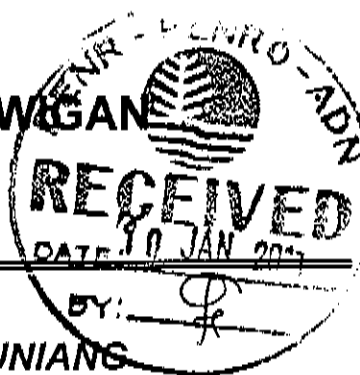


OFFICE OF THE SANGGUNIANG PANLALAWIGAN

SP, Building, Capitol Compound, Butuan City
Tel Nos. (085) 341-4264 Telefax (085) 815-2004

MEJORA AMP, MTO
NENRO CARLOS SALARDA



AN ORDINANCE ENACTED BY THE 15TH SANGGUNIANG
PANLALAWIGAN OF AGUSAN DEL NORTE, IN ITS 16TH
REGULAR SESSION HELD AT THE SP SESSION HALL,
PROVINCIAL CAPITOL COMPOUND, BUTUAN CITY ON
NOVEMBER 8, 2010.

PROVINCIAL ORDINANCE NO. 272-2010

AN ORDINANCE STRICTLY PROHIBITING PLACER METHOD OF MINING WITHIN THE PROVINCE OF AGUSAN DEL NORTE

BE IT ORDAINED, by the Sangguniang Panlalawigan of Agusan del Norte, in session assembled, that:

SECTION 1. TITLE - This ordinance shall be known as "***An Ordinance Prohibiting Placer Method of Mining Within the Province of Agusan del Norte.***"

SECTION 2. DEFINITION OF TERMS - For purposes of this Ordinance, the following terms shall mean:

- a) **Person** - includes natural as well as juridical persons.
- b) **Placer method of mining** - a kind of surface mining for the extraction of gold and other minerals in the mountain slopes by spraying water under pressure through the direct use of water hose or by flushing large volume of water from a mini-dam or water tank.
- c) **Sluicing** - is the method of trapping gold and other minerals by putting a gutter like structure with screen made of cloth or natural fiber in the creek or stream located just below or downstream area of placer mining where the flushed water passed through and where gold and other minerals will be collected.

d) Surface mining - mining at or near the earth's surface.

SECTION 3. PROHIBITION - It is unlawful for any person, with or without a mining permit, to use placer method of mining in extracting gold and other minerals in the mountain slopes within the Province of Agusan del Norte.

SECTION 4. TRANSPORT OF WATER HOSE AND RELATED EQUIPMENTS IN MINING AREAS - The transport of water hose and other related equipment shall be supported by documents that their use is for the water system in the barangay. A certification and a resolution from the barangay are required.

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Mayor, PNP, MTO
MENRO
January
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LEVI SOLIVA
MTO, Mayor,
PNP, MENRO

MATROSO, Giovanni

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PROVINCIAL ORDINANCE NO. 272-2010

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Further, any person who owns or found to be in possession or stocking of the aforecited items in his house and bodega within his vicinity without the necessary documents mentioned, shall subject the water hose for confiscation and the imposition of penalty as herein provided.

SECTION 5. MONITORING AND ENFORCEMENT - All barangay officials are hereby directed to closely monitor the transport and use of water hose within their area of responsibility and the strict enforcement of the provisions of this Ordinance.

Personnel from the Philippine National Police (PNP), the Department of Environment and Natural Resources (DENR) and the Provincial/City/Municipal Environment and Natural Resources Office are hereby authorized to also enforce this Ordinance.

SECTION 5. PENAL PROVISION - Any violators of this Ordinance shall be penalized as follows:

- 5.1 Any person found to have violated Paragraphs 2 and 3, Section 4 of this Ordinance shall be imposed a fine in the amount of Two Thousand Pesos (P2,000.00) to Three Thousand Pesos (P3,000.00) and confiscations of all his/her water hoses and/or an imprisonment for a period of six (6) months.
- 5.2 Any person found using or practicing placer mining method in violation of Paragraph I, Section 3 of this Ordinance shall be meted out an administrative fine in the amount of Five Thousand Pesos (P5,000.00), and imprisonment for a period of one (1) year subject to the discretion of the court. Penalty includes the destruction/demolition of mini-dams, water tanks and similar structures and confiscation of the materials used, including the extracted gold and other minerals.
- 5.3 Any person found to be acting as financier, whether directly or indirectly, or as a buyer of the extracted gold or other minerals through placer mining method shall be subject to fines and/or imprisonment prescribed in Section 5.2 hereof.
- 5.4 In addition to the penalties imposed in subsections 5.1, 5.2 and 5.3 hereof, all violators shall be required to reforest the affected area and declogged all the affected waterways nearby at their own cost.

SECTION 6. PAYMENT OF FINES AND DISPOSAL OF CONFISCATED ITEMS/MATERIALS - Fines shall be paid directly to the concerned Municipal/City Treasurer's Office while the confiscated items/materials shall become a property of the concerned barangay.



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SECTION 7. REPEALING CLAUSE - All local ordinances, resolutions, circulars and memorandums inconsistent with the provisions of this Ordinance are hereby repealed or modified accordingly.

SECTION 8. SEPARABILITY CLAUSE - The provisions of this Ordinance are hereby declared to be separable, and in the event, one or more of its provisions are held unconstitutional, the validity of the other provisions shall not be affected thereby.

SECTION 9. EFFECTIVITY - This ordinance shall take effect upon approval.

APPROVED	:	
ADOPTED	:	November 8, 2010
AUTHOR	:	Honorable Lorito Q. Maragañas
CO-AUTHORS	:	Honorable Joseph E. Tomaneng Honorable Aquino W. Gambe Honorable Rodolfo A. Pitogo
MOVANT	:	Honorable Lorito Q. Maragañas
SECONDER	:	Honorable James T. Reserva Honorable Raymundo M. Beluan, Jr. Honorable Rodolfo A. Pitogo

Voting of this ordinance was unanimous.

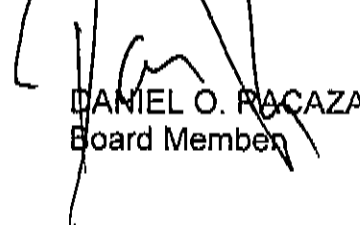
CERTIFIED CORRECT:


ENRICO R. CORVERA
Vice Governor and Presiding Officer

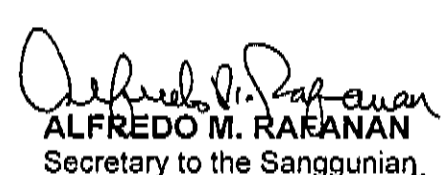
16 DEC 2010


REY G. JAMBOY
Board Member


LORITO Q. MARAGAÑAS
Board Member


DANIEL O. PACAZA
Board Member

ATTESTED:


ALFREDO M. RAFANAN
Secretary to the Sanggunian


JAMES T. RESERVA
Board Member


RODOLFO A. PITOGO
Board Member


FORTUNATO J. ROSALES
Board Member



Republic of the Philippines
Province of Agusan del Norte

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RAYMUNDO M. BELUAN, JR.
Board Member, FABC



EMMA F. M. BELUAN
Board Member, FSK

APPROVED:

SUBMITTED TO THE GOVERNOR

DATE: 20 DEC 2010



ERLPE JOHN M. AMANTE
Provincial Governor

03 JAN 2011
Date Approved

Lgm/rbc/hal/jpc//15th 16rs'10