



Republic of the Philippines  
**DEPARTMENT OF THE INTERIOR AND LOCAL GOVERNMENT**  
**REGION XIII (CARAGA REGION)**  
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**DILG RO XIII**  
**FILE**

July 25, 2014

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**DILG – REGION XIII**  
**RELEASED**  
 DATE: **JUL 28 2014**  
 TIME: **9:30 AM**  
 Y: **PTJ**

ELEANOR S. FRANCISO  
 Brgy. 1, Poblacion,  
 Tubay, Agusan del Norte

*Dear Mr./Ms. Francisco:*

Peace be with you!

This refers to your letter requesting an opinion on what you could possibly do relative to the alleged quarrying at the mouth of Kalinawan River which you believe is a “no-go-zone” in DILG MC 44 Series of 2014 and what the penalties or sanctions are for public officials who violate the MC.

DILG Memorandum Circular No. 44 Series of 2014 is a directive issued to all local chief executives (LCEs) of the provinces, municipalities, cities and barangays as well as DILG regional and field officers and all other concerned to be strictly guided by the legal restrictions on black sand and beach mining. The same MC further directed the LCEs to:

*“(i) ensure and regularly monitor strict and proper compliance by all private entities engaged in mining or quarrying with the legal restrictions outlined above,*

*“(ii) order the cancellation of permits issued to such entities found to be in violation of said restrictions,*

*“(iii) facilitate legal action against individuals who may be criminally liable for such violations, and*

*“(iv) fully cooperate and coordinate with the MGB when called for, in accomplishing all the foregoing directives. (Emphasis supplied)*

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
Rec'd. by: *[Signature]*

The foregoing are the available remedies provided for in the MC. However, depending on your cause of action and the position of the public official, other appropriate legal actions may be availed of in courts of law or in quasi-judicial bodies.

We hope that the foregoing sufficiently addressed your concerns. This opinion is rendered without prejudice to the decisions that competent higher authorities and the courts may subsequently decree.

Thank you and God bless!

Very truly yours,

  
LILIBETH A. FAMACION, CESO IV  
Regional Director 

*enc/s: DILG MC 44 Series 2014*

*cc: ROMEO A. SOLIS  
Provincial Director  
DILG-Agusan del Norte*