



Republic of the Philippines
City of Bago
OFFICE OF THE SANGGUNIANG PANLUNGSOD

ORDINANCE NO. 11-02

AN ORDINANCE ENACTING THE ENVIRONMENT CODE OF BAGO CITY

On motion of SP Member Allan C. Galunan, unanimously seconded by SP Members present, the Sanggunian

Be it ordained by the Sangguniang Panlungsod of Bago City that:

CHAPTER I – GENERAL PROVISIONS

ARTICLE I- TITLE, POLICY, SCOPE, PRINCIPLES AND TERMINOLOGIES

SECTION 1. TITLE OF THE CODE

This Code shall be known as the “Bago City Environment Code of 2011” and shall hereinafter referred to as the Code.

SECTION 2. DECLARATION OF POLICY

Pursuant to the powers granted by the 1987 Constitution, and in conjunction with the General Welfare clause of Republic Act No. 7160, otherwise known as the Local Government Code of 1991, it is hereby declared the policy of the City Government of Bago to fully exercise genuine and meaningful local autonomy as an effective partner of the national government, its people and the civil society in the enhancement of the rights of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature.

SECTION 3. SCOPE

- a. This Code is a statement of the fundamental policy positions of the local government of Bago City on the vital aspects of the environment, namely: forest, minerals, land, air, water, coastal resources, eco-tourism, solid waste management, disaster risk reduction and other related areas of concern;
- b. It adopts by reference national laws, rules and regulations pertaining to the environment, as well as local ordinances enacted by the Province of Negros Occidental and the City of Bago; and
- c. It provides policy direction for future legislative enactment to cover every aspect of the environment as much as possible.

SECTION 4. STATEMENT OF GENERAL PRINCIPLES

The environmental programs and policies of the City shall be guided by the following principles:

Community-Based Management. Environmental protection recognizes effective traditional practices in environment management as well as the right and duty of local communities to conserve and protect the environment and natural heritage. Important in this is the notion of the right to development as an essential component of our basic human rights.

Conservation. Environment conservation shall be promoted including the enactment and enforcement of laws just and consistent with the laws of nature. Related activities shall always respect indigenous culture and practices consistent with ecological principles including gender and population concerns.

Economic Rent Policy. The City shall institute measures that would ensure application and enforcement of the principle and policy enshrined in Art. 18 of RA 7160 which provides among others that "local government units shall have the power and authority to have an equitable share in the proceeds from the utilization and development of the national wealth and resources within their respective territorial jurisdictions including sharing the same with the inhabitants by way of direct benefits". As such, development or "progress" shall be allowed and promoted but without undue danger to the environment or natural resources, and which facilitates for some form of just and equitable sharing of the proceeds from the use and development thereof.

Integration. Environmental protection is characterized by comprehensive scope, coherent and consistent strategies and cost-effectiveness of results of the policy making and implementation processes to be undertaken.

Interdisciplinary Approach. Environmental protection recognizes the need for a diverse field of knowledge to include natural, social, and engineering sciences and technologies aside from available traditional knowledge.

Prevention, Regulation and Protection. The war against environmental abuse shall always be the primary concern of the City. Sustainable development can attain its highest sense of success not by the progress alone it ensures but by the balance and symbiosis it maintains with the environment including responsible regulation and protection of the remaining ecosystem.

Polluter Pay Principle. Polluters assume the external costs of pollution upon the community and environment, such as, but not limited to negotiated compensation for damages caused to the physical environment.

Shared Responsibility. The key towards the attainment of a balanced ecosystem rests on the social responsibility of every Bagonhon in government, civil society, and business.

Stewardship. Environmental protection recognizes that the natural resources are among the most precious gifts of Divine Providence to humanity. Everyone is a steward thereof, with a duty to turn it over to the next generation, if not in a better condition, at least in a state not worse than when inherited from the previous generation.

Sustainable Development. The primary foundation of a healthy and progressive environment calls for the usage of appropriate and environment-friendly technologies. Healthy environment and development must go hand in hand with judicious use of our natural resources and equal access to all under existing laws to sustain economic development.

Transparency. Information, education and participation of all Bagonhons in undertakings relative to the use, conservation, regulation and protection of the environment must always be upheld and recognized.

SECTION 5. DEFINITION OF TERMS

As used in this Code, the following words and phrases shall mean:

Agricultural Land - land devoted principally to the planting of fruit trees, growing of crops, livestock and poultry, inland fishing, and similar agricultural activities.

Agro-forestry - farm management practice of combining production of agricultural and tree crops, forest plants and animals, simultaneously or sequentially.

Air Pollutant - any matter found in the atmosphere other than oxygen, nitrogen, carbon dioxide, water vapour, and the inert gases in their natural or normal concentrations, and includes smoke, dust, soot, cinders, fly ash, solid particle of any kind, gases, fumes, mists, odors and radio active substances.

Air Pollution - any alteration of the physical, chemical and biological properties of the atmospheric air, or any discharge thereto of any liquid, gaseous or solid substances that will likely create or tender the air resources of the country harmful, detrimental or injurious to public health, safety or welfare, or which will

adversely affect their use for domestic, commercial, industrial, agricultural, recreational or other legitimate purposes.

Alienable and Disposable (A & D) Lands - those lands of the public domain that have been declared by law as not needed for forest purposes.

Ambient Air Quality - the atmosphere's average purity in a broad area as distinguished from discharge measurements taken at the source of pollution or the present characteristic or nature of the surrounding atmosphere.

Annual Allowable Cut - volume of materials, whether of wood or the forest products, which is authorized for cutting yearly from a forest.

Biological Diversity (Biodiversity) - variability among living organisms from all sources including terrestrial, marine and other aquatic ecosystem and the ecological complexes of which they are part; this includes diversity within species, between species and ecosystems.

Bio-medical Waste - pathological, pharmaceutical, chemical wastes and sharps defined as follows:

Pathological waste includes all human tissues such as limbs, organs, fetuses and body fluids; and animal carcasses and tissues, together with all related swabs and dressings.

Pharmaceutical Waste includes pharmaceutical products; drugs and chemicals that have been returned from wards; have been spilled or soiled; those expired or contaminated; or have been discarded for any reasons.

Chemical Waste includes discarded solid, liquid or gaseous chemical from laboratory or other sources such as diagnostic work, environmental works, cleaning, housekeeping, construction, fabrication, processing and disinfecting procedures.

Sharps include needles, syringes, scalpel, blades and any other items that could cut or puncture; and

Buffer Zones - areas identified outside the boundaries of and immediately adjacent to the designated protected areas and need special development control in order to avoid or minimize harm to the protected area.

City – refers to the City of Bago

City Environment and Natural Resources Officer (City ENRO) - LGU official who shall be directly responsible for the planning and implementation of devolved DENR functions to LGUs pursuant to Section 484 of the Local Government Code and other environmental functions as provided in relevant laws.

Clean and Green Campaign - massive cleaning of the city, planting and maintenance of trees as well as intensive beautification drive in consonance with the national government's goals and objectives.

Coastal Resource Management - development process that involves participative action, and sound decision-making through monitoring to achieve sustainable use of economically and ecologically valuable resources in the coastal areas.

Commercial Fishing - taking of fishery species by passive or active gear for trade, business or profit beyond subsistence or sports fishing, to be further classified as:

Large-Scale Commercial Fishing shall refer to fishing utilizing active gears and vessels of more than one hundred fifty (150) GT.

Medium-Scale Commercial fishing shall refer to fishing utilizing active gears and vessels of 20.1 GT up to one hundred fifty (150) GT; and;

Small-Scale Commercial Fishing shall refer to fishing with passive or active gear utilizing fishing vessels of 3.1 gross tons (GT) up to (20) GT;

Communal Forest- a tract of forest land set aside by law or through a valid proclamation or order for the use of the residents of the area from which said residents may establish forest plantations or tree farm; cut, collect and remove forest product for their personal use in accordance with existing laws and regulations.

Composting - controlled decomposition of organic matter by micro-organisms, mainly bacteria and fungi, into a humus-like product.

Contract Reforestation - the implementation of reforestation activities that include the establishment, maintenance and protection of forest plantation and nursery preparation through written agreements with the local government units, communities, individual, civil societies and other government agencies. It includes contract for surveying mapping, comprehensive site development, planning, monitoring and evaluation, and other activities.

Controlled Dump - a disposal site at which solid waste is deposited in accordance with the minimum prescribed standard of site operation.

Critical watershed - drainage area of the river system supporting the existing and proposed hydroelectric power, irrigation works or domestic water facilities needing immediate protection or rehabilitation.

Disposal - discharge, deposit, dumping, spilling, leaking or placing of any solid or liquid waste into or in any land

Disaster - a serious disruption of the functioning of a community or a society involving widespread human, material, economic or environmental losses and impacts, which exceeds the ability of the affected community or society to cope using its own resources. Disasters are often described as a result of the combination of: the exposure to a hazard, the conditions of vulnerability that are present and insufficient capacity or measures to reduce or cope with the potential negative consequences

Disposal Site - a site where solid waste is discharged and deposited.

Ecological Solid Waste Management - systematic administration of activities that provide for segregation at source, segregated transportation, storage, transfer, processing, treatment and disposal of solid waste, and other waste management activities not harmful to the environment.

Eco-Tourism - a nature-based activity managed by the local community with government support whose primary goals are conservation and enhancement of natural resources while providing economic benefits to the local community without endangering the socio-cultural practices of its people.

Effluent - the general term denoting any wastewater, partially or completely treated, or in its natural state, flowing out of a manufacturing plant, industrial plant or treatment.

Effluent Standards - restrictions established to limit levels of concentration of physical, chemical and biological constituents, which are discharged from point sources.

Emission - any measurable air contaminants, pollutants, gas streams or unwanted sound from known source which is passed into the atmosphere.

Endangered Species - species or sub-species that is not only critically endangered but whose survival in the wild is unlikely if causal factors continue operating.

Environment - quantity, quality, diversity and sustainability of renewable natural resources, including the ambient air environment such as the atmosphere, climate, sound and odors that are critical determinants of the quality of life. It shall include the total environment of man such as economic, social cultural and political factors.

Environmental Compliance Certificate (ECC) - authorization issued by the Environment Management Bureau –Department of Environment and Natural Resources (EMB-DENR) to a proponent whose project has been reviewed, evaluated and finally approved after consideration that the project will not bring about unacceptable environmental impact and that the proponent has complied with all the requirements

of Presidential Decree No. 1586 or the Environment Impact Statement System as well as Presidential Proclamation No. 2146, otherwise known as Environmental System.

Environmental Impact Assessment (EIA) - process consisting of identifying and predicting the impacts of proposed projects and programs on the bio-geophysical environment and on man's health and well being interpreting and communicating information about its impact in a manner which can be utilized by planners and decision-makers.

Environmental Impact - alteration to any degree of environmental conditions, or the creation of a new set of environmental conditions, adverse or beneficial, to be induced or caused by a proposed project.

Extraction - act or process of taking, excavating and removing minerals.

Fauna - all species of animals.

Flora - all species of plants.

Foreshore Land - strings of land margining a body of water; the part of seashore between the low water line at the seaward margin of low tide terrace and the upper limit of wave wash at high tide marked by beach scarp or beam.

Forest Reserve - lands of public domain that have been the subject of the present system of classification and declared as needed for forest purposes.

Fugitive Particulate - the particulate matter which escapes and becomes airborne from unenclosed industrial operation, or that which escapes from incompletely or partially enclosed operation into the outside atmosphere without passing or being conducted through a flue pipe, stack or other structure.

Game Refuge or Sanctuary - a piece of land or body of water designed for the protection of game animals, birds and fishes, and closed to hunting and fishing in order that the excess population may flow and restock surrounding areas.

Hazardous Substances - elements or compounds which, when discharged in any quantity, pose eminent or substantial danger to public health.

Hazardous Waste - solid waste or a combination of sorts that, due to its quantity, concentration or physical, chemical or infectious characteristics, may cause or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness or pose a substantial present or potential hazard to human health or environment when improperly treated, stored, transported, or disposed of, or otherwise managed.

Incineration - burning of wastes including, but not limited to, bio-medical and hazardous wastes, resulting in the emission of toxic and poisonous fumes.

Infectious Waste - solid waste from hospitals such as equipment, instruments, utensils, and fomites of a disposable nature from patients who are suspected to have or have been diagnosed as having communicable disease and must therefore be isolated as required by public health agencies; laboratory wares such pathological specimens as used in R.A. No. 9003, and disposable fomites that may harbor or transmit pathogenic organism, and surgical operating room pathologic specimens and disposable fomites attendant thereto, and similar disposable material from outpatient areas and emergency rooms;

Integrated Coastal Zone Management (ICZM) - activities that achieve sustainable use and management of valuable resources and land uses in coastal areas as defined through Coastal Resource Management or Integrated Coastal Management but with an emphasis on a specified coastal geographical area or zone.

Integrated Social Forestry (ISF) - inter-agency national program created by Letter of Instruction No. 1260 dated July 28, 1982 designed to promote the socio-economic conditions of forest occupants and

communities that are dependent on forest land for their livelihood, provide land tenure and, at the same time, protect and improve the quality of the environment.

Land Classification - the assessment, appraisal, and determination of land potentials which include survey and classification of land resources and the study and mapping of the soil.

Land Reclassification - the subsequent classification, allocation, and disposition of alienable and disposable lands of the public domain into specific uses.

Land Resources - all terrestrial, subterranean and all geological features and land masses of the public domain and private domain of the State, within the respective geographical jurisdiction of the City, including all flora and fauna, minerals and aquatic resources that dwell or exists upon it.

Land Use Planning - act of defining the allocation, use, development, and management of all lands within a given territory or jurisdiction according to the inherent qualities of the land itself and supportive of economic, demographic, socio-cultural and environmental objectives as an aid to decision-making and legislation.

Leachate - the liquid produced when waste undergo decomposition, and when water percolates through solid waste undergoing decomposition. It is a contaminated liquid that contains dissolved and suspended materials.

Lease - the privilege granted by the State to a person to occupy and possess, in consideration of specified rental, any land of the public domain in order to undertake any authorized activity therein.

License - the privilege granted by the State to a person to use natural resources within any land, without any right of occupation and possession over the same, to the exclusion of others, or establish or operate a manufacturing plant or conduct of any activity involving use of the natural resources covered therein.

Light-Duty Vehicles - motor vehicles whose gross weight is equal to or lesser than 3,500 kilos, in accordance with the definition contained in Philippine National Standards (PNS) 1891. This also refers to "Light Commercial Vehicles".

Mangrove - type of forest occurring on tidal flats along sea coast, extending along streams where the water is brackish consisting of a community of plants including trees, shrubs, vines and herbs.

Materials Recovery Facility (MRF) - a facility that includes a solid waste transfer station or sorting station, drop-off center, s composting facility and a recycling facility.

Minerals - all naturally occurring inorganic substances in liquid, solid, gas or any intermediate state; soil which support organic life; sand and gravel; guano excluding energy materials such as coal, petroleum, natural gas, radioactive materials, and geothermal energy. These does not include mineral water.

Multiple-Use - the harmonized use of the land, soil, water, wildlife, recreation value, grass and timber of forestlands.

Municipal Waters - streams, lakes, subterranean and tidal waters within the territorial jurisdiction of a municipality that are not subject to private ownership and not included within the national park, public forest, timberlands, forest reserves; and covers marine waters included between two lines drawn perpendicular to the general coastline from points where the boundary lines of the municipality touch the sea at low tide and a third line parallel with the general coastline and fifteen kilometers from such coastline. Where two municipalities are so situated that there is less than thirty kilometers of marine waters between them, the third line shall be drawn equidistant from the opposite shores of the respective municipalities.

National Park - forest land reservation essentially of primitive or wilderness character which have been withdrawn from settlement or occupancy and set aside as such exclusively to preserve the scenery, the natural and historic objects and the wild animals or plants therein, and to provide enjoyment of those features in such a manner as will leave them unimpaired for future generations.

Open Dump - indiscriminate disposal of solid wastes without due planning and consideration for environmental and health standards.

Pollution - any alteration of the physical, chemical and biological properties of any water, land and air resources of the country, or any discharge thereto of any liquid, gaseous or solid substances that will likely create or render such water, land and air resources harmful, detrimental, or injurious to public health, safety or welfare which will adversely affect their use for domestic, commercial, industrial, agricultural, recreational, or other legitimate purposes. For purposes of this Code, the term shall include noise pollution.

Private Land - any land belonging to any private person or entity which includes A & D Lands being claimed by a holder, claimant or occupant who has already acquired a vested right thereto under the law, although the corresponding certificate or evidence of title or patent has not been actually issued.

Production Forest - areas with slope from 0-50 percent developed to supply commercial timber and non-timber products such as bamboo, horticultural crops, rattan, mangrove, gum and resins, spices, vines or a combination thereof.

Protected Area - identified portions of land and water set aside by law by reason of their unique physical and biological significance, managed to enhance biological diversity and protected against destructive human exploitation, as provided in Republic Act No. 7586.

Protection Forest - areas regardless of slope which are highly erosive or too rocky for the establishment of production forests, developed for the primary objective of establishing vegetative cover to prevent erosion, conserve and produce water, and nurture wildlife.

Province – refers to the Province of Negros Occidental

Public Consultation - stage of participation at which information is disseminated and opinions are gathered to ensure that public concerns are integrated into processes and decision-making such as in the EIA and legislative processes.

Public Lands - lands of public domain which have been classified as agricultural land, mineral land, forest or timber land subject to management and disposition or concession under existing laws.

Quarrying - process of extracting, removing and disposing quarry resources found on or underneath the surface of public or private land.

Recreation Forest - tract of public forest land, forested or non-forested, and may contain both production and protection forests, developed for the additional or primary purpose of providing non-destructive recreational pursuits such as, but not limited to, camping, bush walking, bird watching, mountaineering and nature studies.

Recycling - treating of used or waste materials through a process of making them suitable for beneficial use and for other purposes, and includes any process by which solid waste materials are transformed into new products in such a manner that the original products may lose their identity, and which may be used as raw materials for the production of other goods or services; provided, that the collection, segregation and re-use of previously used packaging materials shall be deemed recycling under this Code.

Reforestation - process of renewing, restoring and re-establishing forest cover on denuded lands by either direct seeding or planting with the use of tree seeds, seedlings or cuttings.

Residential Lands - lands intended to or devoted to the construction and establishment of dwellings.

Reversion - an act initiated by the State for the cancellation of void, illegal or spurious title and reverting the land into the mass of the public domain.

Sanitary Landfill - waste disposal site designed, constructed, operated and maintained in a manner that exerts engineering control over significant potential environmental impacts arising from the development and operation of the facility.

Scoping - Environmental Impact System (EIS) storage system where requirements for information and assessment are established to provide the proponent with a scope of work.

Segregation - solid waste management practice of separating different materials found in solid waste in order to promote recycling and re-use of resources and to reduce the volume of waste for collection and disposal.

Small-Scale Mining - mining activities that rely heavily on manual labor using simple implements and do not use explosives or heavy mining equipment.

Solid Waste Management - procedures associated with the control of generation, storage, collection, transfer and transport, processing and disposal of solid wastes in a manner that is in accord with the best principles of public health, economics, engineering, conservation, aesthetics and other environmental considerations that are likewise responsive to public attitudes.

Solid Waste - all biodegradable, non-biodegradable and discarded materials (excluding human excrements) including, but not limited to, food waste; rubbish; ashes; street cleanings; dead animals; abandoned vehicles; sewage treatments sludge in non-liquid form; incinerator ash or residue; commercial, industrial, hospital, funeral, and agricultural waste; and special wastes whether combustible or non-combustible such as paper, rags, cartoons, woods, tin cans, lawn clippings, glass or litter of any kind.

Standard or Limit - concentration of any contaminant which, in order to protect public health and welfare, shall not exceed at a particular region or zone, and, at a specified period of time, standards are enforceable and must be complied with by the owner or person in charge of an industrial operation, process or trade.

Sustainable Development - any development that meets the needs of the present generation without compromising the ability of the future generations to meet theirs.

Tree Farm - any small forestland or tract of land purposely planted to tree crops.

Watershed - land area drained by a stream or fixed body of water and its tributaries having a common outlet for surface runoff. Small watershed areas specifically refer to those that are identified by local governments or the proper agency as sources of water supply for particular local communities.

Wildlife - wild forms and varieties of fauna and flora at all developmental stages including those in captivity or being breed or propagated.

Zoning Ordinance - an ordinance which classifies, delineates, defines, designates different land uses in the city, requiring fees and imposing penalties.

Zoning - delineation/division of a city into functional zones where only specific land uses are allowed.

ARTICLE II - OBJECTIVES, MANDATE AND LEGAL BASIS

SECTION 1. OBJECTIVES OF THE CODE

The purposes of this Code are the following:

- a. To gather by reference in one code all national and local laws pertaining to the environment, which shall be referred to as the Environment Code for the information and guidance of the people of Bago City;
- b. To provide mechanisms for the implementation of environmental laws, at the local level, pursuant to the declared national policy of strengthening the local government unit;

- c. To enable the local government unit to be more responsive to environmental concerns within the framework of existing national policies and legislation;
- d. To strengthen the primacy of the City over the care, protection, and promotion of the environmental welfare of its territory, pursuant to the Local Government Code (RA 7160); and
- e. To provide a framework and install measures for the responsible use, management and regulation of our natural resources and environment in accord with the Code's operative principles towards sound and ecologically sustainable development.

SECTION 2. MANDATE

Pursuant to Section 16 of Republic Act No. 7160, otherwise known as the Local Government Code of 1991, the City "shall exercise the powers expressly granted, those necessarily implied therefrom, as well as powers necessary, appropriate or incidental for its efficient and effective governance, and those which are essential to the promotion of the general welfare of its constituents as enshrined in the 1987 Constitution." Within its territorial jurisdiction, the City shall ensure and support programs, policies and measures geared towards the promotion of health and safety, the enhancement of the people's lives in a balanced ecology, the encouragement and development of appropriate environment-friendly technologies, the improvement of public morals and social justice and the preservation of the comfort and convenience of its inhabitants.

SECTION 3. INTERNATIONAL TREATIES AND AGREEMENTS

Recognizing that the fight to save and promote the environment is a global concern, the City hereby recognizes international treaties and agreements on the environment to which the Philippines is a signatory.

These treaties and agreements include, but are not limited, to the following:

- a. Rio Declaration (U.N. Conference on Environment and Development) Local Authorities Initiatives in Support of Agenda 21. As local governments are closest to the people, they play an important role in educating, mobilizing and responding to the public to promote sustainable development;
- b. International Protocols to which the Philippines is a signatory under the United Nations Convention on the Law of the Sea (UNCLOS);
- c. Convention on Biological Diversity;
- d. CITES (Convention on International Trade in Endangered Species of Wild Fauna and Flora);
- e. Vienna Convention for the Protection of the Ozone Layer;
- f. International Tropical Timber Agreement of 1983; and
- g. Other treaties and agreements to which the Philippines is a signatory.

SECTION 4. STATEMENT OF LEGAL AUTHORITY AND INCORPORATION BY REFERENCE TO NATIONAL LAWS, RULES AND REGULATIONS ON THE ENVIRONMENT

The primary legal authority for this enactment is the Constitution of the Republic of the Philippines and RA 7160 otherwise known as the Local Government Code of the Philippines. These, as well as national laws, rules and regulations pertaining to the environment, especially those that affect the local government unit, are hereby adopted and incorporated into this Code by reference.

RA 460	Sawmill Law
RA 1239	Lumber Dealers Law

RA 2056	Act To Prohibit The Construction Of Dams, Dikes Or Any Other Works In Public Navigable Waters Or Waterways, To Regulate Works In Such Waters Or Waterways, And To Provide Penalties For Its Violations, And For Other Purposes
RA 6969	Toxic Substances and Hazardous and Nuclear Wastes Control Act of 1990
RA 7076	People's Small Scale Mining Act of 1991
RA 7161	An Act Incorporating Certain Sections of the National Internal Code of 1977, as amended, to Presidential Decree No. 705, as amended, otherwise known as the "Revised Forestry Code of the Philippines", and Providing Amendments Thereto by Increasing the Forest Charges on Timber and Other Forest Products
RA 7279	The Urban Development and Housing Act of 1992 - An Act To Provide For A Comprehensive And Continuing Urban Development And Housing Program, Establish The Mechanism For Its Implementation, And For Other Purposes.
RA 7586	National Integrated Protected Areas Systems Act
RA 7942	Philippine Mining Act of 1995
RA 8041	Water Crisis Act
RA 8435	The Agriculture and Fisheries Modernization Act of 1997
RA 8550	The Philippine Fisheries Code of 1998
RA 8749	Philippine Clean Air Act of 1999
RA 9003	Ecological solid Waste Management Act of 2000
RA 9147	Wildlife Resources Conservation and Protection Act
RA 9175	Chainsaw Act of 2002
RA 9275	Philippine Clean Water Act of 2004
RA 9379	The Handline Fishing Law (An Act Defining Handline Fishing Providing Effective Regulations Therefor and for Other Purposes)
RA 9512	National Environmental Awareness and Education Act of 2008 (An Act to Promote Environmental Education and for Other Purposes)
RA 9513	Renewable Energy Act of 2008 (An Act Promoting the Development, Utilization and Commercialization of Renewable Energy Resources and for Other Purposes)
RA 9729	Climate Change Act of 2009 (An Act Mainstreaming Climate Change Into Government Policy Formulations, Establishing the Framework, Strategy and Program on Climate Change, Creating for this Purpose the Climate Change Commission, and for Other Purpose)
RA 10068	Organic Agriculture Act of 2010 (An Act Providing for the Development and Promotion of Organic Agriculture in the Philippines and for other Purposes)
RA 10121	Philippine Disaster Risk Reduction and Management Act of 2010 (An Act Strengthening the Philippine Disaster Risk Reduction and Management System, Providing for the National Disaster Risk Reduction and Management Framework and Institutionalizing the National Disaster Risk Reduction and Management Plan, Appropriating Funds Therefore and for other purposes)

PD 296	Directing All Persons, Natural or Juridical, to Renounce Possession and Move Out of Portions of Rivers, Creeks, Esteros, Drainage Channels and Other Similar Waterways Encroached Upon by Them and Prescribing Penalty for Violation Hereof
PD 424	The National Water Resources Council
PD 602	National Oil Pollution Operations Center Decree
PD 705	Revised Forestry Code of the Philippines of 1975
PD 825	Providing Penalty for Improper Disposal of Garbage and Other Forms of Uncleanliness and for Other Purposes
PD 825	Garbage Disposal Law of 1975
PD 856	Code on Sanitation of the Philippines
PD 953	Authorizing the Head of Political Subdivisions to Authorize Cutting for Beautification and for Posing Danger of Life and Property
PD 979	Marine Pollution Decree of 1976
PD 984	National Pollution Control Decree of 1976
PD 1067	The Water Code of the Philippines
PD 1121	Creating the National Environmental Protection Council
PD 1151	Philippine Environment Policy
PD 1152	Philippine Environment Code
PD 1160	Vesting Authority in Barangay Captains to Enforce Pollution and Environmental Control Laws and Other Purposes
PD 1219	The Coral Resources Development and Conservation Decree
PD 1251	Imposing a Fee on Operating Mining Companies to be known as "Mine Wastes and Tailing Fee" to Compensate for Damages to Private Landowners and for Other Purposes
PD 1308	Regulating the Practice of the Profession of Environmental Planning in the Philippines
PD 1529	Property Registration Decree
PD 1586	Environment Impact Statement System
PD 1720	Amending PD No. 1251 Imposing a Fee on Operating Mining Companies to be known as "Mine Wastes and Tailing Fee" to Compensate for Damages to Private Landowners and for Other Purposes
PD 1899	Establishing Small- Scale Mining as a New Dimension in Mineral Development
EO 72, s. 1993	Reaffirmation of the specific provisions of R. A. No. 7160 on the need for each LGU to prepare the Comprehensive Land Use Plan and prescribe the review and approval process thereof.
EO 117, s. 1993	Establishing an Inter-Agency Task Force for Coastal Environmental Protection
EO 192, s. 1987	The Reorganization Act of the Department of Environment and Natural Resources

EO 240, s. 1995	Creation of the Fisheries and Aquatic Resource Management Council
EO 263, s. 1995	Community –Based Forest Management Strategy
EO 277, s. 1987	Amending Section 68 of Presidential Decree No. 705, as amended, otherwise known as the Revised Forestry Code of the Philippines, for the purpose of penalizing possession of timber of other forest products without the legal documents required by existing forest laws, authorizing the confiscation of illegally cut, gathered, removed and possessed forest products and granting rewards to informers of violations of forestry laws, rules and regulations
EO 291, s. 1996	Improving the Environmental Impact Statement System
EO 503, s. 1992	Rules and Regulations Implementing the Transfer to Concerned LGUs of Personnel, Assets and Records Pertaining to the Devolved Functions of National Government Agencies
DENR AO 37, s. 1996	Revising DENR Administrative Order No. 21, Series of 1992, To Further Strengthen the Implementation of the Environmental Impact Statement (EIS) System
DENR AO 78, s. 1987	Interim Guidelines on the Cutting/Gathering of Narra and Other Premium Hard Wood Species
DENR AO 97, s. 1988	Implementing Guidelines for ISF Programs
DENR AO 22, s. 1990	Mangrove Utilization Policies
DENR AO 59, s. 1990	Guidelines in the Confiscation, Forfeiture and Disposition of Conveyances Used in the Commission Of Offenses Penalized Under Section 68 of Presidential Decree No. 705, as amended by Executive Order No. 277, Series of 1987, and Other Forestry Laws, Rules and Regulations
DENR AO 3, s. 1991	Policy and guidelines for the Award and Administration of the Mangrove Stewardship Agreement
DENR AO 30 s. 1992	
DENR AO 2003-53 DENR AO 2003-41	Integrated Regulation on the Establishment and Operation of Wood Processing Plants
DENR AO 2004-59	Rules and Regulations Governing the Special Uses of Forestland
DENR AO 79- 90	Prescribing Rules in the Deregulation of Tree Harvesting, Transporting and Sale of Firewood, Pulpwood or Timber Planted in Private Land
DENR AO 2003-24	Implementing Rules and Regulations of Chainsaw Act 2002
DENR AO 41- 91	Guidelines Governing the Deputation of the Environment and Natural Resources Officer

DENR AO 2004-24	Revise Rules and Regulations Governing the Administration and Management of Foreshore Lands
DENR AO 30, s. 1992	Guidelines for the Transfer and Implementation of DENR functions Devolved to the LGU
DENR AO 23, s.1995 and DENR AO 40, s. 1996	Implementing Rules and Regulations of the Philippine Mining Act of 1995
DENR AO 99-57	Amending DENR Administrative Order No. 96-40- Revised Implementing Rules and Regulations of R.A. 7942
DENR AO 280	Allowing Pebble Picking Activity on Beaches through Cooperatives
DENR AO 2000-81	Implementing Rules and Regulations of Republic Act No. 8749
LOI No. 404	Directing the Secretaries of Agriculture, Natural Resources, Public Highways, Education and Culture, Local Government and Community Development and the National Defense as Regards their Role in Pursuance of the Beautification Campaign, Environmental Development and Anti-Pollution Program and the Tree Planting Campaign Launched by the Government All Over the Country
LOI No. 422	Creating an Inter-Agency Environmental Planning and Action Committee
LOI No. 551	Directing the Commissioners of National Pollution Control Commission, Land Transportation Commission, Chief of Constabulary and All Law Enforcement Agencies Concerned to Implement the Installation of Anti-Pollution Devices to All Public Utility and Government Vehicles
LOI No. 588	Designation of a Pollution Control Officer by All Entities Discharging or Emitting Pollutants
LOI No. 1260	Establishing the Integrated Social Forestry Program
LOI No. 1312	Mandates the Establishment and Development of Local Government Forest of Tree Parks All Over the Philippines
LOI No. 1179	Authorization of NEPC to Issue Environmental Compliance Certificate to Any Entity/Firm with the Requirements of EIS System
	Rules and Regulations Implementing the Intent and Provisions of PD No. 1586 Establishing the Environmental Impact Statement System in Relation to PD No. 1151 Promulgating the Philippine Environment Policy
PRC Res. No. 01, s 1997	Code of Ethics for Environmental Planners in the Philippines
Comm. Act No. 383	Act to Punish the Dumping Into any River of Refuse, Waste Matter or Substances of Any Kind Whatsoever that May Bring About the Rise or Filling in of River Beds or Cause Artificial Alluvial Formations
JMC No. 98-01 DENR & DILG	Implementation of Devolved Communal Forest – Manual of Procedures for DENR-DILG-LGU Partnership on Devolved and Other Forest Management Functions
DENR MC No.	Guidelines on the Cutting of Mangrove Trees Species Within Approved Foreshore Lease Agreement

5	(FLA) Area
JMC No. 2003-01 DENR & DILG	Co-Management of Watersheds and Other Areas-Strengthening and Institutionalizing the DENR – DILG-LGU Partnership on Devolved and Other Forest Management Functions
DENR MC No. 22	Cutting, Transport, Disposition of Premium Species Inside Private Lands
DENR MC 22, s. 1990	Mangrove Utilization Policies
DENR MC No. 7, s. 1991	Conditions Governing the Issuance of Mangrove Cutting Permit Within Approved FLA Areas and the Survey of Mangrove Areas for FLA Applicants
DENR MO No. 98-17	Banning the Further Zonification of Mangrove Forest for Fishpond Development and/or the Release of Mangrove Forestlands Previously Zonified as such

SECTION 5. INCORPORATION BY REFERENCE OF ALL LOCAL ORDINANCES REFERRING TO THE ENVIRONMENT

Local ordinances which may continue to be in force and effect upon the passage of this Code are hereby incorporated by reference. These include but may not be limited to the following:

- a. City Ordinance No. 95- 03 Series of 1995 – Ordinance prohibiting the throwing and dumping of garbage and other waste matters in government canals including irrigation canals within the City of Bago
- b. City Ordinance No. 96-006 Series of 1996 – Ordinance prohibiting the dumping of waste refuse , garbage, non –biodegradable objects and other waste materials in any place , in the street and other places not otherwise designated as dumping place and providing penalties thereof
- c. City Ordinance No. 02 Series of 2000 – Ordinance regulating smoking in public places in Bago City and imposing penalty for violation thereof
- d. City Ordinance No. 01 Series of 2001- Ordinance regulating fishing and /or fisheries in the City of Bago, Province of Negros Occidental , and for other purposes
- e. City Ordinance No. 05 Series of 2001 – Ordinance adopting the zoning regulations for the City of Bago, Negros Occidental and providing administration, and enforcement thereof
- f. City Ordinance No. 04-07 Series of 2004 – Ordinance requiring all lot owners to maintain cleanliness on their respective lots , free from junks, garbage and stagnant waters including their respective vacant lot, if any.
- g. City Ordinance No. 18 Series of 2005 – Ordinance providing for a city comprehensive solid Waste Management Program , Declaring Certain Acts prohibited and providing penalties therefor, and for other purposes
- h. City Ordinance No. 19 Series of 2006 – Ordinance establishing a fishery reserve within the municipal water of Bago City, Province of Negros Occidental , regulating all activities and imposing penalties for the violation thereof and for other purposes
- i. City Ordinance No. 30 Series of 2006 – Ordinance providing the guidelines for the registration of fishing vessels three (3) gross tonnage and below in the City of Bago, Province of Negros Occidental

- j. City Ordinance No. 31 Series of 2006 – Ordinance delineating the municipal water boundaries in the City of Bago, Province of Negros Occidental

SECTION 6. RULES IN INTERPRETING THE CODE

- a. **General Rule.** All words and phrases shall be construed and understood according to the common and approved usage of the language; but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to that peculiar and appropriate meaning.
- b. **Gender. Singular and Plural.** Every word in the Code referring to a natural person in general terms shall refer to all sexes; and every word importing the plural number shall extend and be applied to one person or thing as well as to several persons or things.
- c. **Person.** The word “person” shall extend and be applied to natural and juridical persons unless plainly inapplicable.
- d. **Tenses.** The use of any verb in the present tense shall include the future when applicable.
- e. **Shall.** The word “shall” as used in this Code is mandatory

CHAPTER II – SPECIFIC PROVISIONS

ARTICLE III - FOREST RESOURCES

SECTION 1. Policy Statement

The City recognizes the multiple-use of forest resources that requires proper management, use and regulation to sustain life and uplift the general well-being of every Bagonhon. The City shall exercise its authority over the barangays within its jurisdiction to ensure perpetual existence and abundance of forest resources.

To carry out the provision of this Code, the City shall empower the barangays by providing them forest management support and guidance specifically on innovative projects and local initiatives to be done in collaboration with National Government Agencies (NGAs) and institutions.

SECTION 2. Scope of Powers

The City shall exercise its powers, duties and functions pursuant to the provisions of Section 17 of R.A. No. 7160, P.D.No. 705 and DAO No. 30, Series of 1992, which provide for the guidelines governing the devolution of certain DENR functions, program and projects to the LGU.

The City shall implement regular reforestation projects, integrated social forestry programs, community based contract reforestation projects and locally based forest management programs in partnership with different stakeholders.

SECTION 3. Forest Resource Management and Development Framework

In coordination with the Department of Environment and Natural Resources (DENR), other concerned national government agencies (NGAs), and non-government organizations (NGOs), the City shall formulate the City Strategic Forest Resource Management Framework which shall reflect a collaborative initiative on the conservation, protection and sustainable development of forest resources.

SECTION 4. Regulation and Protection

The City shall ensure that all measures be taken to protect the forest and its resources from wanton abuse, destruction, depletion and impairment. Inter-agency effort shall be encouraged and, if necessary, institutionalized under the Office of the Mayor to provide the necessary direction for forest protection and law enforcement. To complement efforts to monitor, apprehend and prosecute violators of this Code and P.D. No. 705, as amended, the City shall undertake earnest efforts to have Bantay

Bukid Brigade and other local volunteers deputized by DENR as Deputy Environment and Natural Resources Officers.

The use of hunting paraphernalia within the City's territorial jurisdiction shall likewise be subject to permitting requirement, without prejudice to other permitting requirements imposed by existing laws.

In addition to the requirements of existing laws, the trade and transportation of flora and fauna shall be subject to a proper permit issued by the City.

SECTION 5. Forest Resource Development and Management

Pursuant to Section 17 of RA 7160, the City shall implement community-based forestry programs which include integrated social forestry, management and control of communal forests with an area not exceeding fifty (50) sq. kms. and the establishment of similar forest development projects.

The City shall adopt measures to sustain water productivity, conserve waterways, protect habitat and encourage research to generate livelihood for local residents and added revenues for the LGU .

Under this Code, all areas within the City with slopes of fifty (50%) percent and above and elevation of one thousand (1000) meters and above shall be delineated as Protection Forest including those areas declared as such under the NIPAS Law, except the Ancestral Domain, for permanent ecological purposes and shall be withdrawn from exploitation except for recreation and tourism.

ARTICLE IV- MINERAL AND QUARRY RESOURCES

SECTION 1. Policy Statement

The City recognizes the importance of mineral resources for growth and development, and the rights of the people to a safe and self-sustaining environment within the framework of responsible and sustainable exploitation, development and use. Its equitable, responsible and judicious use shall continue to be strictly regulated and monitored to prevent its ill-effects on rivers and embankments, enhance water quality and avert direct damage to coastal fishery due to siltation.

No person, corporation, partnership or government entity/instrumentality shall be allowed to take and dispose of minerals from public waters and public and private lands outside the limits prescribed by existing laws and without the necessary permit from appropriate agencies

Any person applying for a quarry permit from the Province and requiring a favorable resolution from the Sangguniang Panlungsod must secure a letter of endorsement from the City Environment and Natural Resources Office, attesting to the full compliance by the applicant of the pre-requisites for issuance of the permit.

SECTION 2. Scope of Powers

The City, in the exercise of its mandate, as provided for in Section 5 of DAO 96-40, as amended shall participate in monitoring activities within its jurisdiction. It shall intensify information and education on the environmental and economic considerations of mineral resource use and exploration.

SECTION 3. Imposition of Taxes and Administrative Fees

All applicants of Quarry and Mining Permit shall pay to the City Treasurer the proper amount as Quarry and Mining Environmental Users Fee prior to the issuance of the Sangguniang Panlungsod Resolution. Proof of payment shall form part of the requirements in the issuance of CENRO endorsement.

ARTICLE V- FISHERY RESOURCES AND COASTAL ZONE MANAGEMENT

SECTION 1. Policy Statement

- a. The City shall promote, conserve, protect and develop all its inland, coastal and marine waters including the resources contained therein. For this purpose, the City shall adopt an integrated

planning approach that will involve all sectors including concerned agencies, non-governmental organizations and other stakeholders.

- b. The City shall define its coastal zone and the resources therein for the preferential use of its residents subject to the limits of optimum sustainable yields as determined through continuing resource accounting and evaluation studies undertaken by the City, national government agency or scientific institution.
- c. The City shall implement a preventive and precautionary policy against industrial pollution of the coastal zone through the adoption of relevant laws against industrial wastes and effluent discharges to the sea and coastal areas and by ensuring that all industrial establishments within its jurisdiction shall be subject to Environmental Impact Statement System.

SECTION 2. Scope of Powers

The City, in the exercise of its powers, duties and functions as provided for in RA 7160, RA 8550 and other relevant laws, shall adopt adequate measures to safeguard and conserve fishery and coastal resources. The City shall strengthen inter-barangay cooperation and coordination with nearby municipalities and cities in installing mechanisms to monitor and assess the impact of development activities in the overall integrity of fishery resources.

SECTION 3. Integrated Coastal Zoning and Resource Management Framework

Within two (2) years after the effectivity of this Code, the City shall formulate the City Zoning and Management Plan towards a co-management approach between the City Government and the resource users working within the tenets of existing laws particularly in the institutionalization of the Fisheries and Aquatic Resources Management Council pursuant to R.A. No. 8550.

The plan shall focus on the definition and delineation of areas and resources, spell out the issues requiring serious attention and preferential treatment, and describe the necessary tools and strategies. It shall assume a multi-sectoral character to address the trans-boundary and multi-user conflicts besetting the City.

SECTION 4. Protection and Regulation

Generally, the provision of this Section anchors itself on the provisions of R.A. No. 8550 and its implementing rules and regulations. In addition to the powers, duties and functions set forth in Republic Act No. 7160, the City shall initiate measures, including the passage of ordinances, for the protection and regulation of fishery resources. Such measures shall emphasize the following:

- a. The designation of high sensitivity areas like estuaries and wetland that serve as breeding grounds and nursery grounds of commercially-important marine resources;
- b. The establishment of marine reserves and protected areas. Sanctuaries and marine reserves shall be a minimum of 10 percent of the total municipal waters as a basis for stock replenishment and to preserve biodiversity. The exact scope of and management plan for the sanctuary shall be declared in a separate ordinance;
- c. The prohibition of the gathering of corals, giant clams, spawning fishes and other endangered marine flora and fauna;
- d. The prohibition on the capture of dolphin, sea cow (dugong) and other endangered marine animals;
- e. The implementation of resource rehabilitation projects such as artificial reefs and mangrove rehabilitation and reforestation; and
- f. The tapping of local communities in resource management planning, management of resource conservation projects and adoption of participatory research.

SECTION 5. Preservation of Ecosystems That Support Coastal Resources

The following measures are hereby mandated to ensure that ecosystems in the coastal zone are conserved:

- a. The extraction of beach resources, such as mangroves, pebbles, sand, gravel, boulders and wood products is prohibited unless allowed under conditions set by national law;
- b. The enforcement of fishery laws through community-assisted multi-sectoral Task Force shall be intensified through the conduct of actual seaborne patrol operations, education of communities on the merits of fishery laws, encouragement of community's participation in peer pressure against violations and the deputation of fishery wardens;
- c. The construction of tourist facilities directly in the water's edge where such would result to the loss of breeding and nursery grounds of fishes is prohibited;
- d. The conversion of wetlands into fish farms shall no longer be allowed. The extraction of freshwater in coastal areas that may result in the intrusion of saline waters into the freshwater table shall not be allowed unless covered by adequate impact assessment studies; and
- e. The preparation of coastal land-use plans to attain a balance of development activities, infrastructure and ecological stability, strategies to reduce siltation from agricultural and denuded uplands, reduction in the rate of river sedimentation, zoning policies and strategies to contain the infringement of human settlements and industrial infrastructure in highly sensitive wetlands, and the development of environment-friendly tourism programs.

SECTION 6. Alternative Livelihood

The City shall initiate livelihood and diversification programs among coastal fisherfolk, recognizing the participation of women and out-of-school youth. Such programs shall be directed towards land-based opportunities as a respite from routinary fishing activities.

SECTION 7. Artificial Reefs and Mangrove Resources Management

The necessary legislative or executive measures shall be passed to implement resource rehabilitation projects such as the establishment of artificial reefs where fishing is prohibited, and mangrove rehabilitation and reforestation to recover nursery grounds for fishes.

SECTION 8. Measures to Mitigate Marine Pollution

Measures shall be undertaken in coordination with concerned agencies, to control the damage to coastal ecosystems by marine transportation such as the destruction of corals by anchors and attached chains, boat grounding on coral reefs, and waste disposal by ships and other transport vessel. The City shall devise measures aimed at promoting the concept of the resource user as steward responsible for coastal environment protection and for maintaining the coastal resource.

SECTION 9. Preventive Measures Against Marine Health Hazards

The City shall adopt preventive measures against marine health hazards. The City shall ensure that the coastal waters remain wholesome for its various uses, including recreational and food supply purposes. The City shall conduct continuing community education in this regard.

SECTION 10. Fishery Resource Management Fund

The funds for Fishery Resource Management shall be taken from the yearly Internal Revenue Allotment of the City Development Fund to support fisheries management activities.

ARTICLE VI- WATER RESOURCES

SECTION 1. Policy Statement

The City recognizes the primary importance of water in the well-being of Bagonhon and its responsibility in ensuring the conservation, protection and equitable appropriation of water resources for its constituents consistent with the order of preference adopted by the State as follows:

- (a) Domestic and municipal use;
- (b) Irrigation;
- (c) Power generation;
- (d) Fisheries;
- (f) Livestock raising;
- (g) Others.

SECTION 2. Scope of Powers

In the exercise of the powers, functions and responsibilities to regulate and monitor the exploitation and use of the water resources, the City shall:

- a. Ensure effective management, protection and maintenance of small watershed which are sources of local water supply;
- b. Conduct comprehensive study on hydrological mapping of water resources;
- c. Undertake immediate rehabilitation of critical watershed of irrigation systems;
- d. Implement measures for safe and adequate water supply; and
- e. Collect fees and charges to water users in accordance with Section 289 of RA 7160.

SECTION 3. Water Resources

Recognizing the need to provide safe water for its residents, the City shall undertake the following measures:

- a. The identification of water resources for domestic and municipal uses within its territorial boundaries;
- b. The inventory of water resources to include their physical characteristics, location and types to be maintained and updated by the City for future assessment and use;
- c. The determination of contaminated water resources such as the saltwater -intruded and chemical -contaminated areas as part of the environmentally affected areas;
- d. The establishment of a water budget on a periodic basis to determine water needs and potentials;
- e. The identification of the watershed within territorial limits and incorporation in the zoning plans; and
- f. The adoption of a long -range plan for water resources development.

SECTION 4. Water Supply Quality

The City shall ensure the health of its residents. Consequently, it shall adopt measures to prevent contamination of water supply and notify the general public in the event contaminated water has entered the system.

SECTION 5. Water Demand

- a. **Water Use.** In reference to the Water Code of the Philippines, the development of water resources shall consider the security of the State, multiple use, beneficial use, adverse effects and cost of development. The City shall adhere to this provision in the use of water resources within the City.
- b. **Heavy Users of Water.** Within its political boundary, the City shall identify the heavy users of either surface water or ground water (those consuming more than thirty (30) cubic meters per

month on a regular basis), including government-owned and controlled corporations, and shall determine on a periodic basis the rate of extraction and use. In allowing water concessionaires, or whenever the environmental welfare and safety of the City demands, the City shall take the following actions:

- (1) Require water users to attach water meters to water conveyance facilities and, in coordination with the local water district, compel them to report their water use to the City, within 30 days from formal demand;
- (2) Assess the extraction of water on the basis of resource use and apply appropriate charges based on economic rent policy, whether for the benefit of the City or the affected barangay;
- (3) Come up with an action plan to conserve water for every sector of water users in the City. Wastage, spills, leaks and seepage in water handling should be kept to minimum levels;
- (4) Monitor that water delivery from the existing water district be made efficient and non-revenue water (NRW) be minimized;
- (5) Require industrial and commercial users of water to come up with water recycling and reuse systems to minimize their consumption within 30 days upon formal demand by the City;
- (6) Coordinate efforts to draw up and identify means and ways to increase the reuse factor which will cut across the demands of sectoral users; and
- (7) Monitor that those issued permits to draw water by the National Water Resources Board (NWRB) shall not exceed the limits provided for in their Permit. Otherwise, cancellation or revocation of their Permit shall be initiated.

SECTION 6. Water Quantity and Quality Management

In close coordination with concerned NGAs and the Province, the City shall provide direction and technical assistance in so far as water quantity and quality management is concerned. The City, through an Executive Order, shall create the Water Resources Council (WRC) composed of the City Mayor or his representative as the Chairman, and representatives from NGAs, PAMB, local water district, City Legal Office, City Engineer's Office, City Health Office, City Planning and Development Office, City ENRO, Sangguniang Panlungsod Committees on Environmental Protection and Health, and the private sector as members, subject to existing laws. The function of the WRC shall encompass all water resources and other related undertakings. The City shall allocate funds to cause the council to become operational and effective.

SECTION 7. Water Classification and Use

Pursuant to the provisions of R.A. No. 9275, the City, in coordination with the Province, shall render its full support to and cooperation with the relevant and appropriate NGAs tasked with the classification of ground water sources and the classification and reclassification of water bodies within its territorial jurisdiction, to establish the present and future most beneficial use of waters.

SECTION 8. Integrated Water Resource Management Plan Formulation

In the observance of the Principle of Integration among diverse resource users, the WRC shall formulate a strategic water resource management plan for ecological inter-linkages between upland and coastal water ecosystems and watersheds.

SECTION 9. Watershed Area Establishment

Addressing concerns on the City's watershed in the areas of preservation, protection and rehabilitation, the City, in coordination with the Province and neighboring local government units, shall undertake the identification, zoning, legal description, mapping, and the passage of an appropriate ordinance to declare, set aside, maintain and develop water production areas as the City Watershed Areas including those watersheds already established unless expressly delimited by law. Within one (1)

year after the declaration, The City, in close collaboration with DENR, the Province, barangay councils, PAMB and the NGOs, shall study and review each watershed as to their peculiarities, characteristics, features, and boundaries to serve as basis for planning, management and decision-making.

SECTION 10. Protection of Public Water Infrastructure

The City recognizes all public water infrastructures as a primary service facility. The City shall identify and inventory these infrastructures particularly the water support facilities of the watersheds, and ensure its protection and preservation including strict adherence to the provisions on quarry operation pursuant to Section 79 (a), General Terms and Conditions of Republic Act No. 7942.

SECTION 11. Protection of Riverbanks, Foreshores, Easements, Greenbelts, and Right of Way

As prescribed by law, the City shall adopt adequate and necessary measures to establish clearance and greenbelts along riverbanks and seashore areas pursuant to P.D. No. 1067 and DAO No. 5, Series of 1997, which provides for easements on the banks of rivers, streams and shores of the sea throughout their entire length and within a zone of three (3) meters in urban areas, twenty (20) meters in agricultural areas, and forty (40) meters in forest areas along with their margins for public use. In addition, the Mayor, in coordination with the Governor, shall orchestrate the conduct of community-based forestry projects on these aforementioned areas.

No person shall construct any building or improvement within 3 meters in the city proper and 20 meters in agricultural areas - from the creek sides, river banks and similar waterways, or in violation of pertinent standards set forth by national law. Any natural or juridical person violating this provision shall be penalized with a maximum fine of P5,000.00 or imprisonment of one year or both at the discretion of the court.

SECTION 12. Soil and Water Conservation

The City shall tap assistance from the Province and relevant national agencies for the implementation of soil and water conservation techniques and community-based forestry projects to institute, improve and enhance soil and water conservation. Suppletory to this, revenue-generating initiatives alongside the implementation of soil and water conservation techniques shall be adopted to provide program sustainability.

Likewise, the City shall promote and advocate the application of organic farming techniques among farmers and strictly enforce the laws governing the use of prohibited agricultural chemicals including its disposal along bodies of water.

ARTICLE VII- INTEGRATED SOLID WASTE MANAGEMENT

SECTION 1. Policy Statement

It is the policy of the City to adopt a systematic, comprehensive and ecological solid waste management system which shall:

- a) Ensure the protection of public health and environment;
- b) Rationalize garbage collection and waste disposal system;
- c) Promote research and development programs for improved resource conservation and waste management using practical indigenous methods and techniques;
- d) Encourage resource conservation and recovery through reuse, recycling and recovery of wastes;
- e) Set guidelines and targets for solid waste volume reduction through source reduction and waste minimization measures such as composting, recycling, reuse and others;
- f) Encourage private sector participation in Solid Waste Management especially the business community, junk shop dealers, and individual households;
- g) Encourage cooperation and self regulation among solid waste generators through waste minimization and backyard composting practice;

- h) Enhance and promote the integrated program on waste management in every school curriculum towards increased awareness and action among the citizenry;
- i) Define specific responsibilities of the barangays and individual households in solid waste management particularly in the segregation, collection, treatment and disposal of generated solid waste;
- j) Change the traditional attitude and habits of the residents of the City regarding the management of solid waste;
- k) Adopt environmentally-sound methods and techniques that shall encourage resource conservation and recovery and maximize its use;
- l) Implement collection, segregation, treatment and disposal of waste in accordance with the best environmental practice excluding incineration;
- m) Source budget and allocation including valuation of resource use to support the costs of protection, regulation and rehabilitation relative thereof;
- n) Integrate social amelioration programs for scavengers and garbage collectors through alternative employment, skills training, education and others; and
- o) Provide for effective enforcement of this Code by establishing a cooperative effort among non-government organizations, the private sector, the academe and other local government units.

SECTION 2. Scope of Powers

In the exercise of the mandate of the LGU as provided for in RA 9003, the City shall establish a comprehensive solid waste management system which shall cover all concerned agencies, major stakeholders and residents.

SECTION 3. Integrated Solid Waste Management Framework

The City Solid Waste Management Board shall provide direction in the formulation, establishment and execution of an Integrated Waste Management Program consistent with the framework set by national agencies within one (1) year from the effectivity of this Code. The Program shall outline the basic and innovative provisions on integrated waste management including, but not limited to, the following:

- a. Source reduction of waste;
- b. Establishment of an integrated waste management system that shall include waste characterization, segregation, reduction or recycling treatment and disposal of generated waste;
- c. Regulation of waste generation, its treatment and control of waste pollution pursuant to the provisions of P.D. No 856;
- d. Institutionalization of structure and mechanisms with corresponding fund allocation including the promotion of research and innovations;
- e. Identification and establishment of a Material Recovery Facility in every barangay or cluster of barangays and a City sanitary landfill;
- f. Increase public awareness of the residents on wastes and its adverse effects on health through education, information and advocacy;
- g. The adoption of technologies for the treatment of waste water containing excess inorganic solids and/or other substances that are high in biological oxygen and/or capable of emitting unpleasant odor; and
- h. The inclusion of benefits and incentives program to encourage participation in responsible waste generation, control and reduction.

SECTION 4. Mandatory Segregation

All residents of the City, including transient visitors and those who conduct business within the City, shall segregate their solid wastes into three (3) kinds: biodegradable, recyclable/re-usable and hazardous/special wastes.

SECTION 5. Collection of Biodegradable and Reusable Wastes

The barangays shall collect biodegradable and reusable wastes. However, in residential areas where backyard composting is not possible, the barangays shall collect said biodegradable wastes for composting at the barangay composting center.

SECTION 6. Collection of Residual and Non- Reusable Wastes

The City shall collect non-recyclable materials, such as but not limited to sando bags, candy wrappers, cigarette butts, junk food wrappers and those similar in nature, and special wastes. Whenever possible, residual and non reusable wastes shall be collected at the barangay MRF.

SECTION 7. Schedule of Waste Collection

The Barangay Solid Waste Management Executive Officer shall prepare a schedule for collection of biodegradable and reusable wastes. He shall coordinate with the City Solid Waste Management Executive Officer as regard the schedule of the collection of residual and non-recyclable wastes.

Public information should be conducted at least one week before the implementation of any changes in the collection schedule.

No solid waste shall be placed outside the house, apartment, building, commercial or industrial establishment before the scheduled time and date for collection for such type of waste. This shall be deemed an act of littering and punishable under this Code.

The designated Public Market solid waste segregation and collection area shall be used exclusively by those doing business in the public market.

SECTION 8. Garbage Fees

A garbage fee shall be collected pursuant to the provisions of the city revenue code, incorporating therein the sharing scheme between the City and barangays.

SECTION 9. Establishment of the Material Recovery Facility

There shall be at least one MRF in every barangay. It shall have a composting area for biodegradable wastes and ecology center for recyclable materials.

SECTION 10. City Certification, Clearances and Permits

No person or entity doing business, activity or any undertaking shall be granted a certification or any license without first undergoing a Solid Waste Management orientation to be conducted by the CSWMB designated personnel.

The City Mayor shall have the authority to suspend, revoke or cancel any Certificate, license or permit issued by the City should the concerned person violate the provisions of this Ordinance without prejudice to other actions against the violator under this Code and applicable laws.

The person or business whose certification, clearance, license or permit was revoked for any violation of this Code, may have the same re-issued, after a certificate of compliance from the Office of the City Mayor and upon payment of the required fees.

Subject to the requirements of DENR and other concerned agencies, business establishments such as, but not limited to poultry (500 heads above), livestock (20 heads above), funeral parlor, cauldron and other aluminium industries, fish/crab processing, and all others similar in nature, a city resolution from the Sangguniang Panlungsod favorably endorsing the project shall be required prior to its establishment or operation.

SECTION 11. Incentives

To strengthen enforcement of the SWM provisions of the Code, incentives shall be given to the barangay and the apprehending Eco-enforcers, to wit:

- a. Thirty percent (30%) of collected fees from a barangay shall go to that same barangay where apprehensions have been made;

- b. Thirty percent (30%) of collected fee from a violator shall go to the apprehending Eco-enforcer.
- c. Forty percent (40%) thereof shall be remitted to the City Government and will be deposited in a special account for solid waste management.

ARTICLE VIII- HAZARDOUS AND TOXIC MATERIALS

SECTION 1. Policy Statement

The City shall encourage, initiate, provide direction and extend technical assistance towards the minimization and reduction in the use of hazardous and toxic materials in order to lessen their impact on public safety, health and the fragile environment.

SECTION 2. Scope of Powers

In the exercise of its inherent powers, the City in close coordination with the Department of Environment and Natural Resources shall promote public safety and protect the environment through education awareness on the effects of toxic materials.

The City shall likewise undertake monitoring of establishments that are manufacturing and distributing chemical substances.

SECTION 3. Operation of Gasoline Station

All gasoline and filling stations located in the city shall install oil and water separation facility including facilities in the storage of used oil and grease into sealed receptacles. All these are mandatory-preconditions before the issuance of business permits by the City.

These stations shall ensure that their storage tanks, whether under or above ground, are always in good and safe condition by undertaking, among others, periodic maintenance and monitoring of fugitive effluents.

The station operators shall ensure the safety from fire and explosion hazards of their respective facilities by installing appropriate signage for the general public and by attaching proper gadgets and devices to prevent gaseous or fume emissions.

SECTION 4. Manufacture of Toxic and Other Chemical Substances

All business establishments engaged in the manufacture, processing and use of chemical substances shall submit to city authorities a comprehensive occupational safety and hazard mitigation program which will consider conditions within its complex and immediate vicinities. The Sangguniang Panlungsod, upon recommendation by the City ENRO in coordination with concerned agencies, shall promulgate the necessary safety procedural guidelines and regulations in chemical handling within the City.

SECTION 5. Quarterly Inspection of Those Engaged in Chemical Manufacturing

All businesses engaged in chemical use and manufacturing shall be subjected to a quarterly inspection by the City ENRO to ensure compliance of safety measures and appropriate procedures. However, if public safety so requires, the City authorities should conduct on-the-spot inspections.

SECTION 6. Disposal of Bio Medical Wastes

All hospitals and clinics both private and public, and other health establishments shall dispose of their bio-medical wastes in accordance with the duly approved practices and technologies of the City Health and Environment Offices, and other applicable laws.

SECTION 7. Limitations on Production Capacity

All industrial, manufacturing and similar business establishments shall operate only within the capacity limits of their respective waste treatment facilities in order to maintain the quality of the environment within the standards required by the City Government.

SECTION 8. Pesticides and Farm Chemicals

All users of pesticides and other farm chemicals in the farms, plantations and other places shall observe precautionary measures in handling, applying, storage and disposal as well as safety practices as indicated in the labels of the chemicals and instructions of farm technicians.

SECTION 9. Pyrotechnics

The manufacture, sale, use, transport and handling of pyrotechnics shall be governed by existing Ordinances and other applicable laws.

ARTICLE IX- AIR AND NOISE POLLUTION MANAGEMENT

SECTION 1. Policy Statement

The City shall work with NGAs to anticipate, regulate and prevent the debase of air quality caused by contaminants that threaten and endanger the health of every Bagonhon. The City shall also undertake the necessary precautionary and preventive measures to ensure the maintenance of ambient air quality and prevent the continued degradation of air quality within its territorial jurisdiction based on available resources, information and technical support to achieve such level of a standard quality of air as prescribed by the DENR.

SECTION 2. Scope of Powers

In the exercise of the powers granted to the local government unit, the City shall take responsibility in the management and control of air, noise and other forms of nuisance as provided for in RA 8749 and DAO No. 30.

SECTION 3. Integrated Air Quality Management System Set-Up

In coordination with DENR, Department of Transportation and Communication, and other major stakeholders, the City shall formulate and implement an integrated air quality act management system consistent with the National Ambient Air Quality Guidelines.

SECTION 4. Establishment of Ambient Air Quality Regulation, Compliance and Rehabilitation

Consistent with the provisions of R. A. No. 8749 and other relevant regulations, the City shall ensure observance of emission limitations for regulated air pollutants to help attain and maintain the ambient air quality regulation, compliance and rehabilitation. The City shall allocate funds for the acquisition of required equipment, the training of personnel as part of capability-building and the development and enforcement of systems for the maintenance of the City's ambient air quality including reduction measures on carbon dioxide and ozone layer-depleting substance emissions.

The City ENRO, in coordination with DENR, shall conduct an annual inspection of industrial facilities, including equipment emitting potential air pollutants, to ensure that such establishments are complying with the prescribed standards on air quality.

SECTION 5. Fugitive Particulates

The City shall ensure the non emission of fugitive particulates from any source whatsoever, including but not limited to vehicular movement, transportation of materials, construction, alteration, demolition or wrecking, or industry-related activities such as loading, storing or handling without taking reasonable precautions to prevent such emissions. In line with such precautions, the following are hereby adopted:

- a. Covering of open loaded trucks transporting materials likely to give rise to airborne dust, odor and other fugitive particulates.
- b. Treatment or removal of all air pollutants, e.g. dust, fumes, gases, mists, odorous matters or vapors or any combination thereof prior to discharge into the open air.

- c. In case of building construction or demolition, quarrying operations or clearing of land, precautions shall be carried out to ensure that fugitive dust remain within the premises of the activity conducted.

SECTION 6. Adoption of Best Available Control Technology

The City shall adhere to the adoption of the Best Available Control Technology that passes through stringent process of consultation with the approval of EMB-DENR. In collaboration with DENR, the City shall ensure compliance with air quality standards through periodic emission testing and monitoring.

SECTION 7. Establishment of Ambient Air Quality and Noise Level Monitoring

The City, in collaboration with DENR, shall establish, operate and maintain noise and ambient air quality sampling and monitoring station. The result of the monitoring shall be released to the public, particularly to communities living near and around emission sources.

SECTION 8. Noise Reduction Measures

To protect the general public from nuisance caused by excessive noise, the City shall, under this Code and after consultations with DENR and the local community, establish standard limits for noise pollution and set measures for noise reduction at source, as may be appropriate. Forming part of the processing of zoning clearances and building permits, the City shall evaluate noise-generating potential of infrastructure projects. All projects that generate potential noise and vibration levels contrary to ambient noise level standards set by the Department of Health shall be required to install soundproofing devices and eliminate vibration.

The Sangguniang Panlungsod shall pass an ordinance setting the noise and vibration standards for both mobile and stationary devices such as vehicles, pub houses, restaurants, construction and digging equipment, karaoke bars, amusement parks, stationary engines and factories. For vehicle-congested areas, the City shall, likewise, ensure the establishments of greenery buffers between such areas and residential sites.

SECTION 9. Measures Against Offensive Odor

The City shall adopt measures for the abatement or reduction of offensive odor from the source by ensuring compliance to provisions of the duly-issued ECC including the practice of proper hygiene and sanitation as provided under P.D. No. 825, P.D. No. 856 and R.A. No. 9003.

SECTION 10. Development of a City Energy Program to Reduce Emissions of Carbon Dioxide and Other Greenhouse Gases

The City shall exert effort to contribute towards the elimination of global warming. In coordination with the Environmental Management Bureau (EMB) of the DENR, the City shall develop a City Energy Program which will regulate gas emissions from industries, the use of chemical fertilizers, burning of timber and crop residues and burning of fossil fuels within its territorial limits.

SECTION 11. Reducing Emissions of Substances That Deplete the Ozone Layer

Pursuant to the Montreal Protocol where the Philippines is a signatory, the City adopts some of its relevant provisions, to wit:

- a. All citizens in the City are discouraged from using aerosols with CFC content, e.g. spray nets, pesticides, fertilizers, etc.;
- b. Refrigeration and air-conditioning shops, including factories and manufacturing entities shall be required to institute measures to avoid the release of CFCs directly into the atmosphere;
- c. Yellow fire extinguishers containing halons are banned in the City of Bago.

SECTION 12. Smoke Belching

The City shall strictly enforce an Anti-Smoke Belching Program to prevent the excessive emission of pollutive particles from motor vehicles and to ensure that the citizens enjoy clean air. To achieve these objectives, the following measures are promulgated:

- a. Public utility vehicles applying for Business Permit from the City should undergo an anti-pollution test and secure a clearance from the City ENRO;
- b. To achieve the acceptable standard of vehicle emissions, the City shall encourage the use of catalytic converters in all vehicles especially diesel-powered engines;
- c. As part of Anti-Smoke Belching Program, the City shall periodically conduct a road-side (on-site) anti-smoke belching test for motor vehicles.

SECTION 13. Noise Pollution

The City, in coordination with DENR and other stakeholders, shall set standards for noise reduction at the source as may be appropriate for the following:

- a. Construction;
- b. Vehicles, mufflers, stereo system;
- c. Pub houses, restaurants and karaoke bars;
- d. Public gatherings such as concerts, rallies, etc.;
- e. Noise emanating from generators; and
- f. Purok and barangay fiestas and other related activities.

ARTICLE X – LAND RESOURCES

SECTION 1. Policy Statement

The City shall ensure the well-being of its residents through efficient and sustainable use and management of land resources by providing for the protection of the rights of local communities to its judicious use and development.

SECTION 2. Scope of Powers

The City shall adopt measures to safeguard and conserve land resources as provided in R.A. No. 7160. Because land resources play a vital role in ecological balance, sanitation, hygiene and human productivity, the City emphasizes its use based on the provisions of existing laws.

SECTION 3. Land Use

The City shall update its Comprehensive Land Use Plan and improve land use planning mechanisms.

SECTION 4. Land Resource Management

Land use guidelines shall be formulated primarily on the basis of land conservation, protection, and preservation, with focus on the following:

- a. The management of watersheds, ecosystems and biodiversity;
- b. The protection of people from environmental hazards;
- c. The enhancement of land productivity and sustainability; and
- d. The institution of data-banking and monitoring systems.

SECTION 5. Reclassification of Agricultural Lands

The City may reclassify agricultural lands which ceased to be economically feasible or sound for agricultural purposes as determined by the Department of Agriculture or the City Agriculturist and, provided further that the Land Use Committee favorably endorses the reclassification.

SECTION 6. Urban Resettlement Areas

The City recognizes its social and moral responsibility towards maintaining sanitary conditions in human settlements. The City shall ban squatting on roadside and along flood-prone waterways and similar areas .

SECTION 7. Tree Parks

The City shall set up its own tree parks. It may enter into joint undertakings with its component barangays or with private entities or persons in the setting up, maintenance and improvement of such parks and subdivision developers shall reserve space for such purpose. The City shall use vacant lots for the greening of the community.

SECTION 8. Greenbelt Areas

Every barangay and school shall designate and maintain certain areas as greenbelt areas. Other areas may be designated by the City as such. For purposes of this Code, a "greenbelt" area is any area characterized by wide open spaces, predominated by plants, trees or flowers. The Sanggunian may enact an ordinance to further develop and implement this concept.

SECTION 9. Encouragement of Organic Agriculture

The City shall promote and develop environmentally sound and economically viable agricultural production technologies for both lowland and upland preferably organic diversified and integrated agriculture. The City shall provide support and incentives to farmers practicing sustainable organic agriculture.

SECTION 10. Creation of the Land Use Committee

There is hereby created the Land Use Committee in the Office of the City Mayor, as follows:

a. Composition

Chair: City Mayor or his duly authorized representative

Members:

- A representative of the SP, to be chosen by the SP
- The City Planning and Development Officer
- The City Assessor
- A representative from a duly-accredited NGO engaged in environment work
- The City ENRO
- The head of the City General Services Office
- A Land Use or Urban Planning Expert from the Private Sector, to be chosen by the Mayor
- Zoning officer/deputized zoning administrator
- City Agriculturist
- City Engineer

b. Functions

The Land Use Committee shall have the following functions:

- a. Assist in the planning and implementation of the City's environmental policies;
- b. Promote an integrated approach to the planning and management of land resources;
- c. Disseminate and publish the Land Use Plan, Zoning Ordinance and rules and regulations pertaining to land use;
- d. Conduct research and management studies;
- e. Provide information on recent developments in land use policies;
- f. Monitor compliance of land use ordinances, policies, requirements and similar matters;
- g. Recommend imposition of fines and penalties on violations committed against land use ordinances;
- h. Monitor and evaluate the demographic dynamics of the city such as trend in population, settlements, economic activities from the urban to suburbs of the city and its effects upon land use and the environment.

ARTICLE XI- ORGANIZATION

SECTION 1. Policy Statement

It is the policy of the City to identify and institutionalize the roles and responsibilities of environmental stakeholders to ensure sustainable environmental interventions towards the attainment of a conserved, protected and rehabilitated environment. Within two years, the City shall create the City Environment and Natural Resources Office (City ENRO), subject to existing DBM and CSC rules and regulations, to take charge of all the environmental programs as provided for in this Code.

SECTION 2. Scope of Powers

The City ENRO shall manage the environment in his political and territorial jurisdiction cognizant of the territorial powers and authority vested upon the LGU by the 1987 Constitution, R.A. No. 7160 and in accordance with existing laws.

The City ENRO shall be the main implementor of all environmental programs of the City, shall monitor and represent the City in the multi-partite monitoring of compliance with and enforcement of environmental laws and ordinances, recommend measures or legislations when needed, maintain a data bank according to the respective fields or areas of concern of the environment and assume other functions as may be imposed by this Code and other legislations.

SECTION 3. Powers and Functions of the City ENRO

The City Environment and Natural Resources Officer shall exercise such powers as mandated by Section 484 of RA 7160 as follows:

- a. Formulate measures for the consideration of the Sanggunian and provide technical assistance and support to the mayor, in carrying out measures to ensure the delivery of basic services and provision of adequate facilities relative to environment and natural resources services;
- b. Develop plans and strategies on environment and natural resources programs and projects and implement them upon approval thereof by the mayor;
- c. Establish, maintain, protect and preserve communal forests, watersheds, tree parks, mangroves, greenbelts and similar forest projects and commercial forest, like industrial tree farms and agro-forestry projects;
- d. Provide extension services to beneficiaries of forest development projects and technical, financial and infrastructure assistance;
- e. Manage and maintain seed banks and produce seedlings for forests and tree parks;
- f. Provide extension services to beneficiaries of forest development projects and render assistance to natural resources-related conservation and use activities consistent with ecological balance;
- g. Promote small-scale mining and utilization of mineral resources;
- h. Coordinate with government agencies and NGOs in the implementation of measures to prevent and control land, air, and water pollution with the assistance of DENR;
- i. Be in the frontline of the delivery of services concerning the environment and natural resources, particularly in the renewal and rehabilitation of the environment during and in the aftermath of man-made and natural calamities and disasters;
- j. Recommend to the Sangguniang Panlungsod and advise the Mayor, on all matters relative to the protection, conservation, maximum utilization, application of appropriate technology, and other matters related to the environment and natural resources; and
- k. Exercise such other powers and perform such other duties and functions as may be prescribed by law or ordinance.

CHAPTER III – SPECIAL PROVISIONS

ARTICLE XII- BIODIVERSITY CONSERVATION, ECOTOURISM, PRESERVATION OF HISTORICAL STRUCTURES AND RENEWABLE ENERGY

SECTION 1. Biodiversity Conservation

The City shall prioritize biodiversity protection and rehabilitation. Measures shall be undertaken for this purpose, including the provision of extension and on site research services and facilities related to water and soil resource use and conservation.

The City ENRO in coordination with PEMO and PENRO shall conduct identification and inventory of critical watersheds, environmentally critical areas, bio-diversity areas, and important wildlife habitats subject to further evaluation and assessment towards priority considerations for protection and rehabilitation efforts and initiatives. The Mayor, through the Sangguniang Panlungsod, shall allocate funds for this purpose.

The conservation efforts shall consider the following:

- a. The protection, conservation and rehabilitation of watershed, environmentally critical areas and existing and remaining wildlife habitat;
- b. The banning of extraction, cutting, possession and transport of endangered and important flora and fauna; and
- c. The establishment of seed banks and nurseries.

SECTION 2. Ecotourism

The City shall adopt ecological tourism as a major environmental policy. The City shall prioritize equitable distribution of benefits derived from the use of resources and hereby establishes a local community entrepreneurship system in the operation and management of eco-tourism sites.

The City shall adopt measures to ensure that local communities within eco-tourism sites are not deprived of opportunities for gainful livelihood and generation of city revenues. It shall, among others, consider the following:

1. The formulation and implementation of the City Eco-Tourism Program which shall include the identification of eco-tourism sites, eco-tourism zones and areas, its appropriate type of development and management. The program shall consider environmental rehabilitation, economic viability, community participation and infrastructure investment requirement;
2. The passage of appropriate legislations such as, but not limited to, the regulation and control of the number and frequency of visitors, site protection, on-site pollution control measures, law enforcement, and provision of proper visitor services, amenities and facilities;
3. The conduct of regular dialogue, consultation and public hearing to gain support for the success of the entire Eco-tourism Development Plan of the City and ensure participation of major stakeholders. Monitoring, evaluation and assessment together with NGAs, NGOs, and POs shall be undertaken for the purpose; and
4. The creation of the Tourism Board to ensure proper management of the City's Eco-tourism.

Including but not limited to, the following are considered the tourism sites of Bago City:

- a. Rafael Salas Park and Nature Center;
- b. Buenos Aires Mountain Resort;
- c. Bago River;
- d. Taloc, Calumangan, Sampinit and Poblacion Mangrove Areas;
- e. Bantayan Park;
- f. Bago City Eco-center;
- g. Kipot Twin Falls;
- h. Balay ni Tan Juan;
- i. St. John the Baptist Roman Catholic Church;
- j. Divine Mercy Shrine;
- k. Tan Juan monument, historical markers, Ruins of Quezon bridge;
- l. Quiet Place;
- m. Old Ma-ao Sugar Central Mill;

- n. Pataan Falls;
- o. Hidden Valley;
- p. Mount Kanlaon Natural Park;
- q. Crocodile Farm; and
- r. Hda. Rosarito Bird Sanctuary.

SECTION 3. Preservation of Historical Structures

The preservation of historical buildings and relics is a primary concern of the City. No public or private buildings and structures within the City sixty (60) years old or more, and selected or identified by the City shall be demolished or remodelled without prior approval of the City.

SECTION 4. Renewable Energy

The Code recognizes the importance of electric power to promote the development of the City. This must be pursued in a manner that will not degrade the state of the environment. The development of renewable sources of power shall be encouraged. Should the capacity of renewable power sources become adequate to meet power demands, the decommissioning of non-renewable sources shall be programmed such that the City become one hundred percent (100%) renewable.

Within one (1) year from the effectivity of this Code, the City shall prepare a map of potential renewable energy sources. A renewable energy development plan shall identify the areas and communities that can be serviced adequately by renewable energy sources.

ARTICLE XIII- OTHER ENVIRONMENT AND HEALTH RELATED PROVISIONS

SECTION 1. Public and Private Markets

The provisions on cleanliness and sanitation in PD 856 are hereby incorporated into this Code and are made applicable to the markets of Bago City.

SECTION 2. Slaughterhouses

All slaughterhouses shall be equipped with appropriate and adequate disposal facilities and disinfection system.

SECTION 3. Funeral Parlors

All funeral parlors shall dispose of their wastes according to law and health standards.

SECTION 4. Cemeteries and Crematorium

There shall be permanently appointed cemetery caretakers to see to it that the cemetery should be used exclusively for the interment of bodies and due respect to the dead. In view of the scarce land resources, the establishment of a city crematorium shall be studied for inclusion in the city development plan.

SECTION 5. Cell Sites

The construction of cell sites shall be governed by existing laws and regulations. Any Barangay Resolution endorsing the project must be endorsed favorably by the Sangguniang Panlungsod. No cell site shall be constructed unless the requirements of initial environmental examination are complied, and an approved ECC as required by law are complied with.

SECTION 6. Climate Change and Disaster Risk Reduction

The City shall formulate and implement Climate Change and Disaster Risk Reduction Program consistent with the provisions of the Local Government Code, the United Nations Framework on Climate Change and National Climate Change Action Plan. The development and implementation of the City

Climate Change and Risk Reduction Program shall be in coordination with national government agencies, local disaster coordinating council, and civil society organizations.

ARTICLE XIV- EDUCATION, ADVOCACY, PUBLIC CONSULTATION AND OTHER SUPPORT MECHANISMS

SECTION 1. Environmental Assessment

The City will promote the environment friendly activities of business, industry and settlements in the urban and suburbs as far as infrastructure and social services are concerned. Consequent hereto:

- a. It shall ascertain that any proposed project needing the approval of the City or requiring the issuance of permit will not cause undue harm to the environment;
- b. When necessary, inspection of business sites and premises shall be conducted to determine the preservation of the environment.; and
- c. The proponent of any proposed project shall be required to submit an Environmental Compliance Certificate (ECC), or a Certificate of Non-Coverage as the case may be, before issuance of any permit, whether building, mayor's or any other permit for projects that may have an effect on the environment.

SECTION 2. Environment Education, Advocacy and Public Consultation

Preserving and protecting the environment is crucial not only for the welfare of the people but for their survival as well. The City will institute a sustainable program of public information and education for the environment. The program shall educate the Bagonhon on environmental protection, preservation and promotion and provide a mechanism for information dissemination and public support for the environmental programs of the City.

The Office of the City Mayor shall create a committee to implement this particular provision of the Code, with a representative from the Committee on Environmental Protection of the Sangguniang Panlungsod.

Likewise, adequate information gathering, dissemination and advocacy including institutional coordination shall be undertaken by the City to sustain resources management planning and dynamic policy formulation.

The City shall appropriate the amount of at least Two Hundred Thousand Pesos (P200,000.00) a year out of its General Fund for the implementation of the Public Information and Education Program. The use or disbursement of said fund shall be pursuant to a program of work duly approved by the Sangguniang Panlungsod.

There shall be a mandatory integration of environmental conservation, protection and regeneration topics in the pre-school, elementary, high school and college curricula and non formal education in all schools and training centers within the City. As such, the City shall coordinate with the administration of all educational institutions in the City and the appropriate government agencies for the purpose.

SECTION 3. Institutionalization of Annual Public Update and Consultation

Annual public update and consultation shall be undertaken as follows:

- a. At least once every year, preferably at least two months before the start of the budget process, the City ENRO and the Sangguniang Panlungsod, through its Committee on Environmental Protection, shall conduct a consultative meeting, assembly or workshop for the purpose of assessing the progress and direction of the environmental program of the city, as well as to recommend new measures.
- b. The inputs of the consultation shall be integrated into a consolidated and systematized Environment Plan for the City, to be submitted to the Office of the City Mayor and the Sangguniang Panlungsod for appropriate action.
- c. An annual budget of at least P50,000.00, separate from the Public Information Education Program Fund shall be set aside for purposes of funding the consultative assembly mentioned herein.

SECTION 4. Environmental Monitoring and Evaluation System

In order to measure achievement of goals and objectives, the City shall establish an Environmental Monitoring and Evaluation System which shall ensure a systematic and reliable means of data generation for the various environment concerns. It shall measure changes in environmental status, identify adverse environmental trends and crisis areas, recommend solutions, assess the implementation of the environment programs and suggest measures to make the programs relevant.

SECTION 5. City Environment Information Management System

The City shall establish and maintain a City Environment Information Management System (CEIMS) to support all environment-related activities of the City, civil society and private organizations. The CEIMS shall be formulated and approved by the Sangguniang Panlungsod, within one year from the effectivity of this Code. The system shall adopt the latest appropriate technologies, including, but not limited to, Global Positioning System (GPS) and Geographic information System (GIS,) in gathering, storing, analyzing, and displaying information on the environment. While primarily funded by the City, the system can tap the resources and expertise of other organizations through partnerships and other collaborative mechanisms. The City shall tap technical assistance from the Province in developing and enhancing its environment information system.

Within two (2) years from the effectivity of this Code, CEIMS shall have established a baseline data complying with other provisions of this Code on the state of the environment. Every three years thereafter, an annual assessment and a three-year audit shall be conducted and a comparative report prepared using advanced technologies to present the state of the environment to the people of Bago City.

ARTICLE XV- PENAL PROVISIONS

SECTION 1. General Provisions

Punishable acts or omissions relating to the environment shall be punished according to the order of preference outlined herein:

1. If an act or omission is defined and punished by a particular ordinance governing a specific area or aspect of the environment enacted prior to this Code, and by this Code at the same time, that which imposes the lighter penalty shall be applied, except in cases where a repeal by this Code of said earlier ordinance is clear or is necessarily implied, in which case, the provisions of this Code shall be applied;
2. In case the act or omission is defined and punished by an ordinance subsequent to this Code, and a repeal is expressed or is necessarily implied, the penal provisions of the subsequent or latter ordinance shall prevail; however, in case a repeal is not clear, that which imposes the lighter penalty shall be applied; and
3. In case the violating party is a juridical personality, the imposition of pertinent or applicable penalties on the officers thereof shall conform to the principles laid down in this Code.

SECTION 2. Forest Resources (Art. III)

This Code punishes the following prohibited acts:

1. Cutting, harvesting or transporting of trees in any public or private land without a permit issued by the proper agency;
2. Excessive, wanton and indiscriminate cutting of trees in any public or private land even though equipped with a permit issued by the proper agency;
3. Trafficking, including trade and transportation, of flora and fauna unless expressly issued the necessary permit by the DENR, Province and the City including the hunting and/or gathering of endangered species or unless allowed by existing laws;

4. Collecting, impairing, hunting or possessing any plant, animal or other forest product, living or non-living, considered threatened, vulnerable, critically-endangered or extinct, pursuant to existing laws;
5. Using of unregistered or unlicensed power saws/ chainsaws and similar tree-felling equipment ;
6. Use of any unregistered or unlicensed hunting equipment or paraphernalia such as, but not limited to, air guns, shotguns and the like;
7. Igniting, causing to ignite or maintaining any open fires especially in forested areas except as expressly allowed by law;
8. Using of motorized transportation, either gratuitously or for a fee of any forest product without the proper documents required by law, the liability for which shall be imposed on the registered owner and driver of the motor vehicle;
9. All other acts and omissions expressly prohibited by existing laws, rules and regulations or constituting violations thereof; and
10. The imposable fines and penalties of the foregoing prohibited acts and omissions shall be governed by existing laws, regulations and ordinance applicable or related to forest and its resources. For prohibited acts and omissions not covered and/or penalized by existing laws, the penalty shall be a fine not less than Php 2,000.00 but not more than Php 5,000.00 or an imprisonment of not less than six (6) months but not more than one (1) year or both at the discretion of the court.

SECTION 3. Mineral and Quarry Resources (Art. IV)

Prohibited and punishable acts enumerated in Sections 77 and 78 of the Provincial Tax Ordinance No. 2001-001 are hereby adopted as integral provisions of this Code.

SECTION 4. Fishery Resources and Coastal Zone Management (Art. V)

The provisions of Section 34 of the Provincial Environment Code of Negros Occidental are hereby adopted as integral provisions of this Code.

Specific provisions covered by the existing City Fishery Ordinance and all other ordinances related thereto, which are not incorporated herein, shall be governed by the said ordinance.

SECTION 5. Water Resources (Art. VI)

Any act, activity or form of endeavor without appropriate permit or ECC considered detrimental, hazardous, toxic, pollutive or debasive to water qualities including those that reduce or cause to reduce, stop, hamper, deviate or monopolize water supply or quantity inconsistent with the provisions on Water Resources of this Code shall be prohibited unless expressly allowed by law.

Except for those drilling wells for domestic or municipal use, no person, whether juridical or natural, shall drill a well without securing a favorable endorsement from the Sangguniang Panlungsod, after submission of proof of public hearing as to its social acceptability through a barangay resolution and pursuant to Sec. 26 and 27 of the Local Government Code in relation to Section 17 thereof. A violation of this provision shall be penalized with a fine of P5,000.00 or imprisonment of one year_ or both at the discretion of the court.

The penal provisions of P.D. No. 1067, R.A. No. 8550 and R.A. No. 9275 are hereby adopted and form an integral part of this Code. For prohibited acts and omissions not covered and/or penalized by existing laws, the penalty shall be a fine not less than Php2,000.00 but not more than Php5,000.00 or an imprisonment of not less than six (6) months but not more than one (1) year or both fine and imprisonment at the discretion of the court.

SECTION 6. Integrated Solid Waste Management (Art. VII)

The provisions of Article 8, Section 23 of City Ordinance No. 18, Series of 2005 enumerating the prohibited acts are hereby adopted as integral provisions of this Code.

Any act done in violation of Article VII hereof may be settled administratively with the apprehending barangay and shall subject the offender(s) to the following administrative fines:

1. For individuals, vendors, market stalls, sari-sari stores, churches and residential houses, trisikads, tricycles, peddlers and the like

First Offense	-	P50.00 fine
Second Offense	-	100.00 fine
Third and succeeding Offenses	-	300.00 fine

and one day seminar on SWM for the first and second offenses and imprisonment on the third and succeeding offenses of one day to five days at the discretion of the court.

2. For eateries, carenderias, dress/tailoring shops, parlor/beauty shops, bakeshops, schools, KTV, jeepneys, private vehicle, agricultural plantation owners and the like

First Offense	-	P100.00 fine
Second Offense	-	200.00 fine
Third and succeeding Offenses	-	500.00 fine

and one day seminar on SWM for the first and second offenses and imprisonment on the third and succeeding offenses of five days to 10 days at the discretion of the court.

3. For offices (public or private), drugstores, pharmacies, public or private clinics, terminals, mills/dryers, buses, transient trucks, grocery stores, restaurants, training house and the like

First Offense	-	P300.00 fine
Second Offense	-	400.00 fine
Third and succeeding Offenses	-	500.00 fine

and one day seminar on SWM for the first and second offenses and imprisonment on the third and succeeding offenses of five days to ten days at the discretion of the court.

To facilitate collection of fines, the Barangay Treasurer shall be deputized by the City Treasurer to collect payment for fines from violators with corresponding official receipts issued for such payments. The share of the City Government in the collected fines by the Barangay Treasurer shall be remitted to the City Treasurer's Office on a weekly basis.

Should the violator fail to settle the case administratively within the period provided, acts and omissions penalized under R.A. No. 9003 and P.D. 856 shall be prosecuted and penalized under the aforesaid existing laws. For prohibited acts and omissions not covered and/or penalized by existing laws, the penalty shall be a fine of not less than Php 2,000.00 but not more than Php 5,000.00 or an imprisonment of not less than six (6) months but not more than one (1) year or both at the discretion of the court.

SECTION 7. Hazardous and Toxic Materials (Art. VIII)

Any unjust refusal or failure to comply with the City's full disclosure requirements on the handling of toxic substances, or any violation hereof, shall be penalized by a fine of P5,000.00 or imprisonment of one (1) year or both at the discretion of the Court, without prejudice to other appropriate action that any violation of any national or local law that said inspection or production of records may reveal.

SECTION 8. Air and Noise Pollution Management (Art. IX)

1. Precautionary Measures on Fugitive Particulates

A violation or non-observance of precautionary measures under Section 5, Article IX of this Code shall be punishable by a maximum fine of P5,000 or imprisonment of one year or both, at the discretion of the court.

The foregoing notwithstanding, upon apprehension, an administrative, regulatory fine shall be imposed as follows:

First offense	-	P500.00
Second Offense	-	P1,000.00
Third Offense	-	P2,000.00

2. Administrative Fines for Smoke Belching

The following administrative fines and penalties shall be imposed:

- a. Whenever a motorized vehicle does not pass the emission test according to the standards of the national government, which the City hereby adopts, the failure to pass said test shall be, as it is hereby, denominated as a direct offense also to the environmental welfare and integrity of the City and its people or territory. As such, an administrative fine is hereby imposed, based on the "Hartridge Smoke Unit" (HSU) standard of measurement, as follows:

Smoke reading:	1 st offense	2 nd offense	3 rd offense
68 to 80% HSU	P200.00	P500.00	P800.00
81 to 90% HSU	300.00	800.00	1,500.00
91 to 100% HSU	500.00	1,000.00	2,000.00

- b. If he fails to pay the fine within three (3) days, the owner or operator shall be punished by imprisonment of a minimum of three (3) days to a maximum of five days at the discretion of the court.
- c. In case of a fourth and succeeding offenses, a fine of a maximum of P4,000.00 shall be imposed, and the violation reported to the Land Transportation Office for possible suspension or cancellation of Certificate of Motor Vehicle Registration until such time the owner/operator shall have complied with the pertinent provisions hereof, and/or imprisonment of up to five (5) days, or both, upon the discretion of the court. In case of public utility vehicles, a Citation Ticket shall be issued for the confiscation of the "City Sticker" (the annual business permit for the operation of public utility vehicles in the City of Bago), which Citation Ticket shall be brought to the Office of the City Treasurer upon payment of the proper administrative fines, and the return of the "City Sticker".
- d. The provisions of a and b notwithstanding, the municipal or administrative fines mentioned in 1 hereof shall be collectible immediately by the City Treasurer upon application of the test which the motorized vehicle fails, and the City Treasurer shall issue the necessary receipt therefor.

Violation of any provision of Article IX of this Code shall carry the penalties and fines provided in existing laws.

For violation of any provision of Article IX which no specific penalty is imposed, the penalty shall be a fine not less than PhP2,000 but not more than PhP 5,000 or an imprisonment of not less than six (6) months but not more than one (1) year or both fine and imprisonment at the discretion of the court.

SECTION 9. Land Resources (Art. X)

In as much as pertinent and applicable laws are existent and operational, the same governing laws apply and form an integral component of this provision. For violation of any provision of Article X of which no specific penalty is imposed, the penalty shall be a fine not less than PhP2,000 but not more than PhP 5,000 or an imprisonment of not less than six (6) months but not more than one (1) year or both fine and imprisonment at the discretion of the court.

SECTION 10. Any other violation of the provisions of this Code and for prohibited acts not covered by existing laws, the penalty shall be a fine of not less than PhP 2,000 but not more than PhP5,000 or an imprisonment of not less than six (6) months but not more than one (1) year or both fine and imprisonment at the discretion of the court.

ARTICLE XVI- MISCELLANEOUS PROVISIONS

SECTION 1. Implementing Rules and Regulations

The Sangguniang Panlungsod in cooperation with the Office of the City Mayor and in coordination with PEMO, DENR, Barangay Councils, NGOs and other concerned agencies shall promulgate the IRR of this Code within one (1) year after its enactment.

SECTION 2. Transitory provision

Pending the establishment of the framework and relative ordinances cited in the different sections of this Code including the promulgation of the IRR, existing laws, rules, ordinances, circulars, orders and regulations pertaining to environment shall be enforced; provided that, for specific undertaking, the same may be revised in the interim in accordance with the intentions of this Code

SECTION 3. Applicability Clause

Matters not covered by this Code shall be governed by pertinent laws, rules and regulations.

SECTION 4. Conflicting Provisions of Sections

If the provisions of the different sections in this Code are in conflict with one another, the provision which is last in the ordinal sequence, shall govern.

SECTION 5. Separability Clause

If any provision of this Code or the application of such provision is declared unconstitutional or invalid, other provisions hereof which are not affected thereby shall continue to be in full force and effect.

SECTION 6. Repealing Clause

All ordinances, rules and regulations or parts thereof, in conflict with or inconsistent with any provision of this Code are hereby repealed or modified accordingly.

SECTION 7. Appropriation

An annual budget of at least 15% of the City Development Fund shall be appropriated for the implementation of this Code.

SECTION 8. Effectivity Clause

The Code shall take effect thirty (30) days after its approval.

X-----X

I HEREBY CERTIFY to the correctness of the foregoing Ordinance No. 11-02 otherwise known as the "Bago City Environment Code of 2011" which was duly enacted by the Sangguniang Panlungsod during its regular session held at the Sanggunian Session Hall on February 9, 2011.

ATTY. BRIAN R. MARTIR
City Secretary (CGDH-I)

ATTESTED AND CERTIFIED
TO BE DULY ENACTED:

HON. NICHOLAS M. YULO
City Vice Mayor and
Presiding Officer

APPROVED *this 9th day of March*, 2011.

HON. RAMON D. TORRES
City Mayor