



Republic of the Philippines
PROVINCE OF ZAMBOANGA DEL SUR
SANGGUNIANG PANLALAWIGAN
Pagadian City



OFFICE OF THE SECRETARY TO THE SANGGUNIANG PANLALAWIGAN

PROVINCIAL ORDINANCE NO. 071-2024

Sponsored by: Hon. Francisvic S. Villamero

REGULATING THE EXTRACTION OF SOIL AND EARTH MATERIALS IN THE PROVINCE OF ZAMBOANGA DEL SUR AND FOR OTHER PURPOSES.

WHEREAS, in the pursuit of promoting the general prosperity in the province, particularly on the aspect of environmental protection, the Provincial Government of Zamboanga del Sur enacted on 17 December 2002 Provincial Ordinance No. 012-2002, better known as the "*Provincial Environmental Code of Zamboanga del Sur*";

WHEREAS, to further strengthen the impact or effect of Provincial Ordinance No. 012-2002, this August Body finds it necessary to promulgate or establish a policy particularly regulating the extraction of soil and earth materials within Zamboanga del Sur, thereby promoting sustainable development;

WHEREAS, Section 16, commonly known as the General Welfare Clause of the Local Government Code of 1991, explicitly provides that the general welfare of the people must always be the paramount consideration and pursuant to Section 468 of the same Code, the Provincial Government of Zamboanga del Sur has the sworn duty to carry out measures that will promote the general prosperity of the inhabitants;

NOW, THEREFORE, be it enacted by the Sangguniang Panlalawigan of the Province of Zamboanga del Sur, in regular session assembled, that:

Section 1. Title. - This Ordinance shall be known "*Regulating the Extraction of Soil and Earth Materials in the Province of Zamboanga del Sur*".

Section 2. Purpose. - The purpose of this Ordinance is to regulate the extraction of soil for the purpose of filling materials used in embankment construction, ensuring that such operations comply with environmental regulations by securing a Certificate of Non-Coverage (CNC) and imposing a transport fee for materials extracted and transported within this jurisdiction. An extraction of more than 50 cubic meters of soil shall be governed by this Ordinance.

Section 3. Definitions. -

Soil Extraction: The act of removing soil from the earth ground, specifically for use as filling material for embankment purposes.

Embankment: A raised structure, often made of soil or other materials, used in the construction of roads, railways, or levees to support or elevate the surface.

Operator: Any person, corporation, partnership, or entity responsible for the extraction of soil for embankment purposes.

Certificate of Non-Coverage (CNC): An official document issued by the relevant environmental authority that exempts certain projects or activities from the requirement to secure an Environmental Compliance Certificate (ECC), indicating that the activity does not pose significant environmental risks.

Transport Fee: A fee imposed on the transportation of soil extracted for embankment purposes, payable to the local government unit (LGU).

Permit: A written authorization issued by the local regulatory authority to conduct soil extraction operations, contingent upon securing a CNC or ECC.

Section 4. Requirement to Secure a Certificate of Non-Coverage (CNC). -

Pre-Operation Requirement: No person or entity shall be permitted to engage in soil extraction for embankment purposes within the jurisdiction without first securing a Certificate of Non-Coverage (CNC) from the relevant environmental authority. A CNC application, however, which has not been acted by the EMB-DENR within a period of fifteen (15) days from the date of submission shall be sufficient requirement for securing a temporary Local Permit which shall be good only for 50 cubic meters of filling materials.

Application for CNC: The operator must submit an application for a CNC to the appropriate environmental authority. The application shall include:

A detailed description of the soil extraction operation, including location, scale, and projected impacts.

A preliminary environmental assessment demonstrating that the soil extraction activities will not significantly affect the environment.

Any other documents required by the environmental authority.

Section 5. Transport Fee. -

Imposition of Fee: All operators transporting soil extracted for embankment purposes within the jurisdiction shall be required to pay a transport fee to the local government unit (LGU) where the extraction is done.

Fee Schedule: The transport fee shall be assessed at the rate of ₱ 5.00 per cubic meter of soil transported. The LGU shall regularly review and adjust the fee to reflect economic conditions and infrastructure needs.

Payment Procedures: All component LGUs are required to adopt the procedure of payment within 30 days from receipt of a copy of this Ordinance.

Use of Fees: Revenues generated from the transport fee shall be allocated for infrastructure development, road maintenance, environmental protection programs, and community development projects.

Sharing of Collection: The collecting LGU shall remit to the PLGU 30% of actual collection on a quarterly basis.

Section 6. Permit Issuance Contingent on CNC and Transport Fee Compliance

CNC Requirement: Unless otherwise provided in this ordinance, the local regulatory authority shall not issue any permit for soil extraction unless the operator has first secured a CNC from the relevant environmental authority.

Transport Fee Compliance: The continuation of soil extraction permits shall be contingent upon the timely payment of transport fees. Failure to comply with fee payments may result in suspension of operations.

Section 7. Environmental Protection and Compliance. -

Monitoring Compliance: The local regulatory authority thru its ENRO, in coordination with the relevant environmental authority, shall regularly monitor the compliance of all soil extraction operations with the conditions set forth in the CNC and ensure that transport fees are paid in full.

Revocation of CNC: The CNC may be revoked if subsequent assessments show that the soil extraction activities are causing unforeseen environmental impacts. In such cases, the operator will be required to secure an Environmental Compliance Certificate (ECC) or cease operations until compliance is achieved.

Section 8. Penalties for Non-Compliance. -

Operating Without a Permit: Any person or entity found engaging in soil extraction without a valid permit shall be subject to:

A fine of ₱3,000.00 per day of violation.

Immediate suspension of soil extraction operations until the Permit is secured.

Non-Payment of Transport Fees: Any operator who shall fail to pay the required transport fees according to the payment procedure that the LGUs may adopt, shall be subject to:

A daily surcharge of 30% for late payments.

Suspension of soil extraction operations until all outstanding fees are settled.

Permit without CNC: Except as herein provided, issuance of permit without CNC shall be a ground for disciplinary action against the issuing authority.

False Information: Any operator found to have submitted false or misleading information in the CNC application or transport fee reports shall face revocation of permits and additional penalties as prescribed by law, and the immediate stoppage of extraction operation.

Section 9. This Ordinance does not apply to construction projects by the National and Local Government which are already issued with a CNC or by an ECC.

Section 10. Severability. - If any section, provision, or part of this Ordinance is adjudged to be unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

Section 11. Effective Date. - This Ordinance shall take effect after its complete posting in two (2) conspicuous places in the Provincial Government.

ENACTED AND APPROVED this 17th day of October 2024 during the 100th Regular Session of the 11th Provincial Board at the Session Hall of SP Building, Provincial Government Center, Barangay Dao, Pagadian City, Philippines.

VERIFIED:

FRANCIS V. S. VILLAMERO
Floor Leader

ATTESTED:

CESAR C. DACAL, JR.
Acting Presiding Officer

APPROVED:

VICTOR J. YU
Provincial Governor 11/8/24

I HEREBY CERTIFY that the foregoing is an accurate and true excerpt of the Minutes of the Session per available records of this Office:

for:
ANNALYN OCATE-ABSIN, RN, CESE
Secretary to the Sangguniang Panlalawigan