A RESOLUTION URGING THE COMMITTEE ON GOOD GOVERNMENT AND PUBLIC ACCOUNTABILITY TO INVESTIGATE THE MALFEASANCE AND NONFEASANCE OF SURIGAO DEL SUR GOVERNOR ALEXANDER T. PIMENTEL IN COLLECTING 100 PESOS PER CUBIC METER OVER AND ABOVE THE REGULAR RATE PROVIDED BY LAW AND FOR SUSPENDING THE SAND AND GRAVEL QUARRYING OPERATIONS IN THE 1st DISTRICT OF SURIGAO DEL SUR WITHOUT JUSTIFIABLE GROUNDS

WHEREAS, the 1987 Constitution provides that all lands of the public domain, minerals, coal, petroleum and other natural resources are owned by the State and that their exploration, development, and utilization shall be under the full control and supervision of the State;

WHEREAS, Section 4 of Republic Act No. 7942, otherwise known as the “Philippine Mining Act of 1995”, provides that mineral resources are owned by the State; that the exploration, utilization and processing thereof shall be under the State’s full control and supervision, and that the State may directly undertake such activities;

WHEREAS, sand and gravel quarrying operation is an integral component of the economic machinery of the province of Surigao del Sur. It creates jobs in areas where there are limited opportunities. Numerous individuals who are heads of their families rely on their quarrying jobs for their daily sustenance;

WHEREAS, quarry, sand, gravel, clay and related materials are highly suitable raw materials for government infrastructure projects and other related civil works;

WHEREAS, it is the national interest to prioritize government projects in the utilization of these materials to enhance the delivery of services vital to the Government’s economic and social development programs;
WHEREAS, it is necessary to ensure adequate and continuous supply of these raw materials in order not to hamper or delay the implementation of government projects;

WHEREAS, there are many ongoing developmental infrastructure projects in Surigao del Sur that are dependent on the availability of gravel and sand. These are government funded projects with schedules and deadlines to follow;

WHEREAS, it is of public knowledge that Governor Alexander Pimentel is asking 100 pesos per cubic meter which is over and above the 50 pesos allowed by law to be collected by the Provincial Government and this amount is collected without receipt;

WHEREAS, Section 138 of the Local Government Code provides that the permit to extract sand, gravel and other quarry resources shall be issued exclusively by the provincial governor;

WHEREAS, Section 43 of Republic Act 7942 provides that the provincial governor shall grant the quarry permit after the applicant has complied with all the requirements as prescribed by the rules and regulations;

WHEREAS, Governor Alexander Pimentel refuses to issue quarry permits from 1st district applicants notwithstanding the submission of the required documents for its issuance;

WHEREAS, the suspension order on the sand and gravel quarrying operation issued by Governor Alexander T. Pimentel which took effect immediately on the same day as it was signed is baseless, unjustifiable and could only be construed as a politically motivated act to hamper and demerit his political rivals in the province of Surigao del Sur;

WHEREAS, there is no imminent nor pressing concern to call for the immediate suspension of sand and gravel quarrying in the province of Surigao del Sur;

WHEREAS, the Provincial Governor, as the chief executive of the provincial government, is mandated to exercise powers and perform duties and functions necessary to promote the general welfare of the province and its inhabitants and NOT otherwise;

WHEREAS, Section 3 (e) of Republic Act 3019 penalizes public officers who cause any undue injury to any party, including the Government, or preference in the discharge of his official administrative or judicial functions through manifest partiality, evident bad faith or gross inexcusable negligence. THIS PROVISION SHALL APPLY TO OFFICERS AND EMPLOYEES OF OFFICES OR GOVERNMENT CORPORATIONS CHARGED WITH THE GRANT OF LICENCES OR PERMITS OR OTHER CONCESSIONS;

WHEREAS, the abovementioned acts of Governor Alexander Pimentel constitute a violation of Section 3 (e) of Republic Act 3019;

WHEREAS, said acts are also a blatant violation and disregard of the Constitutional guarantee that no person shall be deprived of life, liberty, or property without due process of law, nor shall any person be denied the equal protection of the laws;
NOW, THEREFORE, BE IT RESOLVED, AS IT IS HEREBY RESOLVED, to urge the Committee on Good Government and Public Accountability to investigate the malfeasance and nonfeasance of Surigao del Sur Governor Alexander T. Pimentel in collecting 100 pesos per cubic meter over and above the regular rate provided by law and for suspending the sand and gravel quarrying operations in the 1st District of Surigao del Sur without justifiable grounds.

Adopted,

PROSPERO A. PICHAY, JR.