



*Office of the Sangguniang Panlungsod*

Telexfax No. (+63-53) 335-4808/563-9009 ☒ 2nd Floor, Legislative Bldg., R. Magsaysay Ave., Baybay City Leyte 6521 @ sangguniangpanlungsod@gmail.com

**CITY ORDINANCE NO. 03, Series of 2019**

**"AN ORDINANCE AMENDING SECTION 2 and 5 OF MUNICIPAL ORDINANCE No. 003, SERIES of 2004."**

**PREFATORY STATEMENT**

WHEREAS, there is a need to extend the period of the moratorium on all mining activities in the City to regulate the exploitation, development and utilization of the remaining natural resources within its territorial jurisdiction;

WHEREAS, the effects of climate change demands for a more proactive approach in protecting the environment from irresponsible mining activities thereby ensuring the safety of the people;

WHEREAS, the City, however, understands the fact that proper use of its mineral resources is necessary for development, thus, allowing mining activities on certain conditions which are not detrimental to the deterioration of the environment;

WHEREFORE, on motion of Honorable Atty. Jose Rommel A. Peñaranda and duly seconded by Honorable Edgardo R. Ompoy,

BE IT ORDAINED, by the Sangguniang Panlungsod, City of Baybay in its 8<sup>th</sup> regular session assembled on August 19, 2019, as hereby is adopted, to wit:

**CITY ORDINANCE NO. 03, S-2019**

**Article 1. TITLE.** This Ordinance shall be known as AN ORDINANCE AMENDING SECTION 2 and 5 OF MUNICIPAL ORDINANCE No. 003, SERIES of 2004."

**Article 2. THE PROPOSED AMENDMENTS:**

From: **Section 2.** Declaration of Policy. – In its concern for the protection and conservation of the remaining natural resources of the municipality and the general welfare of the constituents of Baybay, Leyte, the Sangguniang Bayan henceforth declares a moratorium on all large scale mining activities and the large scale quarrying activities within the Municipality of Baybay. Is shall be unlawful for any person or business entity to engage in land clearing, prospecting, exploitation, drilling, excavation, and such other activities in furtherance of and/or preparatory to large scale mining operations and large scale quarrying for a period of fifteen (15) years.



To: Section 2. Declaration of Policy. – In its concern for the protection and conservation of the remaining natural resources of the city and the general welfare of the constituents of Baybay, Leyte, the Sangguniang Panlungsod henceforth declares a moratorium on all large scale mining activities and the large scale quarrying activities within the City of Baybay. It shall be unlawful for any person or business entity to engage in land clearing, prospecting, exploitation, drilling, excavation, and such other activities in furtherance of and/or preparatory to large scale mining operations and large scale quarrying for a period of fifteen (15) years from the approval of the Sangguninang Panlalawigan.

From: Section 5. Exclusions – Excluded in this ordinance are all commercial sand and gravel permittees granted by the local government and agencies concerned.

To: Section 5. Exclusions – Excluded in this ordinance are all commercial sand and gravel permittees granted by the local government unit and/or other concerned government agencies. As used in this ordinance, commercial sand and gravel permit covers sand and gravel extraction and activities for commercial use within the City only.

Gratuitous permits granted to local government units to extract sand and gravel, quarry or loose unconsolidated materials needed in the construction of building and/or infrastructure for public use or other purposes over an area of not more than two hectares (2 has.) for a period coterminous with said construction are likewise excluded in this ordinance.

### Article 3. SEPARABILITY CLAUSE.

The provisions of this Ordinance are hereby declared separable and if one or more provisions are held invalid, or unconstitutional, the remaining provisions hereof are not affected and shall remain valid and effective.

### Article 4. REPEALING CLAUSE.

All ordinances, resolutions and regulations inconsistent with or contrary to the provisions of this Ordinance are hereby repealed, amended or modified accordingly.

### Article 5. EFFECTIVITY.

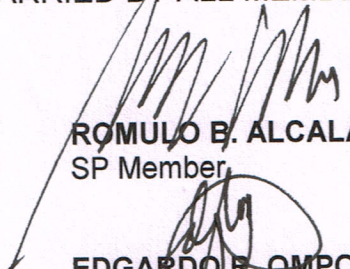
This Ordinance shall take effect 15 days upon its approval by the Sangguniang Panlalawigan and after due compliance with all the requirements as provided for under R.A. 7160, otherwise known as the Local Government Code of 1991.

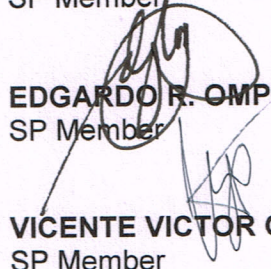
Enacted: August 19, 2019  
Baybay City, Leyte, Philippines.

RESOLVED FURTHER, that certified copies of this ORDINANCE be furnished to the City Mayor Honorable Jose Carlos L. Cari, City Administrator Deogracias E. Pernitez; City Legal Officer Atty. Avito C. Cahig, Jr., City Budget Officer Raul A. Mabini, City Accountant Evelinda A. Oppus, City Treasurer Evelyn P. Relente, CLGOO Estela I. Creer and to all other offices/agencies/entities concerned for their information, guidance and appropriate action.



CARRIED BY ALL MEMBERS PRESENT:

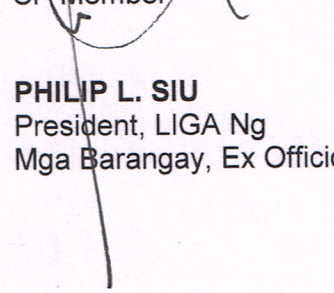
  
**ROMULO B. ALCALA**  
SP Member

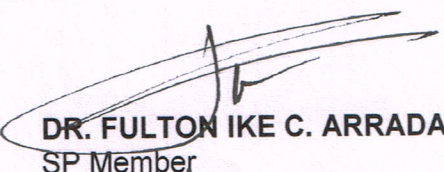
  
**EDGARDO R. OMPOY**  
SP Member

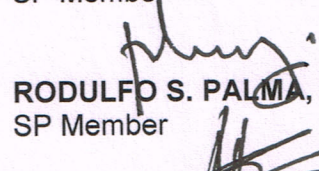
  
**VICENTE VICTOR G. VELOSO**  
SP Member

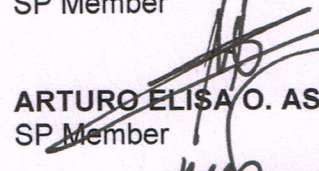
  
**FILEMON F. AVILA**  
SP Member

  
**DOMINADOR K. MURILLO, D.M.**  
SP Member

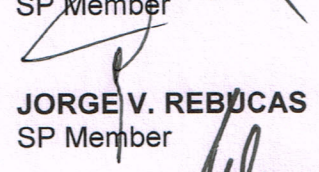
  
**PHILIP L. SIU**  
President, LIGA Ng  
Mga Barangay, Ex Officio, SPM

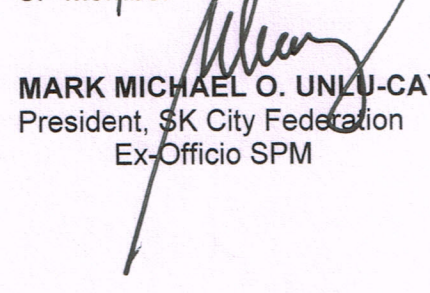
  
**DR. FULTON IKE C. ARRADAZA**  
SP Member

  
**RODULFO S. PALMA, JR.**  
SP Member

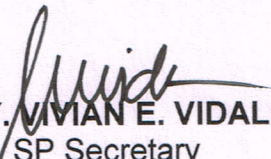
  
**ARTURO ELISA O. ASTORGA**  
SP Member

  
**ATTY. JOSE ROMMEL A. PEÑARANDA**  
SP Member

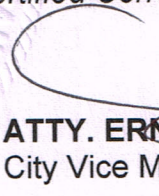
  
**JORGE V. REBUCAS**  
SP Member

  
**MARK MICHAEL O. UNZU-CAY**  
President, SK City Federation  
Ex-Officio SPM

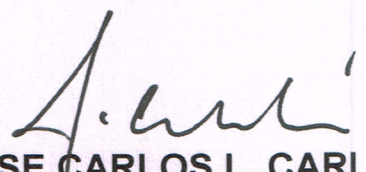
I HEREBY CERTIFY to the correctness of the foregoing ordinance.

  
**ATTY. VIVIAN E. VIDALLON**  
SP Secretary

*Attested & Certified Correct:*

  
**ATTY. ERNESTO M. BUTAWAN**  
City Vice Mayor, Presiding Officer

*Approved by His Honor:*

  
**JOSE CARLOS L. CARI**  
City Mayor

Date Approved \_\_\_\_\_