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OCT 07 2020

DENR ADMINISTRATIVE ORDER  
NO. 2020 - 12

SUBJECT: **RATIONALIZING DREDGING ACTIVITIES IN HEAVILY-SILTED RIVER CHANNELS WITHIN THE PROVINCE OF OCCIDENTAL MINDORO PURSUANT TO THE DENR-DPWH-DILG-DOTC JOINT MEMORANDUM CIRCULAR NO. 1 SERIES OF 2019**

Pursuant to Section 2, Article XII of the 1987 Constitution, the Department's mandate under Executive Order No. 292 or the Administrative Code of the Philippines, and Section 5.4 of DENR-DPWH-DILG-DOTC Joint Memorandum Circular No. 2019-01, in order to protect and properly manage the disposition of sand as well as restore the natural state and water flow of the heavily-silted river channels in the Province of Occidental Mindoro, the following guidelines are hereby prescribed:

I.

**GENERAL PROVISIONS**

**Section 1. Coverage.** This Order shall cover the implementation of the DENR River Restoration thru Dredging Activities as embodied in Section 5.4 of the DENR-DPWH-DILG-DOTC Joint Memorandum Circular No. 2019-01 in heavily-silted river channels in the Province of Occidental Mindoro.

**Section 2. Scope of Operations.** In order to open heavily-silted river channels of Occidental Mindoro, the areas starting from the coastline of river deltas extending all the way upstream, in accordance with the DPWH Dredging Master Plan, shall be designated as exclusive River Dredging Zones (RDZ) by the Inter-agency Committee created under Item VII, Section 1 of this Administrative Order. Dredging activities shall be allowed within the RDZ, quarrying is strictly prohibited.


**Section 3. Rationale and Objectives**

- a. The flow of materials and sediment from the upland that flank down major river channels thereby causing its aggradation became the long-term direct culprit of massive flooding in the various barangays and municipalities of the Province of Occidental Mindoro.
- b. It is necessary to protect and properly manage the utilization of the sand and gravel in the Province of Occidental Mindoro to improve the water flows of its river systems, ensure the integrity of the various protective dikes and infrastructures, thereby reduce risks to lives and properties.
- c. In order to restore the natural state and water flow of the heavily-silted river systems and improve its hydraulic capacity thereby eliminate flooding, large-scale dredging and desilting operations, based on a comprehensive dredging plan, must be implemented.

**Section 4. Declaration of Policies**

- a. The exclusive authority of the province to issue permit to extract sand, gravel and other quarry resources, pursuant to the ordinance of the Sangguniang Panlalawigan, 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 mining permit holder under the Industrial Sand and Gravel (ISAG) or Commercial Sand and Gravel (CSAG) quarry permit.

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**JANE G. BAUTISTA**  
Chief, Records Management Division

- b. River Restoration through Dredging Activities under Section 5.4 of JMC 2019-01 does not cover an ISAG or CSAG regime since the activity to be undertaken is dredging and not quarrying. This will not preclude, however, the entitlement of the Province of Occidental Mindoro to the share from the commercial disposal of the dredged material in addition to the undertaking of the permit holder to restore the river thru dredging.
- c. Local Government Units are entitled to their equitable share derived from the utilization and development of the national wealth within their respective areas under the Section 138 of the Local Government Code of 1991.
- d. The State is allowed by the Constitution to enter into agreements with private sector entities to bolster the national economy through the sustainable utilization of minerals.
- e. Disposal of dredged or extracted materials under this Order shall be governed by the principle according to which the government expects a reasonable return for its utilization, while holders of dredging clearance expect a reasonable return for its dredging operations while restoring the river to its original state.

**Section 5. No Funding from the Government.** No funding from the government shall be made for the conduct of dredging activities by the private sector. Holders of Dredging Clearance shall provide the financing, technology, management and personnel necessary to implement dredging activities within the exclusive RDZ.

## II.

### QUALIFICATIONS OF LARGE-SCALE DREDGING OPERATORS

**Section 1. Who May Apply.** Any citizen of the Philippines or a SEC-registered corporation, partnership, or association established to engage in construction, and development and/or dredging operations, with technical and financial capability to undertake large-scale flood control dredging and desilting operation in the Province of Occidental Mindoro .To implement efficient and cost-effective large-scale dredging operations, individual corporations may pool their resources, organize themselves and apply as a consortium.

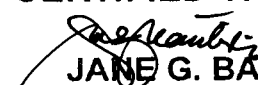
**Section 2. Financial Capacity.** Applicants must possess the financial capacity prescribed by the Inter-Agency Committee to undertake dredging operations

**Section 3. Technical Competence.** In addition to the above requirements, only applicants capable of implementing large-scale dredging activities for flood mitigation or prevention purposes in the heavily-silted river channels within the Province of Occidental Mindoro, based on their technical knowledge and verifiable previous track record conducting such activities, as properly vetted, duly certified and approved by the appropriate DENR and DPWH offices.

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

- a. Deploy all their equipment within 30 days from the Notice to Proceed (NTP) to be issued by the Provincial 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 to be determined by the Inter-Agency Committee to be held in an account for the Province of Occidental Mindoro, to ensure compliance with this Order and other applicable environmental laws, rules and regulations.
- c. Secure the required clearances from the appropriate government office including a certification of no pending case relating to compliance with existing environmental laws, rules and regulations, and an undertaking that it will never be involved in such.

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 Chief, Records Management Division

VII.

**MONITORING AND ENFORCEMENT**

**Section 1. Creation of Inter-Agency Committee.** An Inter-agency Committee shall be created, composed of the following:

- a. Governor of the Province of Occidental Mindoro as Chairperson;
- b. DENR Regional Executive Director IVB as Vice-Chairperson;
- c. DPWH Regional Director IVB as Member;
- d. MGB Regional Director IVB as Member; and
- e. EMB Regional Director IVB as Member.

**Section 2. Powers and Functions of the Inter-Agency Committee.** The inter-agency committee shall have the following powers and functions:

- a. Serve as oversight for the implementation of this Administrative Order and monitoring of the dredging operations;
- b. Shall recommend the suspension and/or cancellation of permits and/or clearances; and
- c. Shall propose policies and programs to rationalize the dredging operations.

VIII.

**FINAL PROVISIONS**

**Section 1. Subjectivity to Other Laws.** This Order shall be subject to the Constitution, and all pertinent laws, guidelines and issuances.

**Section 2. Repealing Clause.** All Orders, issuances, rules and regulations, or parts thereof which are inconsistent with this Order are hereby repealed or modified accordingly.

**Section 3. Separability.** The provisions of this Order are hereby declared to be separable. If any part or provision of this Order shall be declared invalid, the remaining portions or provisions shall not be affected thereby and shall be construed as if it did not contain the particular invalid term or provision.

**Section 4. Suppletory Clause.** In case of violation and/or non-compliance with the provisions of this Administrative Order, the pertinent penal provisions under R.A. 7942, Presidential Decree No. 1586 and other applicable laws, rules and regulation shall be applied suppletory hereto.

**Section 5. Effectivity.** This Administrative Order shall take effect fifteen (15) days following its complete publication in a newspaper of general circulation and registration with the Office of the Administrative Register.

Issued on OCT 07 2020, in Quezon City.

  
ROY A. CIMATU  
Secretary



PUBLICATION: The Manila Times  
December 16, 2020

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