of their inhabitants.

WHEREAS, a Commercial or Industrial Sand and Gravel Permit does not grant the permittee a permanent or irrevocable right within the purview of the non-impairment of contract and due process clauses of the Constitution, since the State, under its all-encompassing police power, may alter, modify or amend the same, in accordance with the demands of the general welfare and the terms and conditions set forth in the permit;

WHEREAS, several reports have been received that various areas in the province suffered from vast flooding due to the mining activities and the volume of sand and gravel being extracted;

WHEREAS, over extraction of the resources and the mining operations have caused destructive impacts on the rivers, coastal, and marine ecosystems;

WHEREAS, it is highly necessary to conduct river assessment and resource inventory of all Industrial Sand and Gravel (ISAG) and Commercial Sand and Gravel (CSAG) as well as to investigate on the environmental impacts of sand, gravel and pebble extraction, and all mining and quarrying activities and operations;

WHEREAS, an environmentally sound management of the resources in the province would lead to a more sustainable development while meeting the increasing demands for infrastructure;

WHEREAS, environmental laws should be strictly enforced hence there is a need to check, verify and make sure that all the permittees are compliant with their legal obligations as conditions set forth in their permits;

NOW THEREFORE, I, ROSALINA G. JALOSJOS, Governor of the Province of Zamboanga del Norte, by virtue of the power vested in me by law, do hereby order the temporary suspension of the operation of all commercial and industrial sand and gravel permits issued by the Office of the Provincial Governor pending the conduct of investigation, assessment and inventory.

FURTHER, I hereby direct the Provincial Environmental Management Office (PEMO) to inspect the permit areas and stockyards, and to coordinate with the ENVIRONMENTAL MANAGEMENT BUREAU (EMB), MINES & GEOSCIENCES BUREAU (MGB), AND THE OFFICE OF THE DENR-REGIONAL EXECUTIVE DIRECTOR with the conduct of river assessment, resource inventory, and investigation of the environmental effects of the sand, gravel and pebble extractions, and the quarry and mining operations in the province.

Done this 30th day of June at Dipolog City, Zamboanga del Norte, Philippines.


ROSALINA G. JALOSJOS
Provincial Governor