



Republic of the Philippines  
**PROVINCE OF NEGROS OCCIDENTAL**  
 Old Capitol Building, Bacolod City  
 Tel. No. 707-8075 (Admin) \* 435-7698 (Board Member) \* 709-0121 (Legislative Division)  
**OFFICE OF THE SANGGUNIANG PANLALAWIGAN**

**EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE SANGGUNIANG PANLALAWIGAN OF THE PROVINCE OF NEGROS OCCIDENTAL HELD IN THE CITY OF BACOLOD ON THE 9<sup>TH</sup> DAY OF DECEMBER, 2025**

**PRESENT:**

Hon. Jose Benito A. Alonso	Vice-Governor/Presiding Officer
Hon. Araceli T. Somosa	Member - 1 <sup>st</sup> District
Hon. Laurence Marxlen J. de la Cruz	Member - 1 <sup>st</sup> District
Hon. Arthur Christopher D. Marañon	Member - 2 <sup>nd</sup> District
Hon. Sixto Teofilo Roxas V. Guanzon, Jr.	Member - 2 <sup>nd</sup> District
Hon. Hope Marey B. Depasucat	Member - 3 <sup>rd</sup> District
Hon. Andrew Gerard L. Montelibano	Member - 3 <sup>rd</sup> District
Hon. Nicholas M. Yulo	Member - 4 <sup>th</sup> District
Hon. Patricia Paula M. Alonso-Valderrama	Member - 4 <sup>th</sup> District
Hon. Hadji P. Trojillo	Member - 5 <sup>th</sup> District
Hon. Jeffrey T. Tubola	Member - 6 <sup>th</sup> District
Hon. Genaro G. Alvarez, IV	Member - 6 <sup>th</sup> District
Hon. Richard Julius L. Sablan	Member - ABC Rep.
Hon. Mayvelyn L. Madrid	Member - SKF Rep.

**ON OFFICIAL BUSINESS:**

Hon. Rita Angela S. Gatuslao	Member - 5 <sup>th</sup> District
Hon. Julius Martin D. Asistio	Member - PCL Rep.

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**ORDINANCE NO. 027**  
 Series of 2025

**AN ORDINANCE AMENDING SECTION 41, SECTION 42.4.1 AND SECTION 45.4 OF PROVINCIAL MINING ORDINANCE NO. 22 OF THE PROVINCE OF NEGROS OCCIDENTAL**

**WHEREAS**, Section 41 of Provincial Mining Ordinance No. 22 authorizes the Provincial Governor to issue Special Permits for the extraction, removal, and transport of certain earth materials under limited circumstances;

**WHEREAS**, natural calamities such as volcanic eruptions, earthquakes, typhoons, torrential rains, floods, and landslides may deposit large volumes of consolidated or semi-consolidated materials, including volcanic debris, lahar, mudflows, and similar sediments, into rivers, creeks, and other waterways, obstructing natural channels, endangering lives, damaging infrastructure, and posing grave risks to public health and safety;

**WHEREAS**, these calamity-related deposits often exceed the manageable volume covered under the present ordinance, thereby necessitating a mechanism for the expeditious issuance of Special Permits to government entities to remove such materials without being bound by the existing 1,000-cubic-meter limitation, subject to strict safeguards;



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**WHEREAS**, the eruption of Mount Kanlaon Volcano and subsequent heavy rains caused massive lahar flows and sediment deposition in multiple waterways, rendering roads impassable, affecting water supply, and creating imminent risks to nearby communities, thereby underscoring the urgent need for this amendment;

**WHEREAS**, the Sangguniang Panlalawigan of Negros Occidental recognizes the necessity of balancing urgent disaster response with environmental protection, and thus requires that where calamity-related extraction is to be conducted within protected areas under the NIPAS Act, prior clearance from the Secretary of the Department of Environment and Natural Resources (DENR) shall first be secured;

**NOW THEREFORE, BE IT ENACTED BY THE SANGGUNIANG PANLALAWIGAN OF THE PROVINCE OF NEGROS OCCIDENTAL, BY VIRTUE OF THE POWERS BY IN ITS LAW, IN SESSION ASSEMBLED, THAT:**

**SECTION 1. AMENDMENT OF SECTION 41.** – Section 41 of Provincial Mining Ordinance No. 22 is hereby amended to read as follows:

*“SECTION 41. GOVERNOR’S SPECIAL PERMIT. – The Governor may issue a Special Permit to any government entity that needs to extract, remove, and transport sand and gravel, soil, and other loose and unconsolidated materials subject to verification of PEMO, under the following circumstances and purposes:*

- 1. Materials of limited volume, with maximum of 1,000 cubic meters, which are necessary for small infrastructure projects implemented by government institutions or agencies, or local government units; and*
- 2. Materials necessary for emergency repairs of damaged infrastructure resulting from disasters.*

*In case of excess materials from diggings and construction surplus of any earth movement activities conducted by private or public entities, a Governor’s Special Permit may be granted; **Provided**, said materials and construction surplus shall be for personal use only and not for commercial disposal.*

**41.1 SPECIAL PERMIT FOR CONSOLIDATED MATERIALS RESULTING FROM CALAMITIES.** – *In cases where natural calamities, including but not limited to volcanic eruptions, earthquakes, floods, torrential rains, or landslides, result in the accumulation of consolidated or semi-consolidated materials such as lahar, volcanic debris, mudflows, or similar deposits in rivers, creeks, waterways, or adjacent areas, the Governor may issue a Special Permit for their extraction, removal, and transport, subject to verification by PEMO.*

*Such extraction shall not be subject to the one thousand (1,000) cubic meters volume limitation. **Provided**, that the extraction shall be limited only to materials directly resulting from the calamity or natural event and shall not extend to undisturbed natural deposits.*

***Provided, further**, that if the affected area is located within a declared protected area under the NIPAS Act, clearance and authorization from the Secretary of the Department of Environment and Natural Resources, upon recommendation of the Protected Area Management Board (PAMB) of the concerned area, shall first be secured prior to the issuance of the Special Permit.”*



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*The Special Permit under this subsection may be issued until volume of such materials are exhausted based on joint volume assessment conducted periodically by a multipartite monitoring team.*

**SECTION 2. INSERTION OF SUBSECTIONS 42.1.1 AND 42.1.2. —**

**42.1.1 SPECIAL PERMIT FOR CONSOLIDATED MATERIALS RESULTING FROM CALAMITIES ISSUED TO BARANGAYS OR GOVERNMENT ENTITIES.** — *A Special Permit may be issued to the concerned barangay, municipality, city, or government agency for the removal of calamity-related deposits posing imminent risks to public safety, infrastructure, or health, subject to the following:*

- i. *Maximum allowable volume of 3,000 cubic meters;*
- ii. *Extracted materials **SHALL BE USED SOLELY** for infrastructure, rehabilitation, or other public works of the requesting government entity and **SHALL NOT BE DISPOSED OF COMMERCIALY**;*
- iii. *Submission of:*
  - a) *Duly accomplished form;*
  - b) *Barangay or Sanggunian resolution requesting and interposing no objection;*
  - c) *Sketch or survey plan of affected site, signed by the City/Municipal Engineer;*
  - d) *Work Program stating estimated volume, purpose, and disposal site;*
  - e) *Certification from the Budget Office of the requesting LGU/agency confirming intended government use; and*
  - f) *Post-extraction utilization report, subject to PEMO inspection.*

**42.1.2 SPECIAL PERMIT FOR CONSOLIDATED MATERIALS RESULTING FROM CALAMITIES ISSUED TO PRIVATE PERSONS OR ENTITIES.** — *In exceptional cases where the volume of calamity-related deposits is extensive and requires the resources of private persons or entities, the Governor may issue a Special Permit allowing extraction, removal, transport, and commercial disposition, subject to the following:*

- i. *Payment of taxes, fees, and charges prescribed under this Ordinance and applicable laws;*
- ii. *Submission of:*
  - a) *Duly accomplished application form;*
  - b) *Barangay certification of no objection;*
  - c) *Work program specifying volume, purpose, and safeguards;*
  - d) *Environmental Compliance Certificate (ECC) or Certificate of Non-Coverage;*
  - e) *Performance bond or cash deposit equivalent to at least 10% of the market value of materials;*
  - f) *Monthly reporting of extracted volume and disposition, subject to PEMO verification;*
  - g) *Permit validity **NOT EXCEEDING NINETY (90) DAYS**, extendible for just cause upon verification by PEMO and approval by the Governor.*
  - h) *Environmental Compliance Certificate or Certificate of Non-Coverage;*

**SECTION 3. AMENDMENT OF SECTION 42.4.1.** Section 42.4.1 of Provincial Mining Ordinance No. 22 is hereby amended as follows:

**"42.4.1 In Case of Government Projects.** — *In applications for Special Permits involving government projects not arising from calamities, the following documents shall be submitted:*

- i. *Duly accomplished and notarized Application Form;*
- ii. *Resolution from the concerned barangay stating that the said barangay interposes no objection to the proposed extraction activity;*



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- iii. Survey plan of the applied area signed by the City or Municipal Engineer with technical description and coordinates;
- iv. Approved Project Proposal with approved Work Program stating the project description and volume needed, where materials are supplied, the time frame of the project, and the area of disposal;
- v. Certificate issued by the budget office of the concerned agency/body that the proposed project has no funds available for the aggregate materials and that the project shall be implemented by the concerned government agency/body;
- vi. If an entity has been previously issued with a Special Permit, an accomplishment report must be submitted prior to the application/processing and issuance of another Special Permit in another area by the same entity;
- vii. The entity shall maintain a record where the quantity of materials removed or extracted are recorded;
- viii. In case the Government Agency will utilize a private vehicle for transporting/hauling materials, a contract for that purpose shall be submitted for approval of the Governor and shall form part of the mandatory documentary requirements; and
- ix. The authorized representative/liaison officer must be an employee of the requesting entity.

*Provided, however, that in calamity-related cases covered under Sections 41.1, 42.1.1, and 42.1.2, compliance with certain requirements may be provisionally waived to facilitate urgent response, subject to subsequent compliance within thirty (30) days, otherwise, the permit may be subject to suspension and/or other penalties in this ordinance."*

**SECTION 4. AMENDMENT OF SECTION 45.4.** Section 45.4 of Provincial Mining Ordinance No. 22 is hereby amended to read as follows:

*"45.4. Governor's Special Permit. - A Governor's Special Permit may be issued subject to the following terms and conditions:*

**45.4.1 General Terms and Conditions.**

- i. Validity shall not exceed sixty (60) days, unless otherwise provided under Section 42.1.2;
- ii. Materials shall be used strictly for the purpose stated in the permit;
- iii. Operations must be conducted in an environmentally responsible manner;
- iv. Use of government equipment is encouraged, but contracting private haulers may be allowed with the Governor's approval;
- v. Permit holder shall submit required reports to PEMO;
- vi. Violation of conditions shall result in revocation and possible prosecution.

**45.4.2 Special Terms and Conditions in Case of Calamities.**

- i. Validity shall continue until PEMO verifies the deposits no longer pose risks;
- ii. For government entities, extracted volume shall not exceed 3,000 cubic meters and shall not be disposed of commercially;
- iii. For private persons/entities, extraction and commercial disposition shall be subject to Section 42.1.2 safeguards and not to exceed a volume of ten thousand(10,000) cubic meters;
- iv. PEMO verification and monitoring shall be mandatory;
- v. The Governor may suspend or revoke the permit at any time for violations or environmental risks.



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**SECTION 5. REPEALING CLAUSE.** All Ordinances, Rules, Orders and Regulations or portions thereto which are contrary to or inconsistent with this Ordinance if any, are hereby repealed, modified or amended accordingly.

**SECTION 6. SEPARABILITY CLAUSE.** If any provision of this Ordinance is declared invalid or unconstitutional, the remaining provisions not affected thereby shall remain in full force and effect.

**SECTION 7. EFFECTIVITY CLAUSE.** This ordinance shall take effect ten (10) days after the last day of its publication in a newspaper of local circulation in the Province of Negros Occidental.

**ADOPTED UNANIMOUSLY.** December 9, 2025

CERTIFIED CORRECT:

**HON. JOSE BENITO A. ALONSO**  
 Vice Governor/Presiding Officer

ATTESTED:

**SENNERY J. PADILLA**  
 LSQ IV

APPROVED:

**HON. EUGENIO JOSE V. LACSON**  
 Governor  
 Date: JAN 23 2026