

A-11-3
PROV
ORDINANCE

Republic of the Philippines
PROVINCE OF BENGUET
La Trinidad
OFFICE OF THE SANGGUNIANG PANLALAWIGAN

REGULAR MEETING, December 18, 1995

PRESENT: HON. WASING D. SACLA, Vice Governor,
Presiding Officer
HON. VICTORINA P. ALIPIT, Board Member,
HON. JAMES M. MALAYA, Board Member
HON. FRANCISCO E. GOLINGAB, JR., Board Member
HON. BIAL A. PALAEZ, Board Member
HON. MARCIANO T. INSO, SR., Board Member
HON. SAMSON C. PARAN, Board Member
HON. AGOSTO P. SANTOS, Board Member
HON. DANIO L. BOLISLIS, Board Member
HON. FERNANDO M. ARITAO, Board Member
HON. JAIME A. GALASGAS, Board Member
HON. LIMSON A. OGAS, Liga ng mga Brgy. Pres., Member
HON. REYNALDO B. TELLO, SKF Pres., Member
HON. DOMINGO B. BAY-AN, PCL Pres., Member

ABSENT: N O N E

ORDINANCE NO. 95-15

AN ORDINANCE PROHIBITING UNAUTHORIZED BARRING DOWN AND/OR QUARRYING ACTIVITIES ON MOUNTAIN SLOPES AND ROADSIDES FORMING PARTS OF THE EASEMENT OF ALL ROADS WITHIN THE PROVINCE OF BENGUET AND PROVIDING PENALTIES FOR ITS VIOLATION.

EXPLANATORY NOTE

Unscrupolous barring down or quarrying activities on mountain slopes and roadsides within road easements in the province has intensified aggravating impact to environmental degradation. Rock formations and foundation are weakened and its adhesiveness loosened by man-made interference due to constant barring and/or dynamic blasting. Loose rocks on roadsides are constant threats to life and limb of road commuters particularly during rainy seasons as they account for the massive landslides along roads rendering these roads impassable, dangerous and inconvenient to motorists.

Section 468, paragraphs 1 (iv and vi), of the New Local Government Code empowers the Sangguniang Panlalawigan to adopt measures or enact ordinances to protect the environment and the inhabitants from the destructive effects of man-made disasters.

NOW THEREFORE, on motion of HON. FERNANDO M. ARITAO and HON. SAMSON C. PARAN, duly seconded

Be it enacted by the Sangguniang Panlalawigan, in session assembled, that:

[Handwritten signatures and initials follow]

SECTION 1. - Definition of Terms:

- a. *Unauthorized barring down and/or quarrying* - if the barring down and/or quarrying is not within a legitimate project site of road widening activity programmed by the corresponding implementing agency;
- b. *Quarrying/Quarry* - is an open excavation or hole from which stone is obtained by cutting or blasting. A place where stones are dug for the purpose of being employed in building, making roads, and the like;
- c. *Barring down* - is the process of extracting stones from the wall rocks and/or exposures with the use of iron bars, finch bars, mining bars or other similar tools from the blasted and/or loosened wall of rocks or exposures;
- d. *Quarrying Equipment* - includes bulldozers, loaders, backhoes, scrapers, drilling machines and the like;
- e. *Roadside* - a strip of land along both sides of the road or highway and/or that space situated by the side of the road;
- f. *Easement* - an incorporeal non-profitable interest granted by deed or created by will, deed, or prescription that is intended to and does benefit the possessor of a particular tract of land in the physical use and enjoyment made of that land and that is described as appurtenant to that land (as in road easement).
- g. *Road Easement* - on national road easement, that which is 30 meters from the center of the road extending on both sides of the road or highway; on provincial road easement, that which is 15 meters from the center of the road extending on both sides of the provincial road; on barangay road easment, that which is 7.5 meters from the center of the road extending on both sides of the barangay road;

SECTION 2. This ordinance covers all national roads or highways, provincial roads, and barangay roads in the province;

SECTION 3. No person or group of persons whether manually or with the use of quarrying equipment or tools shall bar down, deform or conduct quarrying activities on mountain slopes or roadsides that form part of road easements as defined herein;

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Benguet

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SECTION 4. Any person or group of persons found guilty of violating this ordinance shall be penalized, as follows:

- a. First offense shall have a fine of P1,500.00 or imprisonment of one (1) month or both at the discretion of the court;
- b. Second offense shall have a fine of P2,500.00 or an imprisonment of six (6) months or both at the discretion of the court and the impounding and confiscation of all tools and equipment used, if any;
- c. Third offense shall have a fine of P5,000.00 or imprisonment of one (1) year or both at the discretion of the court and confiscation of all equipments and tools used, if any;

SECTION 5. Any ordinance or part thereof inconsistent or contrary to the provisions hereof are deemed amended or repealed;

SECTION 6. This ordinance shall take effect in accordance with the provisions of the Local Government Code.

APPROVED.



VICTORINA P. ALIPIT
Board Member


FRANCISCO E. GOLINGAB, JR.
Board Member


MARCIANO T. INSO, SR.
Board Member


AGOSTO R. SANTOS
Board Member


FERNANDO M. ARITAO
Board Member


JAMES M. MALAYA
Board Member


BIAL A. PALAEZ
Board Member

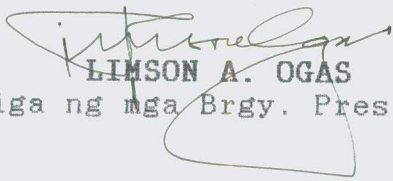

SAMSON C. PARAN
Board Member

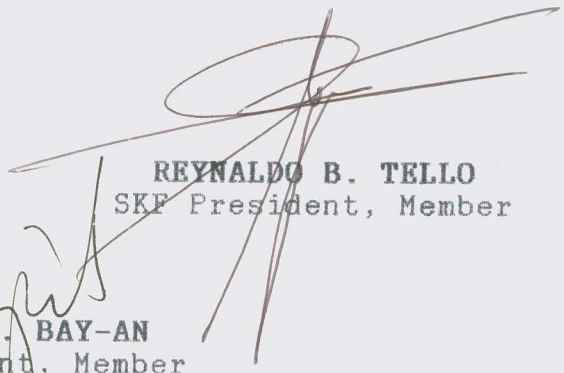

DANILO L. BOLISLIS
Board Member

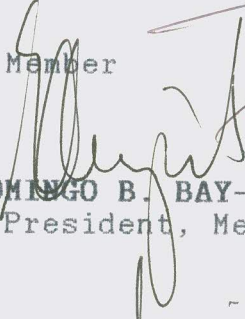

JAIME A. GALASGAS
Board Member

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Benguet

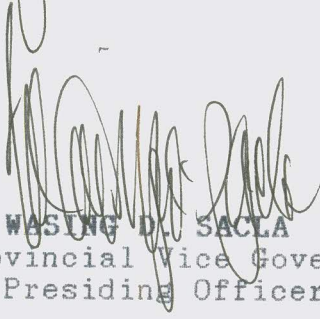
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LIMSON A. OGAS
Liga ng mga Brgy. Pres., Member


REYNALDO B. TELLO
SKF President, Member


DOMINGO B. BAY-AN
PCL President, Member

CERTIFIED CORRECT:


WASING D. SACLA
Provincial Vice Governor
Presiding Officer

ATTESTED:


NOEL S. SABOG
SP Secretary

APPROVED:


RAUL M. MOLINTAS
Provincial Governor

Date: JAN 09 1996


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