



NOV 10 2021

DENR ADMINISTRATIVE ORDER
No. 2021 - 35

SUBJECT : AMENDING DENR ADMINISTRATIVE ORDER (DAO) NO. 2020-07, OTHERWISE KNOWN AS RATIONALIZING DREDGING ACTIVITIES IN HEAVILY-SILTED RIVER CHANNELS PURSUANT TO THE DENR-DPWH-DILG-DOTr JOINT MEMORANDUM CIRCULAR NO. 1, SERIES OF 2019.

Pursuant to Section 29, Article III, Chapter III, Title I, Book I of R.A. 7160 or the Local Government Code of 1991 which provides that Highly Urbanized Cities and Independent Component Cities are independent of the Province, and DENR-DPWH-DILG-DOTr Joint Memorandum Circular No. 01, series of 2019, DENR Administrative Order No. 2020-07 entitled “ Rationalizing Dredging Activities in Heavily-Silted River Channels Pursuant to the DENR-DPWH-DILG-DOTr Joint Memorandum Circular No. 01,” series of 2019 is hereby amended for the guidance of all concerned.

SECTION 1. Section 4, letter (a) of Item I. General Provisions is amended to read as:

“Section 4. Declaration of Policies.

- a) The exclusive authority of the Provincial/City Government to issue permit to extract sand, gravel and other quarry resources, pursuant to the ordinance of the Sangguniang Panlalawigan/Sangguniang Panglungsod, under Republic Act No. 7160 is covered by Section 5.1 of JMC 2019-01 or the Dredging with Commercial Utilization of Dredged Materials in favor of a holder of Industrial Sand and Gravel (ISAG) Permit or Commercial Sand and Gravel (CSAG) Permit or Quarry Permit.”

SECTION 2. Section 4, letters (a), (b) and (e) under Item II. Qualifications of Large-Scale Dredging Operators are amended to read as:

“Section 4. Other Requirements. In addition to the above-stated requirements, the proponent shall:

- a) Deploy all their equipment within thirty (30) days from the Notice to Proceed (NTP) to be issued by the Provincial/City Government and the equipment shall be under the name of the company, either chartered or leased, and capable of undertaking large scale dredging activity.
- b) Post a Cash Bond in the amount to be determined by the Inter-Agency Committee, to be held in an account for the Provincial/City Government,

to ensure compliance with this Order and other applicable environmental laws, rules and regulations.

- c) xxx
- d) xxx
- e) Secure the necessary permit from the Provincial/City Government and pay the required National and Local Tax as required by law.”

SECTION 3. Section 3 under DENR River Restoration Through Dredging Activities is amended to read as:

“Section 3. Application for Issuance of Dredging Clearance. The application for the issuance of Dredging Clearance with the concerned Regional Office of DPWH must be accompanied by the endorsement of the Provincial Governor/City Mayor and shall be governed by this Order and other applicable DENR laws, rules and issuances.”

SECTION 4. Section 2 under Item IV. Environmental Management is hereby amended to read as:

“Section 2. Programmatic Environmental Impact Assessment (PEIA) or Strategic Environmental Assessment (SEA) per River Channels. In order to ensure that the river restoration activities and the dredging master plan consider the necessary environmental measures, the EMB Regional Office shall conduct the Programmatic EIZ or SEA for each river system in coordination with MGB, DPWH and the Provincial/City Government. The Provincial/City Government may be the proponent for the PEIA and SEA.”

SECTION 5. Section 4 of Item V. Memorandum of Agreement is hereby amended to read as:

“Section 4. Excise Tax. The excise tax on locally extracted or produced non-metallic minerals and quarry resources will be based on the actual market value of the gross output thereof at the time of removal. The Excise Tax shall be timely and completely paid to the nearest Bureau of Internal Revenue Office in the province/city concerned.”

SECTION 6. Item VI. Operations Permit With the Local Government is hereby amended to read as”

“Section 1. Operations Permit. No Operations Permit, Notice of Award and NTP shall be issued by the Provincial/City Government pursuant to this Order, unless the applicant has secured a dredging clearance for flood control dredging and desilting activities in RDZ from the Regional Office of the DPWH based on the DPWH-issued Dredging Master Plan, a valid MOA with the DENR Regional Office, has been duly accredited as a trader, and has obtained ECC.

Section 2. Monitoring and Supervision Fee. A monitoring and supervision fee which shall not be less than five percent (5%) of the market value of the gross output of the materials extracted from the covered area within the RDZ, exclusive

of all other taxes, shall be paid to the provincial/**city** government for purposes of monitoring and ensuring compliance with this Order and other related issuances.

Section 3. Extraction Fee. Suitable materials for commercial disposition shall be subject to extraction fee, to be collected by the Provincial/**City** Government, in accordance with the Local Government Code. ”

SECTION 7. Section 1, letter (a) of Item VII. Monitoring and Enforcement is hereby amended to read as:

“Section 1. Creation of Inter-Agency Committee. An Inter-Agency Committee shall be created...

- a) Provincial Governor/**City** Mayor as Chairperson;
- b) DENR Regional Executive Director as Vice-Chairperson;
- c) DPWH Regional Director as Member;
- d) MGB Regional Director as Member; and
- e) EMB Regional Director as Member”

SECTION 8. Repealing Clause. Provisions of DENR Adm. Order No. 2020-07, other memorandum order/circular and other issuances not consistent herewith are hereby repealed or amended accordingly.

SECTION 9. Effectivity. This Order shall take effect fifteen (15) days after its complete publication in a newspaper of general circulation and upon acknowledgement of receipt of a copy thereof by the Office of the National Administrative Register (ONAR), UP Law Center.


ROY A. CIMATU
Secretary



Publication: Philippine Daily Inquirer
November 15, 2021

Acknowledgement: U.P. Law Center
November 22, 2021