

Administrative Order  
No. 28  
July 03, 1992

**Subject : Guidelines in the Issuance of Special Permits for  
Pebble Picking Along Beaches**

Pursuant to Executive Order No. 192 and in relation to Batas Pambansa Blg. 265, otherwise known as "An Act Prohibiting the Extraction of Gravel and Sand along Beaches and Providing Penalties Therefor", the following guidelines in the issuance of Special Permits for pebble picking along beaches/shorelines are hereby issued.

**Sec. 1. BASIC POLICY AND OBJECTIVES.** It shall be the policy of the State to provide livelihood opportunities to local residents living along beaches.

The following are the objectives of this Order:

- a. To provide equitable access to natural resources;
- b. To outline the mechanisms in the gathering of the pebbles along beaches/shorelines; and
- c. To ensure that environmental damage is not inflicted on the source of pebbles.

**Sec. 2. DEFINITION OF TERMS.** For purposes of this Order, "pebbles" shall mean smooth rounded stones ranging in diameter from 2 millimeters to 64 millimeters, deposited by wave action along the beaches/shorelines.

**"Pebble Picking"** shall mean handsorting or manual gathering of pebbles from the permitted area/s along the beaches/shorelines without the aid of any mechanized equipment.

**"Permittee"** shall refer to any cooperative, consisting of Filipino citizens residing in the area where pebble resources is available, duly registered with the Bureau of Cooperative Development (BOCD), granted with a Special Permit for the manual gathering/removal of pebbles along the beaches/shorelines.

**"Permitted Area"** shall refer to the area covered by the Special Permit granted to cooperative/s for the manual gathering of pebbles along the beaches/shorelines.

**"Regional Executive Director"** shall refer to the concerned Regional Executive Director of the Department of Environment and Natural Resources who has administrative jurisdiction over beaches/shorelines where pebble picking activity/ies shall be allowed.

**"Regional Technical Director"** shall refer to the concerned Regional Technical Director for Mines Sector of the Department of Environmental and Natural Resources.

**"Secretary"** shall refer to the Secretary of the Department of Environment and Natural Resources.

**"Volume"** shall be the amount of pebbles in cubic meters (cu. m.) manually gathered by cooperatives from their respective permitted area/s along the beaches/shorelines.

**Sec. 3. AREAS WHERE PEBBLE PICKING SHALL BE ALLOWED.** Pebble picking along beaches/shorelines may be undertaken except in areas which are declared for conservation/protection purposes by the Environmental Management and Protected Areas Sector (EMPAS) or those areas which are potential or declared tourist zones as certified by the Department of Tourism. Provided, that the size of the area to be permitted along the beaches/shorelines shall not exceed one (1) hectare per cooperative.

**Sec. 4. QUALIFICATION REQUIREMENTS.** Special permits for pebble picking shall be issued only to cooperatives which are duly registered with the Bureau of Cooperative Development (BCOD).

Applications shall be filed with the Community Environment and Natural Resources Office with the following documents:

- a. Application form duly accomplished as prescribed in Annex "A" of this Order;
- b. Certified copy of Certificate of Registration with the Bureau of Cooperative Development (BCOD);
- c. Certifications from the local Department of Tourism office and from Environmental Management and Protected Areas Sector (EMPAS) that the area subject of application is not within a potential or a declared tourist zone and that the area applied for is not declared for conservation/protection purposes, respectively.

- d. Certification from the provincial government concerned that it is giving its consent to the applicant to conduct pebble picking activities.
- e. Payment of an application fee of P 250.00.
- f. Payment of verification fee in the amount of P 500.00 for field verification/assessment purposes of the area applied for.

**Sec. 5. PROCESSING OF APPLICATIONS FOR SPECIAL PERMITS FOR PEBBLE PICKING.** No application shall be evaluated unless all the requirements stipulated in Section 4 hereof have been complied with. The Community Environment and Natural Resources Officer shall evaluate all applications and shall conduct field verification/assessment of the area applied for. He must seek assistance from appropriate sectors in the DENR offices or other government agencies, including DENR-accredited non-government organizations, if there is any, in the conduct of inspection of the area applied for and jointly submit a report thereon, including the environmental impact of the conduct of pebble picking.

The report and recommendations shall be forwarded to the Office of the Regional Executive Director, through the Regional Technical Director for Mines, who is hereby authorized to take action on the application, i.e., whether to issue the corresponding special permit or reject an application. Provided, that the Permit to be issued under this Order shall be in the prescribed form as provided under Annex "B" hereof. Provided further, that the Permit to be granted hereof shall be released only after the Permittee has posted the required surety bond, as stipulated under Section 6 (i) of this Order.

**Sec. 6. CONDITIONS OF THE SPECIAL PERMIT TO BE ISSUED UNDER THIS ORDER.** Permits issued under this Order shall be subject to the following terms and conditions:

- a. The removal/gathering of pebbles shall be conducted manually without the aid of any mechanized equipment and shall be confined within the limits of the permitted area as specified in the special permit with the boundaries established on the ground with prominent marks;
- b. No removal or gathering of pebbles shall be allowed within a distance of one (1) kilometer from the boundaries of reservoirs established for public water supply and of any public or private works or structures, unless the prior clearance of the agency or owner concerned is obtained;

- c. The Permittee shall assume full responsibility and shall be liable for damages to rights or properties that may be occasioned by its pebble picking activities under the Permit;
- d. The Permittee or its agent or representative shall post a copy of the Permit at the place of removal or gathering of pebbles and make the same available at all times for inspection or examination by any of the duly authorized representative of the Secretary, the Regional Executive Director, the Regional Technical Director, the Provincial Environment and Natural Resources Officer (PENRO), the Community Environment and Natural Resources Officer (CENRO) or the agent or authorized representative of the Bureau of Internal Revenue;
- e. Prior to the transport and/or disposition of pebbles gathered/removed from the permitted area, the permittee shall pay the Government, through the concerned agent or representative of the Bureau of Internal Revenue, the three per cent (3%) ad valorem tax (excise tax for nonmetallic minerals) due thereon, as provided for under the Internal Revenue Code and its implementing rules and regulations;
- f. The Permittee shall at all times provide the truck driver engaged in hauling pebbles from the permitted area, delivery receipts in the prescribed form, as provided under Annex "C" hereof, duly issued and validated by concerned CENRO covering the pebbles to be transported for inspection purposes by any of the duly authorized representative of the Secretary, the Regional Executive Director, the Regional Technical Director, the concerned Provincial Environment and Natural Resources Officer, the concerned Community Environment and Natural Resources Officer or his deputies. Provided, that no delivery receipt shall be issued for the transport and/or disposition of pebbles unless the same have been inspected by the concerned CENRO and the proper ad valorem tax or excise tax due thereon shall have been paid beforehand, the official receipt of which shall be indicated in the delivery receipt. Any pebbles removed, transported and/or disposed of without compliance with these requisites shall be confiscated in favor of the Government.

The original delivery receipt shall be given by the permittee to and carried by the truck driver/s concerned while in transit which shall be shown upon demand. The duplicate copy of delivery receipt shall be attached to the monthly report to be accomplished by the permittee and

the triplicate copy of which shall be kept by the permittee and made available at all times for inspection by proper authorities;

- g. The Permittee shall keep a book of accounts wherein there shall be entered everyday the quantity/volume of pebbles removed/gathered from the area covered by the Permit, the fees paid therefor as well as the quantity disposed of or sold, their selling prices, the names and addresses of the persons or parties to whom the same were sold or disposed of, and other transactions in connection with the business. Such book of accounts shall at all times be open to inspection by any of the duly authorized representative of the Secretary, the Regional Executive Director, the Regional Technical Director, the Provincial Environment and Natural Resources Officer, the Community Environment and Natural Resources Officer or the agent or authorized representative of the Bureau of Internal Revenue.
- h. The Permittee shall within ten (10) days after the end of each month, submit to the Regional Executive Director or the issuing Officer copies of sworn reports stating the quantity of pebbles removed or gathered by the Permittee, the amount of fees paid, the quantity/volume of pebbles sold or disposed of during the period covered by the report, their selling prices, the names and addresses of the persons to whom the same were sold, and the quantity/volume of materials left in stock;
- i. Prior to the release of the Permit to be granted, the Permittee shall post a surety bond with the surety agency acceptable to the Regional Executive Director or his deputies, in the amount of Ten Thousand Pesos (P 10,000.00) to guarantee Permittee's faithful compliance with the terms and conditions of the permit;
- j. The Permit shall be for the exclusive use and benefit of the Permittee and its members and same shall be non-transferrable;
- k. The permit shall be valid for a period of one (1) year or until such time that the total volume specified therein have been extracted, whichever comes first. The permit may be renewed for similar period or until such time which may be determined by the Regional Executive Director concerned or his duly authorized representative, based from field evaluation/assessment on the availability of pebble deposits along the beaches/shorelines and on the feasibility of allowing the continuity of pebble picking operations in the area;

- l. The statement made in the application or those made later in support thereof shall be considered as conditions and essential parts of the permit and any misrepresentation contained therein shall be a cause for the suspension or revocation of the permit; and
- m. The Permit may be suspended or revoked at any time by the Regional Executive Director concerned or his duly authorized representative, when in his opinion, public interest so requires or for ecological reasons or upon failure of the Permittee to comply with the terms and conditions stipulated under the permit.

**Sec. 7. MONITORING OF SPECIAL PERMIT HOLDERS.** The Community Environment and Natural Resources Officer shall be responsible for the proper implementation of this Order.

He shall monitor strictly the compliance of permittee on the terms and conditions of the permit and shall ensure that the gathering, processing and transport of pebbles shall be properly covered by pertinent documents pursuant to the provisions of this Order and the existing rules and regulations.

He shall likewise require the permittee to submit reports on volume of pebble extracted, transported, and traded, supporting such reports with documentary evidences.

Violations of the provisions of this Order shall subject the permit holder to the suspension of his permit and permanent disqualification from obtaining permits for natural resources.

**Sec. 8. REPEALING CLAUSE.** This Order amends and/or revokes other orders, rules and regulations inconsistent herewith.

**Sec. 9. EFFECTIVITY.** This order takes effect immediately.

**VICTOR O. RAMOS**  
**Acting Secretary**