



OCT 10 2024

**DENR ADMINISTRATIVE ORDER
NO. 2024 - 10**

SUBJECT: GUIDELINES ON THE EXTRACTION OF QUARRY MATERIALS THROUGH SMALL-SCALE AND NON-COMMERCIAL QUARRYING WITHIN PRIVATE LANDS IN THE PROVINCE OF BATANES AND OTHER SOURCES OF QUARRY MATERIALS FOR PERSONAL USE

Pursuant to Republic Act (RA) No. 7586 or the National Integrated Protected Areas System (NIPAS) Act of 1992, as amended by RA 11038 or the Expanded NIPAS (ENIPAS) Act of 2018, RA 8991 or the Batanes Protected Area Act of 2000, RA 7942 or the Philippine Mining Act of 1995, Department Administrative Order (DAO) No. 2019-05 or the Implementing Rules and Regulations of the NIPAS Act, as amended by the ENIPAS Act, and DAO No. 2010-21 or the Revised Implementing Rules and Regulations of RA 7942, otherwise known as the Philippine Mining Act of 1995, the following guidelines are issued.

SECTION 1. Rationale. With the establishment of the Province of Batanes as a Protected Area, access of the residents/private landowners to the island's natural resources has been limited. The unique landscape and location of the Province of Batanes makes it difficult and expensive for its residents to access and transport resources, such as sand and gravel, from other provinces/cities. The Department of Environment and Natural Resources (DENR) recognizes the need to balance access to natural resources, promote sustainable resource management, and ensure environmental protection.

SECTION 2. Basic Policy. It is the policy of the State to ensure equitable access and sharing of the benefits derived from natural resources for the welfare of present and future generations. Further, the use and enjoyment of natural resources within protected areas must be consistent with the principles of biological diversity and sustainable development.

SECTION 3. Objective. This Order seeks to establish regulations on the extraction of quarry materials through small-scale and non-commercial quarrying within private lands in the Province of Batanes, and other sources of quarry materials for personal use. This initiative aims to promote sustainable resource management, ensure environmental protection, and support local economic development while safeguarding the rights of landowners.

SECTION 4. Scope and Coverage. This Order shall apply to the extraction of quarry resources through small-scale and non-commercial quarrying activities within private lands in the Province of Batanes, and other sources of quarry materials for personal use.

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SECTION 5. Definition of Terms. The following terms shall be used in, and understood to mean as follows:

- 4.1 **Family** - refers to the immediate family members of the permit holder and his/her relatives up to the 4th civil degree of consanguinity or affinity.
- 4.2 **PAMB** - refers to the Protected Area Management Board which has jurisdiction over the Batanes Protected Area.
- 4.3 **Personal Use** - refers to the utilization of the quarry materials for the personal needs of the Permit Holder/landowner and/or his/her family.
- 4.4 **PMRB** - refers to the Provincial Mining Regulatory Board of the Province of Batanes.
- 4.5 **Private Land** - refers to land registered under the Torrens System, pursuant to Presidential Decree (PD) 1529 or the Property Registration Decree, or an agricultural (*alienable and disposable*) land subject of an application for titling, under existing laws rules and regulations, by an individual who has acquired vested right thereto, or those covered by a Certificate of Ancestral Domain Title (CADT).
- 4.6 **Quarrying** - refers to the process of extracting, removing and disposing quarry resources found on or underneath the surface of a private land.
- 4.7 **Secretary** – refers to the Secretary of the Department of Environment and Natural Resources.
- 4.8 **Small-Scale and Non-commercial Quarrying** - refers to the extraction or removal of quarry resources found on or underneath the surface of a private land by the landowner, through manual labor or simple implements and methods, and do not involve the use of explosives or heavy mining equipment. *Provided, however that*, the volume of quarry resources to be extracted shall be limited to the actual need for personal use of the Permit Holder and his or her family, as indicated in the Program of Works or Bill of Quantities verified and approved by the PAMB, and that the quarry resources shall not be disposed of to other persons, including family members, in exchange for any consideration or pecuniary gain.

CHAPTER I: SMALL-SCALE AND NON-COMMERCIAL QUARRYING IN PRIVATE LANDS

SECTION 5. Private Gratuitous Permit. Any landowner may apply for a Private Gratuitous Permit with the Provincial Governor, through the PMRB, for the extraction, removal and utilization of quarry, sand and gravel or

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loose/unconsolidated materials from his/her own land for a non-renewable period of sixty (60) calendar days: Provided, that there is adequate proof of ownership and that the materials shall be for personal use.

The Provincial Governor shall grant the permit after the applicant has complied with all the requirements as prescribed by these Guidelines and other applicable rules and regulations. Further, all permits issued by the Provincial Governor shall be reported to the PAMB.

A Permit Holder whose permit has expired may apply for a new permit, subject to compliance with the requirements under these Guidelines and other applicable laws, rules and regulations.

SECTION 6. Mandatory Requirements for PAMB Endorsement for Non-Commercial and Small-Scale Quarrying. The applicant shall secure PAMB Clearance and submit to the PAMB for deliberation the following documents:

- 6.1. Proof of Land Ownership (i.e. certified true copy of Original Certificate of Title or Transfer Certificate of Title, CADT, proof of ownership or possession, such as tax declaration, survey records, etc.)
- 6.2. Bill of Quantity;
- 6.3. Program of Works;
- 6.4. Proof of relationship should the applicant/proponent wish to include the needs of children, parents, and relatives within the 4th civil degree of consanguinity or affinity (Certificate of Live Birth; If none, Affidavit of Relationship);
- 6.5. Environment Compliance Certificate (ECC), through Initial Environmental Examination (IEE) or Environmental Impact Assessment (EIA), as may be applicable; and
- 6.6. Geotagged map of the area.

SECTION 7. Monitoring and Reporting. Regular monitoring shall be conducted by the duly constituted Monitoring Team composed of representatives from the MGB Regional Office, Environmental Management Bureau (EMB) Regional Office, PAMB, and DENR-Protected Area Management Office (PAMO), the concerned Municipal Local Government Unit (MLGU), and the Provincial Government of Batanes to ensure compliance with the terms of the permit.

SECTION 8. Prohibited Acts. The Permit Holder is prohibited from doing any of the following acts:

- 8.1. Allowing another person, other than the family of the Permit Holder, to conduct quarrying activities in the area;
- 8.2. Disposition of quarry materials to any person who is not a member of the family as defined under Section 4 of these Guidelines, or to a member of the family in exchange for any consideration.

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- 8.3. Falsehood or omission of facts in the application for Private Gratuitous Permit, application in securing ECC or PAMB endorsement; and
- 8.4. Willful violation or gross neglect to comply with the terms and conditions of the ECC, PAMB endorsement, and/or Private Gratuitous Permit.

SECTION 9. Sanctions. Commission of any of the acts enumerated under Section 8 of these Guidelines shall cause the suspension or cancellation of the Private Gratuitous Permit, in addition to the penalties provided under the NIPAS Act, as amended by the ENIPAS Act, Mining Act, and other applicable laws, rules and regulations, and those which may be imposed by the PAMB.

In addition, the Permit Holder whose Private Gratuitous Permit was cancelled shall no longer be qualified to re-apply for another Gratuitous Permit.

SECTION 10. Notice and Explanation. Prior to the suspension or cancellation of the Private Gratuitous Permit, the PMRB shall give a written notice to the Permit Holder stating the specific violation committed by that Permit Holder and giving him/her 15 days to submit his/her written explanation why the permit should not be suspended or cancelled.

Within 20 days from receipt of the Permit Holder's written explanation, the PMRB shall evaluate whether there is valid cause to suspend or cancel the Private Gratuitous Permit and issue an Order to this effect.

CHAPTER II. OTHER SOURCES OF QUARRY MATERIALS

SECTION 11. Other Sources of Quarry Materials. Subject to the guidelines to be issued by the PMRB, the Provincial Government of Batanes may dispose of the following quarry materials for the personal use of its constituents:

- 11.1. Construction debris or waste aggregates extracted from government infrastructure projects; and,
- 11.2. Quarry materials extracted from desilting of creeks and bank rehabilitation to restore the natural flow of waterways.

SECTION 12. Construction Debris or Waste Aggregates Extracted from Government Infrastructure Projects. All quarry materials or aggregates from government infrastructure projects shall be turned over by the contractor to the Provincial Government of Batanes.

SECTION 13. Desilting from Creeks and Bank Rehabilitation to Restore the Natural Flow of Waterways by the Provincial Government of Batanes. The Provincial Government of Batanes shall secure an ECC and endorsement of the PAMB before conducting any desilting activity.

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SECTION 14. Disposition of Quarry Materials Extracted from Other Sources. All quarry materials extracted from sources enumerated under Section 11 of these Guidelines shall be disposed of by the Provincial Government of Batanes to its constituents for their personal needs and in accordance with existing rules and regulations. The quantity to be given to a constituent shall be subject to the determination of the Provincial Government of Batanes taking into consideration the appropriate needs or the intended use by the constituent. The disposition shall in no case be commercial in nature, nor shall the constituents be allowed to dispose of the same for any consideration or pecuniary gain.

CHAPTER III. USE OF AGGREGATES FOR CONSTRUCTION OF "TRADITIONAL HOUSES"

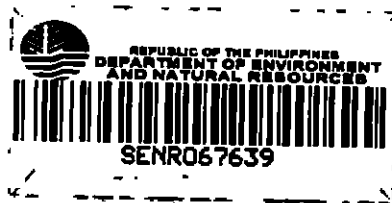
SECTION 15. Use of Aggregates for the Construction of "Traditional Houses" of Indigenous Peoples of Batanes. The Indigenous Peoples of the Province of Batanes may use aggregates extracted through small-scale and non-commercial quarrying for the construction of their "traditional houses" pursuant to the pertinent provisions of RA 8371 or the Indigenous People's Rights Act (IPRA) of 1997 and the NIPAS Act, as amended by the ENIPAS Act, and subject to compliance with existing laws, rules and regulations.

CHAPTER IV. FINAL PROVISIONS

SECTION 16. Separability Clause. If any provision of this Order is declared unconstitutional or invalid by a competent court, other provisions not affected thereby shall continue to be in full force and effect.

SECTION 17. Repealing Clause. This Order amends and/or revokes other Orders, rules, and regulations inconsistent herewith.

SECTION 18. Effectivity. This Order shall take effect fifteen (15) days after its publication in a newspaper of general circulation and registration in the Office of the National Administrative Register (ONAR).



MARIA ANTONIA YULO LOYZAGA
Secretary

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November 13, 2024

Acknowledgement: ONAR, U.P. Law Center
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