CONFIRMING THE ACTION OF THE PCSD EXECUTIVE COMMITTEE APPROVING THE AMENDMENT OF SECTION 13 OF ADMINISTRATIVE ORDER NO. 6, SERIES OF 2008

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WHEREAS, the PCSD in the exercise of its mandate under Section 19 paragraph 8 of Republic Act 7611, which empowers it to “adopt, amend and rescind such rules and regulations and impose penalties therefor for the effective implementation of the SEP law” promulgated Administrative Order No. 6, otherwise known as the Guidelines in the implementation of the SEP Clearance System;

WHEREAS, the afore-cited Administrative Order requires that any proponent who intends to implement a project or carry out an undertaking in Palawan shall secure from the PCSD a Strategic Environmental Plan (SEP) Clearance, a document certifying that the proposed project or undertaking is in accordance with the SEP for Palawan Act; that the proponent has complied with all the requirements of the SEP Clearance System and that the proponent is committed to comply with the terms and conditions thereof and to institute all mitigating measures as provided in the EIS or IEE;

WHEREAS, the same Administrative Order further provides that based on the representations of the proponent and/or the preparer of the documents submitted, the PCSDS technical staff shall review, evaluate and validate the same based on the ECAN Zoning of Palawan and of the ecological sustainability, social acceptability and economic viability of the project or undertaking and submit to the Council the appropriate recommendations;

WHEREAS, in the 199th PCSD meeting on June 27, 2013, a representative of the organized group of sand and gravel operators presented Provincial Ordinance No. 1297-13, amending Section 5 (d) of Provincial Ordinance No. 819, series of 2005, otherwise known as the “Sangguniang Panlalawigan Endorsement Ordinance of 2005” quoted as follows:

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> “d.5
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> In case of renewal of Commercial Sand and Gravel Permit, the proponent shall be required to submit a Certification/Clearance from the barangay chairman, the Municipal Environment and Natural Resources Officer (MENRO) or the Municipal Agriculture Officer (MAO) whichever is applicable, stating that they are compliant to the regulations being implemented in the locality and from the Palawan Council for Sustainable Development (PCSD) to the effect that the SEP Clearance previously issued for the project remains valid and effective; Provided, however, that, upon fourth (4th)renewal thereof, the proponent shall secure a new SEP Clearance as a precondition for the approval of the application for renewal of the Permit.”

WHEREAS, in conformity with the above requirement of the Provincial Board, the PCSD convened as an Executive Committee during the 199th meeting agreed to adopt the above-quoted requirement as an amendment to the last sentence of Administrative Order No. 6, series of 2008;

WHEREAS, pursuant to PCSD Resolution No. 99-138, the above action of the Executive Committee requires the confirmation of the council en banc in its next regular meeting;

WHEREAS, in today's regular meeting, the minutes of the Executive Committee meeting was presented for ratification by the council en banc including the above stated amendment of Administrative Order No. 6, series of 2008, for sand and gravel application for the issuance of SEP Clearance;

WHEREFORE, upon motion duly seconded be it RESOLVED as it is hereby RESOLVED, to confirm as it is hereby confirmed, the action of the Executive Committee approving the amendment of Section 13 of Administrative Order No. 6, series of 2008, to read as follows:

> Section 13. Issuance of Permit, Licenses, ECC Lease Agreements and Other Similar Instruments. The DENR shall not issue an ECC, CNC, license, permit and similar instruments without the SEP Clearance issued by PCSD in accordance with the Memorandum of Agreement between DENR and PCSD dated December 29, 1994 and DOJ Opinion Nos. 90 and 136, series of 1994. Other concerned entities are likewise enjoined to require the proponents to secure an SEP Clearance or Certificate of Accreditation, as the case may be, from PCSD prior to the issuance of permits, licenses and other similar instruments.
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> Renewal of licenses, permits and similar instruments shall require the corresponding renewal of SEP Clearance; Provided that, in the case of Commercial Sand and Gravel Permit, the renewal of SEP Clearance shall be required upon the 4th renewal of such permit; Provided, further, that in the annual renewal thereof, the permitting agency shall require the proponent a certification from the PCSDS stating that the subject proponent has complied with all the terms and conditions of the SEP Clearance and has no pending administrative case before the PCSD Adjudication Board: Provided finally, that the PCSD may impose additional requirements on the operations to safeguard the integrity of the environment based on new findings from technical studies on the quarry sites.

RESOLVED FINALLY, that copies of this Resolution be furnished the proponent organization for the information of its members and the Office of the National Administrative Register at the UP Law Center, Diliman, Quezon City for publication purposes.

ADOPTED AND APPROVED this 2nd day of August 2013 at Puerto Princesa City.

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I hereby certify that the above-quoted Resolution has been duly adopted by the PCSD on the 2nd day of August 2013 at Puerto Princesa City.

(SGD.) ROMEO B. DORADO
Secretary

Attested:

(SGD) JOSE CHAVES ALVAREZ
Chairman

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