



# Office of the Sangguniang Bayan

EXCERPT FROM THE RECORD OF PROCEEDINGS OF THE 36th REGULAR SESSION OF THE SANGGUNIANG BAYAN OF URBIZTONDO, PANGASINAN, HELD ON SEPTEMBER 5, 2022 AT THE LEGISLATIVE BUILDING

Present:

- |                               |                    |
|-------------------------------|--------------------|
| Vice Mayor Volter D. Balolong | Presiding Officer  |
| Coun. Mirla D. Balolong       | Member             |
| Coun. Alexis G. dela Vega     | Member             |
| Coun. Pepito N. Calugay       | Member             |
| Coun. Zenaida P. Espinosa     | Member             |
| Coun. Renzie M. Dispo         | Member             |
| Coun. Reynaldo T. Bautista    | Member             |
| Coun. Dyna P. de Guzman       | Member             |
| Coun. Joel M. Frias           | Member             |
| Coun. Fernando L. Tapiador    | Member (ABC Pres.) |
| Coun. Rozel Clyde D. Uson     | Member (SKF Pres.) |

Absent:

None

## MUNICIPAL ORDINANCE NO. 1 – 2022

Originally sponsored by: Coun. Danilo M. Tamondong  
Sponsored by: Coun. Pepito N. Calugay  
Chairperson on Committee on Environment Protection

### AN ORDINANCE ENACTING THE ENVIRONMENT CODE OF 2022 OF THE MUNICIPALITY OF URBIZTONDO, PANGASINAN

#### ARTICLE I GENERAL PROVISIONS

**Section 1. Title.** This Ordinance shall be known as the “**Urbiztondo Environment Code of 2022**” and it shall hereinafter be referred to as the Environment Code.

**Sec. 2. Declaration of Policy.** Pursuant to the powers granted by the 1987 Constitution and in conjunction with the General Welfare Clause of Republic Act 7160, otherwise known as the Local Government Code of 1991, it is hereby declared the policy of the Municipal Government of Urbiztondo, Pangasinan in partnership with the private sectors, government organizations, civil society/non-government organizations to enhance the quality of life of all Urbiztondonians consistent with the principles of sustainable development and responsible stewardship of God's Gift of Nature; and, thus, to this end, the purpose of this Environment Code shall be to provide a framework of norms, standards and requirements to:

- a. preserve the resilience of nature, the development and protection of natural resources should be managed in a way, and at a rate, that will foster human dignity and enable people to provide for their economic, social and physical well-being;
- b. sustain the potential of natural and physical resources to meet the reasonably foreseeable needs of future generations;
- c. safeguard the life-supporting capacity of air, water and land ecosystems;
- d. prevent, reduce, minimize and, where practicable, eliminate harm to the environment by:
  - i. implementing programs to encourage and assist action by industry, government authorities, and the community aimed at pollution prevention, clean production

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and technology; reduction, re-use and recycling of materials and natural resources and waste minimization.

- ii. regulating in an integrated, systematic and cost-effective manner activities, products, substances and services which can cause environmental harm.
  - iii. regulating the generation, storage, transportation, treatment and disposal of wastes.
- e. Coordinate programs, projects, activities as well as policies necessary to prevent, reduce, minimize or eliminate environmental harm to ensure effective environmental protection, restoration and enhancement;
- f. Facilitate the adoption and implementation of environment protection measures agreed on by the national government and local government units in the province under inter-LGU arrangements for greater uniformity and effectiveness in environmental protection;
- g. Apply precautionary approaches and procedures in the assessment of environmental risks and potential damages. Where there are threats of serious or irreversible damages, lack of full scientific certainty should not be used as a reason for postponing cost-effective measures to prevent environment degradation;
- h. Require persons, natural or juridical engaged in activities that progressively pollute the environment to initiate measures and improvements including reduction of pollution and waste at source as such improvements become practicable through technological and economic developments;
- i. Allocate the costs of environmental protection and restoration equitably and in a manner that encourages stakeholder's awareness, involvement and accountability in the responsible use of and reduced harm to the environment with polluters bearing an appropriate share of the costs that arise from their activities, products, substances and services;
- j. Provide for periodic study, monitoring, evaluation and reporting on the state of the physical and natural environment;
- k. Promote community information, education and awareness to stimulate public participation in decisions affecting the environment and disclosure of and public access to information about significant environment issues, incidents and hazards.

**Sec. 3. Objectives and Purposes.** This Code is enacted for the following:

**Objectives:**

- a. to promote the principles of accountability, involvement, awareness, and responsibility for the sustainable development and protection of the environment;
- i. that the use, development and protection of the environment shall be managed by the Local Government Units (LGUs) in a way and at a rate that will enable people and communities to provide for their economic, social and physical well-being and for their health and safety by means of the following:
1. sustaining the potential of natural and physical resources to meet the reasonably foreseeable needs of future generations;
  2. safeguarding the life supporting capacity of air, water, land and ecosystems;
  3. remedying, avoiding or mitigating any adverse effects of activities on the environment.



- ii. that due consideration should be given to both long and short terms economic, environmental, social and equity in deciding all matters relating to environmental resources, use, protection, restoration and enhancement.
- b. to ensure that all reasonable and practicable measures are taken by this LGU to protect, restore and enhance the quality of the environment having regard to the principles of ecologically sustainable development, and to properly weigh both long and short terms economic, environmental, social and equity considerations in deciding all matters relating to environmental resources, use, protection, restoration and enhancement;
- c. to prevent, reduce, minimize and, where practicable, eliminate harm to the environment:
  - i. by programs to encourage and assist action by industry, government authorities and the community aimed at pollution prevention, clean productions and technologies, reduction, reuse and recycling of materials and natural resources and waste minimization.
  - ii. by regulating in an integrated, systematic and cost-effective manner
    - 1. activities, products, substances and services that through pollution or production of waste, cause environmental harm and
    - 2. the generation, storage, transportation, treatment and disposal of waste
- d. to coordinate activities, policies and programs necessary to prevent, reduce, minimize or eliminate environmental harm to ensure effective environmental protection, restoration and enhancement;
- e. to facilitate the adoption and implementation of environment protection measures for greater effectiveness in environmental protection;
- f. to apply precautionary approaches and procedures in the assessment of risks of environmental harm and ensure that all aspects of environmental quality affected by pollution and waste, including ecosystem sustainability and valued environmental attributes are considered in decisions relating to the environment;
- g. to require persons, natural or juridical engaged in pollution activities to progressively make environmental improvements including reduction of pollution and waste at source as much improvements has become practicable through technological and economic developments.
- h. to allocate the cost of environmental protection and restoration equitably and in a manner that encourages stakeholder's awareness, involvement and accountability in the responsible use of and reduced harm to the environment with polluters bearing an appropriate share of the costs that arise from their activities, products, substances and services.
- i. to provide for monitoring and reporting on environmental laws, rules and regulations and the maintenance of records of trends in environmental quality.
- j. to provide for reporting of the state of the environment on a periodic basis.
- k. to promote industry and community education and involvement in decisions about the protection, restoration and enhancement of the environment; and
- l. provide for disclosure of and public access to information about significant environmental incidents and hazards.

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**Purposes:**

- a. Operationalize the powers and responsibilities of this local government unit in the delivery of general welfare services particularly in environment and natural resources management;
- b. Provide guidance to the barangay government in the exercise of its powers and in optimizing the opportunities provided under RA 7160;
- c. Establish the framework for a local government-driven, inter-agency, and multisectoral system of environment management in the municipality;
- d. Regulate, control, and guide future growth and development of the municipality in the pursuit of its common vision of progress through agro-industrial and ecotourism development within the context of wise management and utilization of the natural, biophysical, geological, cultural and historical heritage of the Urbiztondonians;
- e. Inform the citizens on the environment and natural resources management policies of the Municipal Government of Urbiztondo;
- f. Establish the mechanism for implementing the provisions of this Environment Code.

**Sec. 4. Operative Principles.** This Code is based on the following underlying principles:

- a. In its pursuit of human development, the Municipal Government of Urbiztondo upholds equity to ensure fair access to opportunities and resources for present and future generations, and to give due respect to the historical past. In this sense, equity has the following components:
  - i. **Inter-class equity.** This implies the reduction of mass poverty considering that one of the causes of environmental degradation is that people have to make a cruel choice between their own immediate survival and a better life for their descendants.
  - ii. **Gender equity** ensures women's access to opportunities, resources and services to achieve a better life.
  - iii. **Cross-generational equity** means that the present generation is able to meet its own needs and attain its aspirations while preserving the integrity of its heritage and safeguarding the potentials and opportunities of future generations to meet their needs and aspirations.
  - iv. **Rights-based approach.** This implies integrating the norms, standards and principles of the international human rights system into the plans, policies and processes of development.
- b. The Municipality recognizes the vital role of public participation in the decision-making process. A clean and healthy environment is for the good of all and should therefore be the concern of all. All development activities should always give importance to and respect for the indigenous culture and practices of Urbiztondonians. Gender and population concerns should be addressed in a manner reflecting ecological principles as well as the values and faith of the people. Institution- building for environmental management should arise from among the people, should provide the simplest solution to a felt need of the people, and the need should be felt strongly enough for the people to make most of the effort to organize themselves. If there is no definite felt need, no institution should be formed.

**Sec. 5. Definition of Terms.** As used in this Code, the following words and phrases shall be defined as follows:



- a. **Accreditation** – is a certification issued by the Department of Tourism to a tourism enterprise that officially recognizes it as having complied with the minimum standards for the operation of tourism facilities and services
- b. **Alienable and Disposable Lands** – refer to those lands of the public domain which have been declared by law as no longer considered for public use.
- c. **Biological Diversity** – means the 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.
- d. **Buffer zones** – are identified areas outside the boundaries of immediately adjacent to designated protected areas and need special development control in order to avoid or minimize harm to the protected area.
- e. **Certificate of Non-Coverage** – a certification issued by EMB certifying that based on the submitted project description, the project is not covered by EIS system and is not required to secure an ECC.
- f. **Cultural Heritage** – refers to the totality of cultural property preserved and developed through time and passed on to posterity.
- g. **Eco-tourism** – refers to a form of sustainable tourism within a natural and cultural heritage area where community participation, protection and management of natural resources, culture and indigenous knowledge and practices, environmental education and ethics, as well as economic benefits are fostered and pursued for the enrichment of host communities and the satisfaction of visitors.
- h. **Emission** – refers to the act of passing into the atmosphere an air contaminant, pollutant, gas stream from a known source.
- i. **Environment** – refers to the quantity, quality, diversity and sustainability of renewable and non-renewable natural resources, including the ambient environment such as the atmosphere, climate, sound and odors that are critical determinants of the quality of life. In a broad sense, it shall include the total environment of man such as economic, social, cultural, politics, and historic factors.
- j. **Environmental Compliance Certificate (ECC)** – refers to the certification issued by the DENR/EMB after a positive review of an ECC application, certifying that based on the representation of the proponent, the proposed project or undertaking will not cause significant negative environmental impact. The ECC also certifies that the proponent has complied with all the requirements of the EIS and has committed to implement its approved Environmental Management Plan, including other special permits and clearances from concerned government agencies.
- k. **Environmentally Critical Areas (ECA)** – refers to those socially, ecologically and geologically sensitive areas declared by law or valid proclamations.
- l. **Environmentally Critical Projects (ECP)** – refers to those socially, ecologically and geologically sensitive projects declared by law or valid proclamation.
- m. **Hazardous Waste** – refers to a used or discarded material that can damage the environment and harmful to human which include heavy metals and toxic chemicals and industrial products and processes as well as infectious medical wastes and radioactive materials.
- n. **Initial Environmental Examination (IEE) – Checklist Report** – refers to a document prescribed by the DENR, to be filled up by a proponent to identify and assess a project's environmental impacts and the mitigation/enhancement measures to address such impacts.

- o. **Lease** – is a 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.
- p. **License** – is a privilege granted by the State to a person to utilize 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 any activity involving the utilization of the natural resources covered by the license.
- q. **Locational/Zoning Clearance** – is a clearance issued to a project that is allowed under the provisions of this Code as well as other standards, rules and regulations issued by the Municipal/City Planning and Development Officer /Deputized Zoning Officer.
- r. **Land Use** – refers to the manner of utilization of land, including its allocation, development and management.
- s. **Municipal waters** – include not only streams, lakes, inland bodies of water and tidal waters within the municipality which are not included within the protected areas as defined under Republic Act No. 7586 (The NIPAS Law), public forest, timberlands, forest reserves or fishery reserves, but also marine waters included between two (2) 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 (15) kilometers from such coastline. Where two municipalities are so situated on opposite shores that there is less than thirty (30) kilometers of marine waters between them, the third line shall be equally distant from the opposite shores of the respective municipalities.
- t. **Network of Protected Areas for Agricultural Development (NPAAAD)** – consists of lands subject to laws highly restricting conversion. This covers the “most efficient” agricultural lands, which are the traditional sources of food and cash crops. These are the most stable crop lands and they can be grown to a wide range of crops with minimum to moderate levels of farm management requirements. These lands are usually supported by large investments in infrastructure. They include:
  - i. all irrigated and potentially irrigable land;
  - ii. all alluvial plains that are highly suitable for agricultural production and/or can be devoted to food production, as determined by the Bureau of Soils and Water Management (BSWM);
    - 1. all sustainable lands that are traditional sources of food;
    - 2. all crop land that supports the existing economic scale of production required to sustain the economic viability of existing agricultural infrastructure and agriculture-based enterprises in the province or region;
    - 3. all productive land in low calamity-risk areas that are suitable for the production of economic trees and other cash crops; and
    - 4. all agricultural lands that are ecologically fragile and whose conversion will result in severe environmental problems.
- u. **Permit** – is a short-term privilege or authority granted by the State to a person to utilize any limited natural resources or undertake a limited activity within a piece of land/water without any right of occupation or possession therein.
- v. **Person** – includes natural as well as juridical persons.
- w. **Primary tourism enterprises** – are facilities and services that are directly related to tourism such as, but not limited to, travel and tour services: inbound travel agencies and tour operators, local tour operators, ecotour operators and tour guides; tourist transport services whether for land, sea and air transport exclusively or majority of its seats are for

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tourist use, including airport taxis and tourist drivers; accommodation establishments such as but not limited to hotels, resorts, apartment hotels, tourist inns, motels, pension houses, private homes used for homestay, ecolodges, condotels, serviced apartments, and bed and breakfast facilities; hotel and tourism estate management services; meetings, incentives, conventions and exhibition organizers and facilities, sports and recreational facilities such as but not limited to dive shops, amusement parks, adventure and ecotourism facilities; foreign exchange dealers and such enterprises as may be identified by the Secretary of Tourism, after due consultation with concerned agencies.

- x. **Protected area** – refers to 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 RA 7586, the National Integrated Protected Areas System (NIPAS) Act of 1992.
- y. **Public forestlands** – refer to those lands of the public domain which have been set aside by law for forest purposes. These lands may be either presently forested or denuded.
- z. **Public consultation** – refers to a stage of public participation at which information is disseminated and opinions gathered in public in order to ensure that public concerns are integrated into the process of environmental impact assessment.
- aa. **RA 7160** – refers to the Local Government Code of 1991.
- bb. **Salvage Zone** – refers to the banks of rivers and the shores of the seas and throughout their entire length and within a zone of 3 meters in urban areas, 20 meters in agricultural areas, 40 meters in forest areas, along their margins are subject to easement of public use in the interest of recreation, navigation, floatage and fishing.
- cc. **Sanitary Landfill** – refers to a 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.
- dd. **Scoping** – refers to the stage in the EIS system where information and assessment requirements are established to provide the proponent with a scope of work for the EIS.
- ee. **Small-scale mining** – refers to mining activities which rely heavily on manual labor using simple implements and methods and do not use explosives or heavy mining equipment.
- ff. **Small Water Impounding Project (SWIP)** – are dams made of earth, rock or concrete with many purposes like, irrigation, domestic water supply, inland fish culture, flood control or any combination of purposes. To distinguish it from high dams, its height is limited to below 5 meters.
- gg. **Solid waste** – refers to all putrescible, non-putrescible and discarded materials (excluding human excrement) including but not limited to food waste, rubbish, ashes, street cleanings, dead animals, abandoned vehicles, sewage treatment sludge in non-liquid form, incinerator ash and residue, commercial, industrial, hospital, funeral, and agricultural wastes; and special wastes, whether combustible or non-combustible such as paper, rags, cartons, woods, tins cans, lawn clippings, glass, or litter of any kind. The type of wastes covered under this Code shall include wastes from residential houses, commercial establishments such as hotels, restaurants, cinema houses, public market, department stores, groceries, institutions like hospitals, schools, churches, public and private offices, industrial establishments like factories, plants and other establishments of any kind, and agricultural wastes.
- hh. **Special Land Use Permit/Agreement** – is a privilege granted by the State to a person to occupy, possess and manage in consideration of specified return, any public forest land for specific use or purpose. (FAO 8-3, as amended)

- ii. **Toxic Waste** – is a material, often in chemical form that can cause death or injury to people and living creatures. It usually is the product of industry and commerce but could also come from agriculture, medical facilities and radioactive sources.
- jj. **Waste management** – includes both solid and liquid waste management.
- kk. **Watershed** – is a land area drained by a stream or fixed body and its tributaries having a common outlet for surface face-off. Small watershed areas specifically refer to those that are identified by the local government or the proper agency as sources of water supply for particular local communities.

Definition of other terms, not herein specifically defined, may also be based upon accepted definitions through usage or scientific understanding.

## ARTICLE II ORGANIZATION and PROVISIONS for IMPLEMENTATION

**Sec. 1. Municipal Environment and Natural Resources Office.** For the purpose of implementing the provisions of this Code, and pursuant to Sections 463 and 484 of RA 7160, the coastal, mineral, forestry, and water resources management, solid and liquid waste management, air and noise pollution control, environment impact assessment functions, are hereby put under the jurisdiction of the office. This office shall likewise provide technical and monitoring services on ecotourism to the Municipal Tourism Office.

**Sec. 2. Jurisdiction of MENRO.** The MENRO shall have jurisdiction and authority over all environment and natural resources in the Municipality, subject to the provisions of RA 7160 and all other applicable national laws, rules and regulations.

Pursuant to Section 16, RA 7160, said office shall share responsibility with other related Municipal Government Offices/Departments, the Barangay Governments, the Department of Environment and Natural Resources and other cognizant national government agencies for the effective protection, development, management, rehabilitation, and conservation of environment and natural resources in the Municipality, the regulation and supervision of the operation of licensees and permittees for the taking or use of natural resources; the implementation of local government-driven coastal, forest, mineral, ecotourism, and water resources management, including waste management and the control of air quality, water quality and noise pollution; and enforcement of environment and natural resources laws, rules and regulations; and perform the functions prescribed in Section 484, RA 7160.

Specifically, the MENRO shall undertake the following:

- a. **Organizational Development.** Assist Barangay Governments, concerned government agencies/offices, civil society organizations (CSO's) and business sector by providing technical assistance such as, but not limited to, development of environmental management organizational capability, participatory formulation of environmental programs, mobilization of local and external pool of environment specialists, and guidance in the formulation and implementation of environmental laws;
- b. **Program Development.** Develop a multi-year environment management framework plan for the promotion of local government-driven community based and livelihood-oriented initiatives, particularly in agricultural enterprises/activities, watershed management, ecotourism, river bank resources management, solid waste management, and participatory land use planning;
- c. **Linkaging.** Establish an operational internal and external linkages and networking system that will maintain and expand local government-driven environmental initiatives;
- d. **Showcasing.** – Develop and implement environmental programs through the promotion of best practice methods, processes, and approaches by establishing showcases within the municipality for Barangays to adopt in their respective jurisdictions;



- e. **Fund Sourcing**– Establish linkages with national and international institutions for purposes of fund sourcing, network building, research, and information/data bank generation;
- f. **Policy Advocacy.** – Organize a network of lobby/advocacy groups by maintaining municipal network of environmental organizations;
- g. **Management Review.** – Facilitate and coordinate the holding of Municipal Environment Summits to be held in June of each year where a cross-Section of the local communities will resolve issues with regard to natural resource utilization and management;
- h. **Creation of Action Team.** An environmental action team shall be created to address on all issues and concerns about environment within the municipality. It shall be composed of the following:
  - i. MENR Officer as Team Leader
  - ii. Sanitary Inspector as Asst. Team Leader
  - iii. Municipal Health Officer as a Member

The special action team shall address/handle all complaints arising from environmental matters such as deforestation, soil erosion, illegal logging, unauthorized dredging, transporting of wood that were identified to be preserved such as narra trees and all other similar complaints that may require the conduct of quick response, fact-finding, monitoring, and investigation.

After conducting such, the team shall forward its report with the corresponding findings and recommendations for action to be taken by the Local Chief Executive (LCE).

Perform such other acts that are necessary to carry out its functions.

**Sec. 3. Review** – All actions and decisions of the MENR Office are subject to review, motu proprio, or upon appeal of any person aggrieved thereby by the Mayor whose decision shall be final and executory after the lapse of thirty (30) calendar days from receipt by the parties.

**Sec. 4. Regulations.** – The Mayor, in consultation with the Sangguniang Bayan and upon the recommendation of the MENR Officer, shall directly implement the provisions of this Code.

**Sec. 5. The Municipal Environment and Natural Resource Office (MENRO).** The Municipal Environment and Natural Resource Office (MENRO) which position shall be created by the Local Government of Urbiztondo, subject to availability of funds and personal services limitation. It shall be headed by the Municipal Environment and Natural Resource Officer (MENRO) who shall be appointed by the Mayor.

No person shall be appointed as MENRO unless he/she is a Filipino citizen, a resident of the Municipality of Urbiztondo, of good moral character, a holder of Masters degree or Bachelors degree preferably in the field of environment, forestry, fishery, agriculture, or any other relevant discipline from a recognized college or university, has at least three (3) years of professional work experience relevant to the job, and is a first grade civil service eligible or its equivalent.

**Sec. 6. Supervision and Control.** The Municipal Mayor shall have operational and direct supervision over the Municipal Environment and Natural Resource Office (MENRO).

**Sec. 7. Review and Appeal.** All actions and decisions of the MENRO are subject to the review by the Municipal Mayor. Any aggrieved party may appeal the decision of the Municipal Mayor after which the Municipal Mayor shall thereby decide in finality and for the execution of his decision.

**Sec. 8. Funding/Appropriation.** The Municipal Government shall appropriate the amount of One Hundred Thousand Pesos (P100,000.00) which shall be funded by a Supplemental Budget No. 2 CY 2022 to be enacted within the third quarter of the year 2022 or earlier.

Subsequent funding shall be regularly allotted providing for the same amount, or if situation so requires, for its increase in the annual budget of the municipality.

### ARTICLE III LAND USE

**Sec. 1.** The Municipality shall maintain consistency of all existing land use plans from the national down to the local level. All land-use activities shall be undertaken in full harmony with the environment by ensuring that land is utilized according to the most suitable use and that all extractive activities do not in any way affect or hamper the productivity of adjoining activities while promoting equitable access to the resources. To this end, the Municipality hereby adopts and promotes a land use pattern that:

- a. meets food self-sufficiency and food security in the long run;
- b. promotes rational population distribution and settlements development;
- c. ensures orderly economic growth, balanced and dispersed agri-industrial and ecotourism development;
- d. encourages the sustainable use of natural resources;
- e. maintains and preserves environmental stability, sustainability and integrity;
- f. reduces vulnerability to natural and man-made disasters including impact of climate change, and
- g. harmonizes the rights and the varied interests of every Urbiztondonian through public participation and active involvement.

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**Sec. 2. Municipal Land Use Committee (MLUC).** For purposes of carrying out the provisions of this Code, the Municipal Mayor, within one (1) month after the appointment of the Municipal Environment and Natural Resource Officer (MENRO), shall issue an Executive Order to include the MENRO as an additional member of the MLUC.

**Sec. 3.** The MLUC shall exercise the following powers and functions:

- a. Formulate policies, plans, standards and guidelines on land use in accordance with this Code and pursuant to the provisions of:
  - i. Letter of Instruction (LOI) 1350 (August 2, 1983), providing for the Institutional Framework for National Physical Planning which seeks to synchronize and coordinate efforts towards the optimum utilization of the country's land and other related resources.
  - ii. Proclamation No. 65 providing for the approval and adoption of the National Physical Framework Plan, 1993-2002.
  - iii. Republic Act (RA) 7160 (Local Government Code of 1991), requiring LGUs to formulate their Physical Framework Plans/Comprehensive Land Use Plans.
  - iv. Executive Order No. 72, series of 1993, providing for the preparation and implementation of Physical Framework Plans/Comprehensive Land Use Plans of LGUs in accordance with the National Standards and Guidelines.
  - v. DILG Circular No. 92-05 (February 26, 1992), providing for the adoption of the

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1. National Building Code (PD 1096).
  2. Revised Rules and Standards for Economic and Socialized Housing Projects implementing Batas Pambansa Blg. 220.
  3. Other pertinent laws recommended in Section 4 of this Article.
- b. Issue and promulgate rules and regulations to implement the provisions of this Article and ensure compliance with policies, plans, standards and guidelines formulated under Section 3 par. (a) of this Article.
- c. Submit for review and approval to the Sangguniang Panlalawigan or return to origin for revision the following plans:
- i. **Comprehensive Land Use Plan.** Prior to submission to the Sangguniang Panlalawigan for approval, the municipality of Urbiztondo shall submit its Comprehensive Land Use Plan (CLUP) to the Provincial Land Use Committee for review. Changes in the approved CLUP will likewise be subject to review by the PLUC based on the following reasons/situations:
    1. Change of local development plans.
    2. Introduction of projects of national significance. In addition, the MLUC is hereby tasked to ensure that when a project in the municipality is declared by the NEDA Board as a project of national significance, the HLURB shall consult the affected community before issuing locational clearance.
    3. Petition for re-zoning.
    4. Other reasons appropriate for consideration.
  - ii. **Development Plans** of all government and non-government agencies. The MLUC is hereby tasked to ensure that the implementation of all projects in the municipality, regardless of funding source, is in accordance with the Municipal Development Physical Framework Plan (MDPFP).
- d. The MLUC shall review these plans to:
- i. ensure that land use plans of barangays and non-government agencies are consistent with the MDPFP.
  - ii. recommend solutions to settle disputes among them over alternative uses of land resources.
  - iii. promote the community-based program for sustainable development.
  - iv. ensure that such plans are supportive of the objectives set forth in the Urban and Housing Development Act of 1992.
- e. Design and implement a Municipal Monitoring, Evaluation and Adjustment System (MMEAS) to evaluate the implementation of this Code.

**Sec. 4. The MDPFP.** The Physical Framework Plan component of the MDPFP shall take the form of an integrated settlements, land use/land resources management and infrastructure plan. It shall further serve as the Comprehensive Municipal Land Use Plan (CMLUP) for the municipality as required under the 1991 Local Government Code. Spatial inter-relationships shall be highlighted, but shall likewise take into account the socio-economic and land resource characteristics of the municipality. To these ends, the MLUC shall undertake the following tasks:

- a. formulate and update the MPPF at six-year intervals;

- b. review the MDPFP at three-year intervals;
- c. assist the barangays and non-government agencies in the formulation of their CLUP;
- d. facilitate inter-municipal policy discussion, agreement, and effort-pooling to address the following issues;
  - i. sharing of facilities and expertise for ambient air quality control.
  - ii. sharing of sanitary landfills for waste disposal.
  - iii. joint control/monitoring efforts against trafficking of flora and fauna and illegal logging.
  - iv. cooperative efforts in the preservation of subterranean waters;
  - v. sharing of recycling or waste treatment plants.
  - vi. application of "polluter pay principle" for source pollutants that emanate from one municipality but affects the other.
  - vii. sharing of waterworks projects as provided in Article VI Section 4 (g) of this Code.
  - viii. sharing of manpower, facilities and expertise in coastal resource management.
- e. integrate the Disaster Risk Reduction Management and Climate Change Adaptation in the MDPFP and also ensure their integration in the CLUP;
- f. incorporate coastal resource management into the MDPFP as recommended in Section 5 of this Article; and
- g. ensure that Coastal Resource Management/Forest Land Use Plan is incorporated in the Municipal Comprehensive Land Use Plan.

**Sec. 5.** The Municipality hereby adopts the following national standards and requirements:

- a. **Easement.** Pursuant to the provisions of the Water Code: the banks of rivers and streams and the shores of the seas and lakes throughout their entire length and within a zone of three (3) meters in urban areas; twenty (20) meters in agricultural areas along their margins, are subject to easement of public use in the interest of recreation, navigation, floatage, fishing and salvage.
- b. The **road setback requirement** of DPWH as adopted under this Code starts from the edge of the road right-of-way. For provincial roads, a ten (10)-meter setback from the center line and should be free from obstructions, and tree planting activities within the ten (10)-meter setback is not allowed. It shall also include the removal of existing trees and structures affected by road widening within the right of way as required by law.
- c. The provisions of Section 105 of the National Building Code (PD 1096) and the rules and regulations of the Bureau of Air Transportation (BAT) Air Regulation as adopted under this Code, shall govern the construction of buildings/structures.
- d. **Height Regulation.** Building height must conform to the height restrictions and requirements of the Air Transportation Office (ATO) as well as the requirements of the National Building Code, the Structural Code as well as all laws, ordinances, design standards, rules and regulations related to land development and building construction and the various safety codes. The following considerations shall also be considered:
  - i. traffic situation in the immediate vicinity or district where the building is located, and
  - ii. capacity of utility system (water, power, etc.) to support structure requirements.

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- g. Provisions for parks and playgrounds shall comply with the requirements of Presidential Decree No. 1216 and its implementing rules based on CPR No. R-347 dated 08 October 1986.  
 Required Area for Park/Playground According to Density for both Economic (above P150, 000-P375, 000/lot) and Socialized Housing (P150, 000 and below/lot)

DENSITY FOR PARK/PLAYGROUND	AREAS
No. of lots	% of gross area of subdivision
150 and below	3.5%
151-160	4.0%
161-175	5.0%
176-200	6.0%
201-225	7.0%
Above 225	9.0%

*additional of 1% increment for every 10 units of fraction thereof beyond 225.*

- h. Subject to consultations with the DPWH, DENR and Department of Agriculture (DA), street islands, as well as both shoulders of all roads or streets in built-up areas, its barangays, in subdivisions, compounds, and condominiums may be planted with shady or ornamental trees in a manner that is scientifically and agriculturally acceptable, or at intervals sufficient to provide the healthy growth of such flora and create adequate shade.

No development permit shall be issued by the local executive for subdivisions or condominium projects unless there are provisions for the planting of trees in development plans.

- i. The following industries shall be located at safe distances, as determined by competent authorities or as prescribed by pertinent national laws mentioned in other articles of this Code, from bodies of water, coastal zones, parks/recreational areas, watersheds, schools and residential areas:

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- i. Pollutive/Non-hazardous Industries;
  - ii. Pollutive/Hazardous Industries;
  - iii. Highly Pollutive/Non-Hazardous Industries;
  - iv. Highly Pollutive/Hazardous Industries;
  - v. Highly Pollutive/Extremely Hazardous Industries;
  - vi. Pollutive/Extremely Hazardous Industries; and
  - vii. Non-Pollutive/Extremely Hazardous Industries.
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**Sec. 6.** As applicable, plans submitted to the MLUC for evaluation and review shall be returned to its origin for revision if found deficient in provisions:

- a. limiting reclassification of lands to the following percentage of total agricultural land area at the time of the passage of the ordinance enacting the plan.
- b. for component cities and first to third class municipalities, ten percent (10%).
- c. establishing fire limits or zones, particularly in populous centers and regulating the construction, repair or modification of buildings within said fire limits or zones in accordance with the provisions of the Fire Code.

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- d. requiring all owners/developers to secure locational/zoning clearance from municipal government unit prior to conducting any activity or construction on their property/land. Upon issuance of a locational/zoning clearance, the grantee thereof shall have one (1) year within which to commence or undertake the use, activity or development covered by such clearance on his property. Non-use of said clearance within said period shall result in its automatic expiration, cancellation and the grantee shall not proceed with his project without applying for a new clearance.
- e. freezing all activities leading and related to development projects (from planning to implementation) from the period of formulation to adoption of the Comprehensive Land Use Plan, to ensure that they conform to the provisions of the CLUP.
- f. providing for expropriation of suitable land for socialized housing, relocation and resettlement sites, solid and liquid waste disposal sites, public cemeteries, public parks and other similar land use in accordance with the provisions of this Code.
- g. requiring owners or operators of projects not conforming to approved CLUPs to apply for Certificate of Non-Conformance within six (6) months. Failure on the part of the owner to register/apply for a Certificate of Non-Conformance shall be considered in violation of the CLUP and is subject to fines/ penalties.
- h. requiring, upon approval of CLUP, owners of existing but non-conforming use to apply for a Certificate of Non-Conformance. The lawful uses of any building, structure or land at the time of adoption or amendment of the CLUP may be continued; PROVIDED, that the owner of a non-conforming use shall program the phase-out and relocation of the non-conforming use within ten (10) years from the effectivity of the ordinance adopting the CLUP.
- i. ensuring the implementation of building codes with specifications and standards for structures in an environmentally critical area.
- j. redirecting expansion of human settlements away from river banks and waterways.
- k. ensuring that all projects covered by the Philippine Environmental Impact System, as defined under PD 1586, and its implementing rules and regulations, as well as those defined under Presidential Proclamation 2146 shall secure an Environmental Compliance Certificate from the DENR prior to implementation.

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**Sec. 7. The Municipal Agriculture Office**, in coordination with the MENRMO is hereby tasked to formulate the Agricultural Intensification, Expansion and Diversification Program in the municipality. In addition, the Municipal Agriculturist shall

- a. promote sustainable agri-development through Low-External-Input and Sustainable Agriculture (LEISA) by:
  - i. encouraging people to plant cover crops and hedges to prevent soil erosion.
  - ii. implementing enrichment planting of fuel wood and non-timber crops between trees in reforested areas.
  - iii. promoting organic farming, integrated pest management and integrated nutrient management, develop linkages with agriculture technology generating agencies such as PhilRice, IRRI, and top-notch agricultural institutions in the country for technology transfer.
- b. coordinate with appropriate government agencies to utilize all available vacant areas of all school sites and government-owned lots in the municipal for fruit tree planting and food production.
- c. coordinate with DepEd to require every high school and elementary student to plant and grow one fruit tree annually.

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- d. issue and promulgate rules and regulations to implement the provisions of this Section and ensure compliance thereof.

**Sec. 8. Sanctions.** Violation of the provisions of Section 5(g) is without prejudice to the filing of charges for violation provided under PDs 957, 1216, 1096, 1067 and 1185. Offenders of Section 6(f) is also without prejudice to the filing of charges provided by the laws of the land.

Any person who violates any of the provisions of this Article shall, upon conviction, be punished by a fine not exceeding two thousand five hundred pesos (P2,500.00), or an imprisonment for a period not exceeding six (6) months and or both at the discretion of the Court. In case of violation by a corporation, partnership or association, the penalty shall be imposed upon the erring officers thereof. Pertinent administrative charges shall be filed against government officials/employees for negligence of duty as provided in this Article.

#### ARTICLE IV FOREST RESOURCES

**Sec. 1. Scope of Powers.** In addition to the powers, duties and functions of the Municipal Mayor, to adopt adequate measures to safeguard and conserve land, mineral, and other resources, as provided under RA 7160, Sections 389(b)(9) and Section 444(b)(3)(vii), respectively, and the powers of the Sangguniang Bayan, to protect the environment and impose appropriate penalties for acts which endanger the environment such as illegal logging and smuggling of logs, smuggling of natural resources products and endangered species of flora and fauna, slash and burn farming, pursuant to Section 447(a)(1)(vi) of RA 7160, the various local government units of Pangasinan shall provide forest resources management services and facilities, pursuant to Sections 3(e), 3(i), 16 and 17(a) of RA 7160, as follows:

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- a. For the Municipal Government of Urbiztondo:  
Enforcement of forestry laws limited to community-based forestry projects as devolved to the province pursuant to Section 17(b)(3)(iii) of RA 7160, particularly in municipal/city communal forests, integrated social forestry areas, and small watersheds, such as, but not limited to, prevention of forest fire, illegal cutting and slash and burn cultivation; apprehension of violators of forest laws, rules and regulations, confiscation of illegally extracted forest products on site; imposition of appropriate penalties for illegal logging, smuggling of natural resources products and of endangered species of flora and fauna and other unlawful activities; and confiscation, forfeiture, and disposition of conveyances, equipment and other implements used in the commission of offenses penalized under Presidential Decree No. 705, as amended by Executive Order No. 277, series of 1987, and other forestry laws, rules and regulations in coordination with the DENR.
- b. For the Municipal Government of Urbiztondo:  
Implementation of the following community-based forestry projects:
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- i. Integrated Social Forestry programs and similar projects, pursuant to Section 17(b)(2)(ii), RA 7160, except those located in protected areas and critical watersheds, pursuant to Section 3.1(a)(i), DAO 30, Series of 1992;
- ii. Establishment of new regular reforestation projects, except those areas located in protected areas and critical watersheds, pursuant to Section 3.1(a)(ii), DAO 30, Series of 1992;
- iii. Completed family and community-based contract reforestation projects, subject to policies and procedures prescribed by the DENR, pursuant to Section 3.1(a)(iii), DAO 30, Series of 1992;
- Y
- c. For the Barangays



- i. Protect and Manage remaining forest pockets
- ii. Establish Community-based nurseries
- iii. Create and operationalize Barangay Environment and Natural Resources Committee through a Memorandum of Agreement (MOA) among the Barangay Council, people's organization and concerned municipal/city government unit and the DENR for proper coordination and implementation of environmental laws, rules and regulation.
- iv. Pass a Barangay Forest Protection Ordinance.
- v. Implement tree planting activities.
- vi. For the Punong Barangay, enforce laws and regulations relating to pollution control and protection of the environment pursuant to Section 389 (b) (ix) of RA 7160.

**Sec. 2. Governing Laws.** The pertinent forestry provisions of this Code shall be governed by, but not limited to, the following national laws:

- a. RA 7160 (Local Government Code of 1991);
- b. Presidential Decree No. 705, as amended (Revised Forestry Code of the Philippines);
- c. Presidential Executive Order No. 263 (Community Based Forest Management Strategy);
- d. LOI 1260 (Integrated Social Forestry Program);
- e. Republic Act No. 786 (National Integrated Protected Areas System Act of 1992);
- f. DENR Administrative Order No. 30, series of 1992 (Guidelines for the Transfer and Implementation of DENR Functions Devolved to the LGUs);
- g. EO 247, Series of 1995 (Prescribing Guidelines And Establishing A Regulatory Framework For The Prospecting Of Biological And Genetic Resources, Their By-Products And Derivatives For Commercial And Scientific Purposes, And For Other Purposes);
- h. Republic Act No. 9175 (Chainsaw Act of 2000).

**Sec. 3. Operative Principles.** In consideration of the multiple economic, aesthetic, scientific, and educational services which forest resources provide in sustaining life and development of our people and in recognition of the increasing demand for timber, water, recreation forests, and conservation of biological diversity which is presently not being met from forestry operations in the municipality, it is hereby declared the policy of the municipal government that the mayor shall fully exercise his powers and provide leadership over constituent barangay governments to ensure the perpetual existence of adequate forests and forest resources for the use and enjoyment of our people through local government driven, inter-agency, and multi-sectoral forest resources management.

Forest management initiatives of local government unit of Urbiztondo shall be consistent with the following principles:

- a. The timber needs of the people of Urbiztondo shall be met within the municipality as far as practicable. Specifically, there shall be a timber resource within Urbiztondo that is capable of supporting a stable wood industry and peripheral business in the municipality;
- b. The water needs of the people of Urbiztondo shall not be jeopardized. As such, there is hereby established a watershed management system that is capable of supporting

indefinitely the domestic, agricultural, industrial, and recreational water requirements for the growth and development of the municipality;

- c. Natural forests, wildlife, and landscapes shall be managed for scientific research and education, recreation, and ecological tourism as major catalysts for the conservation of biological diversity and preservation of the unique natural and cultural heritage of the Urbiztononians.

In carrying out the provisions of this Code, the Mayor shall enhance the capacity of the municipal governments to provide forest management guidance and support to the various priority forest management initiatives of constituent barangays which shall thereby provide direct guidance and support to the initiatives of people's organizations, non-government organizations, government agencies and individuals and households; provided, that the mayor shall implement the forestry provisions of this Code in close collaboration with concerned national government agencies and instrumentalities, particularly the Department of Environment and Natural Resources (DENR), and the private sector.

**Sec. 4. Forest Resources Management Framework.** Within nine (9) months upon effectivity of this Code, the Mayor shall adopt a municipal strategic forest resources management framework to serve as guide for municipal government in preparing their forest resources management plans. The municipal framework shall in the minimum, outline how the municipal government may promote investments, create jobs, and generate local government revenues through production, protection and recreational forestry programs or projects. Further, the framework shall be formulated, adopted, and implemented reflecting a collaborative initiative with national government agencies, particularly the DENR, the private sector, people's organizations, and non-government organizations, in accordance with law; subject, however to the condition that the framework shall be in conformity with the municipal physical framework plan.

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**Sec. 5. Development of Forest Areas for Bamboo Productions.** In order to provide adequate raw material stocks to meet the increasing demand for bamboo and other tree raw products, the Local Government of Urbiztondo thru its agriculture office, shall appropriate funds and engage in the propagation and cultivation of bamboo and other potential home grown trees in the municipality in accordance with the relevant provisions of Executive Order No. 879, Series of 2010 dated May 14, 2010 by President Gloria Macapagal- Arroyo particularly Sections 4 and 7 thereof.

**Sec. 6. Development of Recreation Forests.** Upon request, the Mayor shall assist barangay governments in the establishment of revenue-generating community-based forest recreation projects, such as, but not limited to, forest parks, botanical gardens, and camping grounds within devolved areas such as Communal Forest, ISF Projects, Pocket Forest, Project RICH in accordance with RA 7160.

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**Sec. 7. Forest Resources Information Management System.** The Mayor shall establish and maintain a forest resources information management system that is capable of promoting public and private sector investments in the operation of production, protection and recreation forests and forest-based industries in the municipality. Such information system shall, in the minimum, consist of thematic maps, directory of available areas and forest resources for investments, and tenurial systems. Upon request, the Mayor shall provide technical assistance to interested barangay governments in the development of their forest resources information systems.

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**Sec. 8. Establishment of Sustainable Agro-forestry and other Income Generating Projects.** The municipal government shall encourage agro-forestry and other income generating support programs for the benefit of identified beneficiaries.

**Sec. 9. Establishment of Plant/Nursery Areas.** There shall be established in every barangay a Seedlings Production Area of indigenous premium species and other naturally growing trees which shall supplement the seed requirements of public and private nurseries.



**Sec. 10. Concurrence of Sanggunian.** For the purpose of implementing the provisions of this Code and pursuant to Section 26 and Section 17 of RA 7160, government agencies and instrumentalities are hereby required to consult with local government units and obtain concurrence from concerned Sanggunian in the implementation and development and investment programs or projects affecting forest resources. Henceforth, no forest resources management, development, utilization or processing project, lease, license, agreement or usufruct permit shall be issued by national government agencies without prior consultation and consent of local government unit in accordance to existing national laws, rules and regulations.

**Sec. 11. Annual Investment Plan.** Upon effectivity of this Code, the municipal budget allocations for forest resources management shall be automatically included in the annual investment plan as indicated in Article II, Section 8 hereof provided, that such investment are in accordance with forest resources management framework as prescribed under Section 10 of this Code.

**Sec. 12. Organization.** There is hereby created a Forest Resources Management Section (FRMS) under the Municipal Environment and Natural Resources Office. Staffs to compose that section may be assigned by the Municipal Mayor on special detail status.

When established, the forestry service office shall exert efforts in insuring proper implementation of its forest management plans. The FRMS shall provide assistance to Barangay governments in the following manner:

- a. preparation of municipal forest resources management plans;
- b. design and preparation of forestry related projects;
- c. strengthening of barangay forest management capability;
- d. establishment of support linkages and network systems;
- e. formulation of barangay-specific forest policies and incentive systems; and
- f. tenurial security issuance, strengthening and enforcement.

It shall also develop model forestry projects for promotion to the barangay.

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**Sec. 13. Acts Banned, Prohibited and Punishable** under this Code shall include, but not limited to, the following:

- a. The indiscriminate cutting of trees in both private and public lands is hereby prohibited.
- b. The use of unregistered or unlicensed power saws/chain saws and similar tree-cutting equipment shall be banned and prohibited, unless a current and valid license or permit for the use thereof as issued by the DENR through the CENRO in accordance with RA 9175 has been obtained. Furthermore, the registration of chainsaw must be governed by R.A. 9175, known as the Chainsaw Act of 2002. In this regard, the DENR must furnish a copy of the registration of chainsaws in the respective municipalities where the chainsaw is operating. *ym*
- c. Hunting, destroying, or mere possession of any plants, animals or other forest products both living and non-living and other species considered endangered or threatened pursuant to existing laws.
- d. The use of unregistered or unlicensed hunting paraphernalia such as air guns, shotguns, and the like, unless a current and valid permit for the use thereof as issued by the proper authority subject to prior clearance by the Municipal Mayor.
- e. The trafficking of flora and fauna including hunting and/or gathering of endangered or threatened species shall be prohibited, unless the DENR has issued a current and valid permit for the traffic thereof from the source. *ym*

- f. No person shall ignite, cause to be ignited, or maintain any open fires except in the following activities: open fires for cooking of food for human consumption in areas designated by law, fires for religious or ceremonial purposes, fires for the prevention and control of pests and diseases, fires for the disposal of dangerous materials or wastes subject to prior clearance or permit issued by the Mayor, fires for training personnel in firefighting, prescribed burning for recognized agricultural, forestry and wildlife management practices, and open fires expressly approved by the DENR and Mayor.

## ARTICLE V MINERAL AND OTHER QUARRY RESOURCES

**Sec. 1. Scope of Powers.** In addition to the powers, duties and functions of the Municipal Mayor to adopt adequate measures to safeguard and conserve land, mineral, marine and other resources, as provided under Sections 389(b)(i) and Section 444(b)(3)(vii); the powers of the municipal government with respect to the management of mineral resources as provided under Sections 26 and 27, Republic Act No. 7160 (consultations and prior consent required) and powers of the Municipal Government as provided in Sections 17(b)(3)(iii), Section 138 of the Local Government Code of 1991 and DENR Administrative Order No. 30, series of 1992 (Guidelines for the Transfer and Implementation of DENR Functions Devolved to the Local Government Units), the Municipality shall:

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- a. Strictly enforce Republic Act No 7942 (Philippine Mining Act of 1995), Presidential Decree No. 1899 (Establishing Small-Scale Mining as a New Dimension in Mineral Development) and Republic Act No. 7076 (People's Small-Scale Mining Act of 1991);
  - b. Enforce Batas Pambansa No. 265 (An Act Prohibiting the Extraction of Gravel and Sand from Rivers and Providing Penalties Thereof);
  - c. Issue the following mining permits for: Quarry, Commercial Sand and Gravel, Industrial Sand and Gravel, Exclusive Sand and Gravel, Government Gratuitous, Private Gratuitous, Guano, Gemstone Gathering and Small-Scale Mining pursuant to Sections 71-73, 81 and 88 of DENR Administrative Order No. 40 Series of 1996, as amended and Section 3.4 of DAO 30, Series of 1992;
  - d. Verify and adjudicate conflicts arising from quarrying;
  - e. Collect fees and charges for the mining permits enumerated under (c) above pursuant to Section 138 of the Local Government Code of 1991.

**Sec. 2. Governing Laws.** The pertinent mineral resources provisions of this Code shall be governed by, but not limited to, the following national laws and regulations:

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- a. Republic Act No. 7160 (Local Government Code of 1991)
  - b. Republic Act No. 7942 (Philippine Mining Act of 1995)
  - c. DENR Administrative Order No. 40, series of 1996 (Revised Implementing Rules and Regulations of Republic Act No. 7942), as amended *gul*
  - e. Republic Act 7076 (People's Small Scale Mining Act of 1991)
  - f. Mines Administrative Order No. MRD 41, series of 1984 (Rules and Regulations of Presidential Decree No. 1899);
  - g. Republic Act No. 7076 ( People's Small-Scale Mining Act of 1991);
  - h. DENR Administrative Order No. 34, series of 1992 (Implementing Rules and Regulations of Republic Act No. 7076)

- i. DENR Administrative Order No. 96-40 series of 1995, as amended by DAO 40, series of 1996 entitled "Implementing Rules and Regulations of the Mining Act of 1995
- j. Presidential Decree No. 1586 ( Philippine EIA System)
- k. Republic Act No. 6969 (Toxic Chemicals and Hazardous Nuclear Waste Control Act of 1990)
- l. DENR Administrative Order 2000-98 (Mine Safety and Health Standards)
- m. DENR Administrative Order 97-30 (Small-Scale Mine Safety Rules and Regulations)
- n. Republic Act No. 7576 (NIPAS Law)
- o. Republic Act No. 9072 (Cave and Cave Resources Act)
- p. Republic Act No. 9147 (Wildlife Resources Act)
- q. Republic Act No. 8749 (Clean Air Act of 1999)
- r. Republic Act No. 9275 (Clean Water Act of 2004)
- s. Republic Act No. 9003 (Ecological Solid Waste Management Act of 2000)

**Sec. 3. Operative Principles.** The revenue generation and livelihood functions of mineral resources notwithstanding, but because of the increasing domestic and external demands for the utilization of minerals for infrastructure development and industrial raw materials, and the losses in public welfare associated with unregulated mining and quarrying particularly from the adverse effects of soil erosion, water pollution, destruction of heritage items and unique landscapes and diminution of biological diversity, the Municipal Environment and Natural Resources Office (MENRO) shall regulate the mining, quarrying and utilization of mineral resources (including treasure hunting activities) in the Municipality.

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Pursuant to Section 70 of DENR Administrative Order No. 40, Series of 1996, as amended and as provided for in the Local Revenue Code, the Local Government of Urbiztondo shall, among others, accept, process and evaluate applications and determine administrative charges and fees for Quarry, Sand and Gravel, Guano, Gemstone Gathering and Small-Scale Mining Permits duly filed with the same.

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**Sec. 4. Regulatory Provisions.** It shall be unlawful for any person, natural or juridical, to undertake mining and quarrying of minerals without a permit duly issued by the Municipal Mayor; provided that mining and quarrying activities within the Municipality of Urbiztondo shall be subjected to Environmental Impact Study (EIS) as provided under the Philippine Environmental Impact Assessment System for quarry, commercial/industrial sand and gravel, government gratuitous, guano, gemstone gathering and small-scale mining permits. The proponent shall secure clearance from the Department of Environment and Natural Resources, Department of Public Works and Highways and/or concerned government agencies and submit to the MENRO copies of Environmental Compliance Certificate, Environmental Impact Study or Initial Environmental Examination, whichever is applicable, for the corresponding permit to be issued.

**Sec. 5. Issuance of a permit.**

The permit to extract, remove, desilt/dredge, dispose and/or utilize quarry, sand and gravel and other mineral resources in the Municipality shall be issued exclusively by the Provincial Governor per Section 3.4 of DAO 92-30.

- a. **Quarry Permit** – shall be issued to Qualified Persons, natural or juridical, for the extraction, removal and disposition of quarry resources covering an area of not more than five (5) hectares for a term of five (5) years from date of issuance thereof, renewable for like periods but not to exceed a total term of twenty-five (25) years;

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- b. **Commercial Sand and Gravel Permit** - shall be issued to Qualified Persons, natural or juridical, for the extraction, removal and disposition of sand and gravel and other loose or unconsolidated materials which are used in their natural state without undergoing processing covering an area of not more than five (5) hectares for a term of one (1) year from date of issuance thereof, renewable for like period;
- c. **Industrial Sand and Gravel Permit** - shall be issued to Qualified Persons, natural or juridical, for the extraction, removal and disposition of sand and gravel and other loose or unconsolidated materials that necessitate the use of mechanical processing covering an area of not more than five (5) hectares at any one time for a term of five (5) years from date of issuance thereof, renewable for like periods but not to exceed a total term of twenty-five (25) years;
- d. **Exclusive Sand and Gravel Permit** - shall be issued to Qualified Persons for the extraction, removal and utilization of sand and gravel and other loose or unconsolidated materials from public land for its own use covering an area of not more than one (1) hectare for a non-renewable period not exceeding sixty (60) calendar days and a maximum volume of fifty (50) cubic meters provided that there will be no commercial disposition;
- e. **Government Gratuitous Permit** - shall be issued to any Government entity/instrumentality in need of quarry, sand and gravel or loose/unconsolidated materials in the construction of building(s) and/or infrastructure for public use or other purposes for a period co-terminus with the construction stage of the project but not to exceed one (1) year in public/private land(s) covering an area of not more than two (2) hectares;
- f. **Private Gratuitous Permit** - shall be issued to any landowner for the extraction, removal and utilization of quarry, sand and gravel or loose/unconsolidated materials from his/her land for a non-renewable period of sixty (60) calendar days provided that the materials shall be for personal use;
- g. **Small-Scale Mining Permit** - shall be granted to any Qualified Person, natural or juridical, for the extraction, removal, disposition, and/or utilization of minerals as defined under Section 3 of Mines Administrative Order No. MRD 41, series of 1984 covering an area of not more than 20 hectares for a period of 2 years and renewable only once with a maximum annual production of 50,000 dry metric tons.
- h. **Desilting/Dredging permit** - shall be granted to any Qualified Person, natural or juridical, for the extraction, removal, desilting and dredging of rivers/waterways the terms and conditions of which shall be covered by memorandum of agreement (MOA) thru Sangguniang Bayan Resolution authorizing the Municipal Mayor to enter into the same.

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**Sec. 6. Quarrying Operations.** The MENRO shall regulate all extractive activities in the municipality to ensure that they do not in any way affect or hamper the productivity of adjoining areas. In addition, it shall:

- a. facilitate the designation of one operation site for mineral processing in consultation with concerned government agencies and barangay councils, and
- b. ensure that operators of extractive activities shall assume full responsibility for the protection and prevention of contamination and or destruction of the immediate surrounding ecosystem.

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**Sec. 7. Reversion/rehabilitation of mined-out lands and quarry areas.** All individuals, partnerships or corporations engaged in exploration, development and exploitation of natural resources or in the construction of infrastructure projects shall be required to restore or rehabilitate disturbed areas to their original condition, if possible or to other beneficial land use acceptable to land owner and/or to the community, pursuant to Section 167 (b) of DENR Administrative Order No. 40, as amended.

**Sec. 8. Regulation of Transport of Quarried Materials.** The Provincial Mining Regulatory Board, under Section 24 of RA 7076 and Section 70 of DAO No. 40, s-1996, as amended shall be

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authorized to regulate the transport of quarried materials for purposes of monitoring and safety.

**Sec. 9. Sanctions.** Every commission of acts prohibited in this Article shall be punishable by a fine of P2,500.00 or six (6) months imprisonment or both at the discretion of a court of competent jurisdiction, including the revocation of permits for private business entity/ies involved upon observance of due process.

## ARTICLE VI WATER RESOURCES

### Sec. 1. Scope of Powers.

- a. **The Municipality.** The Municipal government, upon approval of its request for deputation by the **National Water Resources Board** (NWRB) to perform specific functions of the latter, shall collaborate in the administration and enforcement of the provisions of Presidential Decree No. 1067 otherwise known as the "Water Code of the Philippines";
- b. The municipal government of Urbiztondo shall issue locational clearance in addition to the requirements under PD 1067 before construction of any water resources projects in any of the barangays;
- c. The existing Barangay Water Services Associations (BWSA) if any, shall assess their water resources, monitor their use and report to the NWRB, through the municipal government, data needed by the latter in its continuing program for data collection resource and manpower development needed for the appropriation, utilization, exploitation, conservation, and protection of the water resources of the barangay. In the absence of BWSA, existing irrigators' associations and other water users associations in the barangay shall be utilized to perform the provisions of this Section. In cases where both or all are existing in the barangay, irrigators' association members and other water association members shall automatically acquire membership to the BWSA for the purpose and intention of this Section.

**Sec. 2. Governing Laws.** The water resources provisions under this Code shall be governed by, but not be limited to, the following national laws:

- a. RA 7160 (Local Government Code of 1991)
- b. Section 16, Article II and Section I, Article I of the 1987 Philippine Constitution as to the declared state policy and principles on the protection and advancement of its constituents to a balanced and healthy ecology
- c. Article XIV, Section 8 of the 1987 Philippines Constitution providing, *inter alia*, that all waters of the Philippines belong to the State
- d. Presidential Decree No. 1067 otherwise known as the Water Code of the Philippines;
- e. RA 9275 (Clean Water Act of 2004)
- f. Republic Act 9003 (Solid Waste Management Act)
- g. Presidential Decree No. 856 (Code on Sanitation of the Philippines, 1775)
- h. Republic Act No. 8041 (National Water Crisis Act)
- i. Republic Act No. 8550 (Philippine Fisheries Code of 1998)
- j. Other applicable laws and administrative issuances consistent with the purposes and intent of this Code.

**Sec. 3. Special Events and Days of Action.** The Municipal shall observe/celebrate and/or commemorate special events and days of action in coordination with all barangay councils, concerned government agencies and non-government organizations, to raise the level of environmental awareness and consciousness among the people of Urbiztondo.

**Sec. 4. Other Celebrations.** Other days/events not provided herein shall be observed subject to existing laws, rules and regulations.

**Sec. 5. Municipal-Wide Tree Planting Day.** There shall be a regular observance of a Municipal-wide annual tree planting day activity that will be determined by the municipal government. This shall be done in any of the established or identified communal or community-based forest projects in the municipality.

**Sec. 6. Earth Day.** Pursuant to the United Nations Resolution of 1972, the Municipal Government shall participate in the celebration of Earth Day every 22nd day of April every year.

**Sec. 7. Environment Month.** The Municipality shall conduct activities to celebrate the Philippine Environment Month (Month of June) and shall enjoin all Barangays to do the same. This is a culmination and will showcase the year-round activity thereby synchronizing all efforts in the protection, preservation and conservation of the municipal's natural resources ecosystem.

#### ARTICLE XIV ENVIRONMENTAL INFORMATION AND EDUCATION

**Sec. 1. The need for massive Environmental Information and Education.** There is a need for a massive and continuing environmental information and education so as to deepen the awareness and familiarity of the townspeople on the provisions of this code and to generate their sense of ownership and active participation in taking care of the physical environment.

Prior to its implementation, it is therefore necessary that the Code be promoted to the general public. Such a community informational campaign should focus on the environmental issues being addressed by the Code, their cause and effect relationship, and the measures being applied in order to avert further deterioration of the environment.

**Sec. 2. The MENRO.** The Municipal Environment and Natural Resource Office, through its IEC and Community Organizing Section of the Administrative and Support Services Division, is hereby tasked to:

- a. disseminate information on the state of the environment and the impacts of human activities on their sustainability as part of its local environmental education program through various traditional and social media such as internet, facebook, messenger, instagram, tweeter, youtube, blog, print, radio, TV, cultural shows, and public dialogues;
- b. establish Environment Information Center in coordination with the chair, committee on Environment of the Barangay Council;
- c. conduct seminars on subjects such as River Resources and Riverbank Protection, Fisheries Management, Community-based Fishery Law Enforcement, Air Pollution, Sustainable Agriculture and Safe Use of Pesticides, Tourism Management, Water Management Program, and other pertinent topics on the effects of the use of hazardous substances on the environment;
- d. seek the services of NGOs/CSOs/POs and other advocacy groups on the dissemination of information and the conduct of lectures;
- e. work closely with local religious groups to design a catechism module focused on environment;





- f. coordinate with the Department of Education, Culture and Sports to develop a concise curriculum on environment highlighting the unique features of Urbiztondo's ecosystem;
- g. tap the services of specialists in government agencies such as the DOST, DENR and DA as well as those in the academe for the conduct of more comprehensive seminars on the environment;
- h. establish a network for information collection and feedback linking NGOs/CSOs, government agencies and people's organizations for reporting violations, outbreaks, destructive resource-use practices and to conduct systematic observation on pollution and environmental impacts of human activities. To this end, investments in radio communication equipment, computers and other tools for surveillance shall be facilitated;

**Sec. 3. Human Resource Development and Capacity Building.** The Local Government of Urbiztondo, through inter-barangay/inter-agency/inter-institutional cooperation, and with the support of national agencies, shall embark on a human resources development and capacity building program to:

- a. expand multi-disciplinary education, training and research on sustainable management of land, water and air resources;
- b. create training opportunities for members of the community, NGOS/CSOs, POs and the industry to encourage environment-friendly lifestyles;
- c. develop and strengthen, where the need arises, institutions capable of conducting research, monitoring and implementing the objectives and activities related to environmental legislation and resources conservation, and
- d. develop local planning capabilities particularly using the population and development planning method.

**Sec. 4. International and Regional Cooperation.** In recognition of the role of the United Nations and other international organizations in the pursuit of sustainable development, the local government shall maintain liaison with organizations of the UN or those with whom the Philippines has signed bilateral or regional cooperation, for the purpose of environmental information exchange, financial assistance, technical cooperation and for the implementation of recognized action programs for environmental management.

**ARTICLE XV  
PENALTIES AND MISCELLANEOUS PROVISIONS**

**Sec. 1. Prior Consent of Sangguniang Bayan.** Private entities, government agencies and its instrumentalities are hereby required to secure prior consent of the Sangguniang Bayan in the implementation and development of investment programs or projects affecting the environment.

Natural resources development, utilization or processing project, lease, license, ECC or agreement shall not be issued by national government agencies without prior consultation with and consent of local government units, affected communities and stakeholders in the municipality.

**Sec. 2.** Violation of any provision of this Code to which no specific penalty is imposed or commission of any of the prohibited acts which do not carry a specific penalty, shall be penalized by a fine of not less than Five Hundred Pesos (P500) but not more than Two Thousand Five Hundred Pesos (P2,500.00) at the discretion of the Court.

**Sec. 3.** The penalty provided in this Code shall be in addition to the penalty that may be provided by any other laws or ordinances. PROVIDED HOWEVER, that the prosecution or law enforcer shall charge the offender or violator with the law providing a heavier penalty in case it appears that a single act is punishable by two or more laws, ordinances and

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**Sec. 3. Operative Principles.** As mandated by national and general laws governing this chapter, the municipal government, acting for and in behalf of the State by virtue of its deputation by the NWRB and in coordination with its barangay governments, shall adopt sustainable water resources developmental projects and related activities consistent with the preservation, conservation and protection of water resources of the province. As such, it shall empower its constituents to monitor and safeguard the utilization of all water resources in their locality.

The objectives laid out under the Water Code of the Philippines (PD 1067), the definition of waters, scope of ownership of waters, its appropriation, utilization, control and conservation including the protection of waters and watersheds and related land resources, shall be the guiding principles in the utilization of water resources within the municipality.

Issues and conflicts regarding the use and control of waters shall be immediately resolved by adhering to explicit provisions of PD 1067.

**Sec. 4. Utilization of Waters.** The following shall constitute as guidelines for proper utilization of water in the Municipality of Urbiztondo:

- a. In addition to the provisions of the Water Code of the Philippines, utilization of the water resources for domestic and industrial use shall be allowed PROVIDED it is in consonance with the development policies of DENR, the Revised Forestry Code of the Philippines, as amended, and the Philippine Clean Water Act of 2004 (RA 9275) and provided further, that it is subjected to an environmental impact assessment laid out under PD 1586.
- b. Other uses such as recreation, fishing and fish farming and other related activities consistent with RA 8550, floatage/transportation and mining (e.g. off shore oil exploration) shall also be allowed provided it is subject to the regulations as above.
- c. The Municipality of Urbiztondo shall maintain/rehabilitate lands along the edge of the normal high waterline of rivers and streams within the jurisdiction of the municipality. Maintenance and/or rehabilitation should be at least 20 meters inland on both banks of waterways with at least 5 meters width provided that no encroachment would be made upon private lots.
- d. Clearance from concerned government agencies should be secured in the utilization of the buffer zone. For the Municipality of Urbiztondo, at least 50 meters buffer zone shall be maintained for the purpose of this ec..
- e. Water peddlers and commercial surface and/or groundwater permittees in the municipality should maintain the safety and quality of their drinking waters passed on to their customers. Prior clearance should be secured from DOH for this purpose.
- f. Rainwater collection and harvesting for domestic purposes shall be promoted in the municipality.
- g. To rationalize the exploitation of all water resources, joint venture schemes in all waterworks projects is encouraged.
- h. Conservation of fish and wildlife shall also be considered and coordinated with other features of water resources development programs to ensure that fish and wildlife values receive equal attention with other project purposes.
- i. Possible inclusion of water conservation facilities/structures in the design and/or construction of building and dwellings in urban areas should be considered in the issuance of building permits.
- j. Watershed conservation, rejuvenation and management (i.e., reforestation, construction of water impounding/reservoir project, soil and water conservation initiatives) should be integrated in all developmental projects utilizing water resources as its major component in order to have a continuous supply of water.

- k. Watersheds of existing private or government-owned irrigation systems with service areas of more than ten (10) hectares shall also be recommended by the Municipality as critical watersheds in accordance with the provisions of RA 7586 or the National Integrated Protected Areas System (NIPAS) Act of 1992.
- l. Information and Education Campaign (IECs) on proper conservation of water, integrated pest management and adverse effects on water resources by the use and application of agriculture fertilizers, detergents and washing agents shall be the duty of the Municipal Information Office and Office of the Municipal Agriculturist.
- m. Water Resource Guarantee Fund shall be established in the municipality. Funds for this shall come from the permits and fees levied on the use of all water resources in the municipality outside of the fees required by the NWRB. Sixty percent (60%) of the guarantee fund shall accrue to the municipality while the remaining forty percent (40%) shall accrue to the barangay where the project is located. Coordinates of the water resources shall be used in defining its location and not the coverage of the water resources project.

**Sec. 5. Storage, Water impounding/Reservoirs and Weirs.** The municipality recognizes that storage, water impounding/reservoirs and weirs projects improve water supply for irrigation and households, provide power, control floods and reduce fossil-fuel depletion and the environmental effect of fossil fuel burning.

To minimize their adverse effects, the following shall be observed in the planning, design, construction and operation of these projects:

- a. Design of investment programs for supplying water or energy should consider demand management as well as supply options such as conservation of water or energy efficiency improvements and system integration.
- b. Multiple uses of proposed storage, water impounding/reservoirs and weirs shall be encouraged; communal access shall be promoted.
- c. Vector control, environmental modifications, education of residents around the reservoirs shall form as components of the proposed storage, water impounding/reservoirs and weirs projects.
- d. Suitability of water quality for drinking, irrigation, fisheries or other uses both within reservoirs and downstream shall be addressed. This shall include saline intrusions, water retention time (i.e. flow/volume), loss of flushing, increased nutrients in reservoir, pollution, raising or contamination of water table and salinization.
- e. Multiple-level outlets design in any proposed storage, water impounding/reservoirs and weirs shall be encouraged to avoid the discharge of anaerobic water. Likewise, conversion of forest to timber before reservoir filling shall be advocated to reduce project contribution to greenhouse gases.
- f. Floating weeds (e.g. water hyacinth) and water lettuce should be eliminated in reservoirs; use of weeds for compost, biogas or fodder should be encouraged.
- g. Downstream water releases should be properly managed by partially replicating natural flooding regimes to minimize changes in downstream hydrology which ultimately impair ecosystems dependent on seasonal flooding, including areas that may be important for fisheries (e.g. flood plains, lagoons, marshes, mangroves) or for traditional flood recession agriculture.

**Sec. 6. Establishment of a Water Resources Trust Fund.** There is hereby created a Municipal Water Resources Trust Fund for the sole purpose of supporting programs and projects for the rehabilitation of water production outside NIPAS areas. The Trust Fund, which shall comprise all amounts denominated as "share of national wealth" from the operation of water utilities by national government agencies and instrumentalities, shall be managed and administered by the Mayor upon the recommendation of the multi-sectoral Water Resources Advisory

Committee. Henceforth, all such unexpended amounts and future allocations shall accrue to the Municipal Water Resources Trust Fund.

**Sec. 7. Creation of Municipal Network of Watersheds/Waterways (MNWW).**

- a. The Municipal Network of Watersheds/Waterways (MNWW) is hereby created which shall be managed by Municipal laws, rules and regulations, subject to provincial and national laws, for the purpose of securing the water requirements for sustainable development of Urbiztondo.
- b. Establishment and Extent of MNWW. Within one year from the effectivity of this Code, the Mayor shall, in close collaboration with the DENR and NWRB and concerned municipal offices, Barangay councils and other concerned agencies as determined by the municipal government, study and review each watershed/waterway initially composing the MNWW as to suitability or non-suitability for the purpose of determining the specific areas strictly needed for water production purposes and identify critical watershed/waterway and implement appropriate strategies and measures for immediate rehabilitation.

All Barangays with identified and declared small watershed/waterway are also tasked to prepare their own Watershed/Waterway Management Plan which shall include:

- i. Comprehensive Watershed/Waterway Protection Plan;
- ii. Short, medium and long term Vegetative Rehabilitation Program preferably featuring the planting and propagation of Bamboo in its various varieties which shall encourage the involvement of local communities within the area;
- iii. Prohibition of entry of new migrants in the area and limiting area occupancy of existing watershed/waterway occupants;
- iv. Introduction of alternative sustainable livelihood projects to existing watershed/waterway occupants;
- v. identification and delineation of different management zones such as production and protection zone;
- vi. Undertake a progressive and continuing relocation program for occupants in protected areas.

Upon completion of all the studies, the Mayor shall submit to the Sangguniang Bayan a map and legal description or boundaries of each of the water production areas in each watershed/waterway together with his recommendation for the Sangguniang Bayan to declare, set aside, and maintain the reforested areas as strict protection zone for the purpose of water production.

For the purposes of this Code, only the strict water production areas in each of the aforementioned watersheds/waterways shall comprise the Municipal Network of Watersheds/Waterways and therefore excludes all other lands within the component watershed/waterway that are needed for water protection.

- c. Additional Areas to the MNWW. The Mayor shall propose to the Sangguniang Bayan the inclusion in the MNWW those watersheds/waterways identified by the municipal government in coordination with the DENR and DPWH, including watersheds/waterways which the Mayor deems to require strict protection for water production purposes.
- d. Disestablishment of Watersheds/Waterways. When upon the recommendation of the majority members of the concerned Sangguniang Barangay and, if applicable, the DENR, a certain watershed within the MNWW or portion thereof should be withdrawn or disestablished, or its boundaries modified, the disestablishment therefore shall take

effect pursuant to an act of the Sangguniang Barangay as reviewed by the Sangguniang Bayan.

- e. Buffer Zones. When necessary, there may be established peripheral buffer zones of the strict water production area to protect the same from activities that will directly or indirectly harm it; provided, that the establishment of the peripheral buffer zones shall be in the same manner as the Sangguniang Barangay established as the strict water production area.

**Sec. 8. Water Resources Management Plan.** The Mayor shall, together with the Barangay officials, DENR, DPWH, NIA and other national government line agencies, local water district and private sector groups formulate a strategic management plan for the Urbiztondo Network of Watersheds/Waterways. Upon recommendation of the multi-sectoral Water on Resources Committee, as provided in Section 9 of this Code, the Mayor may undertake preparation of the plan either by administration or by commissioning qualified professional consultancy services in accordance with law.

The plan shall be based, among others, on the following:

- a. Inventory and classification of water resources by actual observation/survey and water sampling in accordance with Presidential Decree 1067 and DENR Administrative Order No. 34, series of 1990 for the purpose of determining appropriate uses, protection measures needed and quality standard to be applied.
- b. Characterization of the status of priority watersheds/waterways in terms of water producing capacity, water quantity, water quality and use;
- c. The measures to be implemented to improve water quality and production capacity of watersheds/waterways;
- d. The appropriate institutional arrangements to be establish for managing the watershed/waterway;
- e. The investment requirement, duration and revenue generating measures to be implemented; and
- f. Appropriate policy incentives and regulations to ensure that the watershed/waterway is managed in a sustainable manner.

**Sec. 9. Water Quality Monitoring.** Within nine (9) months upon effectivity of this code, the Mayor shall organize and maintain the continuous and effective operation of a 9-member multi-sectoral Water Resources Committee (WRC) to be composed of the Mayor as Chairman and NIA, DENR/EMB, DOST, DPWH, DA/BFAR and DOH as members, including two (2) representatives of non-government organizations as appointed by the Mayor. The Committee shall create/organize a Water Quality Monitoring Team with the following duties and responsibilities:

- a. Establish the number and location of municipal-wide water sampling stations based on proximity to human settlements and industrial establishments as possible sources of pollution. The sampling stations shall include estuaries, rivers, community deep wells, artesian wells, aquifers, and similar bodies of water as determined by the committee.
- b. Conduct regular sampling and cause the analysis of samples collected using established standard parameters standards and procedures.
- c. Release of the monitoring result to the public particularly to the barangays concerned.
- d. In coordination with the Municipal Mining and Regulatory Board, monitor the impact on water resources of all mining operations in the municipality.
- e. Assist national government agencies in the enforcement of anti-pollution laws including RA 9275 – Clean Water Act of 2004, DENR Administrative Order 34 (Revised Water Usage



and Classification Water Quality Criteria) and DENR Administrative Order No. 35 (Revised Effluent Regulations of 1990) and Republic Act No. 6969 (Toxic Substances and Hazardous and Nuclear Waste Control Act of 1990).

- f. Organize industrial firms and tourism establishments in the barangay so that they can share water pollution control/prevention techniques, work as a group with the government and non-governmental organizations on pollution reduction.
- g. Advise the Mayor on policy requirements to safeguard water resources in the municipality.
- h. Recommend to the Mayor the allocation of the Water Resources Trust
- i. Prepare and recommend to the Mayor annual work and financial plans for the operation of the Committee.

**Sec. 10. Protection of Public Water Infrastructures.** The Mayor shall identify the component watersheds/waterways of the MNWW which are presently supporting inter-barangay waterworks and irrigation system as well as those which are potential sites of similar projects such as small hydroelectric project and assist barangay government prepare management plans thereof. The Mayor shall ensure that engineering works and infrastructure projects with the municipality do not adversely impact on water quality and project accessibility.

**Sec. 11. Protection of Riverbanks, Easements, Rights-of-way, and Greenbelts.** The Mayor shall adopt adequate measures for establishing clearance and greenbelts along river banks and shorelines areas as prescribed by law, to enforce provisions for easements as provided in DENR Administrative Order 05, series of 1997 and Presidential Decree No. 1067 which provide that banks of river and streams and the shores of the seas 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 margins are subject to easement for public use in the interest of recreation, navigation, floatage fishing and fishing. No person shall be allowed to build structures of any kind or to stay in this zone longer than what is necessary for recreation, navigation, floatage, fishing or salvage.

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**Sec. 12. Drainage Systems.** The Local Government of Urbiztondo as well as all concerned agencies/offices shall adopt necessary measures to ensure that adequate barangay drainage systems are established and maintained to prevent floods and the negative effects of all types of effluents on both surface and underground water. The Municipal Mayor shall also provide assistance to barangays for the purpose of ensuring that solid or liquid wastes are properly disposed of for the protection of water resources.

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**Sec. 13. Organic Farming and Soil and Water Conservation.** The Mayor shall assist barangays in the implementation of community-based forestry management projects for the purpose of instituting improved soil and water conservation techniques and generate resources to implement the measures. Likewise, the Mayor shall promote sustainable agriculture pursuant to the provisions of RA 10068 otherwise known as "Organic Agriculture Act of 2010" and use all its powers to enforce the laws governing the use of prohibited agricultural chemicals as determined by the Fertilizer and Pesticide Authority.

**Sec. 14. Health and Sanitation Measures.** The Mayor shall adopt appropriate measures to assist barangay governments improve environmental sanitation by expanding the use of sanitary toilets for waste disposal. Such assistance shall if necessary include, but not limited to, direct investments in public health, education and strict enforcement of the Plumbing Code and Sanitation Code.

**Sec. 15. Water Usage and Classification.** The provisions of DENR Administrative Order No. 34, series of 1990, otherwise known as the "Revised Water Usage and Classification", and amendments thereto, are hereby adopted.

**Sec. 16. Prohibited and Punishable Acts.** The Sangguniang Bayan in consultation with the DENR/EMB and the various barangay Sanggunians of the Municipality shall, within one (1) year upon effectivity of this Code, enact a unified ordinance for the purpose of defining the

penalties and/or sanctions for acts in violation of the provision of this code, such as, but not limited to, the following:

- a. No person shall operate and maintain any collection system, sewage disposal system, treatment facility or wastewater treatment facility unless the same is provided with adequate and effective treatment and covered by a current and valid discharge permit issued by EMB per (RA 9275).
- b. No industrial or domestic sewage shall discharge into drinking water source as defined under DENR Administrative Order No. 34, Series of 1990.
- c. In order to avoid deterioration of the quality of a receiving water body (RWB), no industrial plant with high waste load potential shall discharge into a body of water where the dilution or assimilative capacity of said water body during dry weather conditions is insufficient to maintain its prescribed water quality according to its usage and classification.
- d. No person shall discharge, wholly or partially, untreated or inadequately treated industrial effluents directly into bodies of water or through the use of bypass canals and/or pumps and other unauthorized means.
- e. No industrial or manufacturing plant shall be operated without control facilities of wastewater treatment system in good order or in proper operation.
- f. No industrial or manufacturing plant or source of pollution shall be operated at capacities beyond the limits of operation or capability of wastewater treatment facility in order to maintain the effluent quality within the standards or pertinent conditions required by law and/or as stipulated in the permit to operate.
- g. No person shall build, erect, install or use any equipment, contrivance or any means the use of which will conceal and/or dilute an effluent discharge and which otherwise constitute a violation of the provisions of this Code.
- h. The construction of houses and other physical structures within the banks of river and waterway, natural or man-made and banks of irrigation canals shall be governed by existing laws.
- i. No private person or entity except those authorized by law shall develop a stream, lake, marshland or pond for recreational or commercial purposes without first securing a permit from the National Water Resources Board and the local government chief executive, in addition to an Environmental Compliance Certificate issued by the DENR.
- j. No person shall raise or lower or cause the raising or lowering of the water level of a stream, river, lake, marsh or pond, nor drain the same without the necessary government clearances and/or permits.
- k. Impounding of water in large amounts such as to prejudice downstream or upstream users shall be prohibited unless otherwise social acceptability requirements are satisfied.
- l. No person shall drill a well without a permit from the National Water Resources Board in coordination with the local government units, and the Mayor in the case of subterranean waters, provided, that in no case shall groundwater be extracted if this will result to the deterioration of critically important surface waters.
- m. The construction or setting up of any structure, temporary or otherwise, that would destroy the scenic value as per determination by Department of Tourism (DOT) and or Local Tourism Office of natural waterways or result to the disruption of water flows shall be prohibited unless a water permit is secured.
- n. Dumping of tailings and sediments from mining and quarrying operations, as well as farm water carrying pesticide residues, is hereby banned and therefore prohibited.

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**Sec. 17. Sanctions.** Violations of the provisions under the Water Code of the Philippines is punishable by the sanctions enumerated in the said Code while commission of acts prohibited under Section 16 shall be punishable by a fine of P2,500.00 or six (6) months imprisonment or both at the discretion of a court of competent jurisdiction, including the revocation of permits for private business entity/ies upon observance of due process.

**ARTICLE VII  
INTEGRATED COASTAL RESOURCES MANAGEMENT  
(INCLUDING INLAND FRESHWATER RESOURCES)**

**Sec. 1. Scope of Powers.**

- a. In addition to the powers, duties and functions of the Municipal Mayor to adopt adequate measures to safeguard, and conserve land, mineral, marine, forest and other resources as provided under applicable provisions of RA 8550 or the Fisheries Code of 1998 and implementing rules and regulations:
- i. Enforcement of fishery laws in municipal waters, both national and locally promulgated, including the conservation of mangroves, extension and on-site research services and facilities related to fishery activities for aquaculture pursuant to Section 17(b)(2)(i) of RA 7160;
  - ii. Provision of fish ports, seawalls, dikes, drainage and sewerage, and flood control services pursuant to Section 17(b)(2)(viii) of RA 7160;
  - iii. Coastal/marine tourism facilities and other marine/coastal tourist attractions, including the acquisition of equipment, regulation and supervision of business concessions, and security services for such facilities pursuant to DENR Administrative Order No. 30, series of 1992;
  - iv. Implementation of community-based forestry projects such as integrated social forestry, establishment of new regular reforestation projects, except those located in protected areas (e.g. marine parks) and critical watersheds, completed family and community based contract reforestation projects, subject to policies and procedures prescribed by the DENR, Forest Land Management Agreements and other guidelines that the DENR may adopt, and Community Forestry Projects, subject to concurrence of financing institutions, if foreign assisted pursuant to Section 3.1(a) DAO 30, series of 1992;
  - v. Implementation of waste disposal and other environmental management systems and services related to general hygiene and sanitation, such as sewage and household wastes disposal.
- b. For the Municipal Government of Urbiztondo, pursuant to RA 7160:
- i. Assistance to fishermen's cooperatives and other collective organizations as well as the transfer of technology pursuant to Section 17(b)(2)(i) of RA 7160;
  - ii. Enforcement of community-based forest management laws and other laws on the protection of the environment pursuant to Section 17(b)(2)(ii) of RA 7160;
  - iii. Coastal tourism development and promotion programs pursuant to Section 7(b)(3)(xii) pursuant to DAO 30, series of 1992;
  - iv. Abatement of noise and other forms of nuisance pursuant to Section 3.3(c) DAO 30, series of 1992;
  - v. Enforcement of forestry laws limited to community-based forestry projects particularly in municipal/city communal forests, integrated social forestry areas,



and small watersheds, such as, but not limited to, prevention of forest fire, illegal cutting and kaingin;

- vi. apprehension of violators of forest laws, rules illegal and regulations, confiscation of illegally extracted forest products on site;
  - vii. imposition of appropriate penalties for illegal logging, smuggling of natural resources products and of endangered species of flora and fauna and other unlawful activities; and
  - viii. confiscation, forfeiture, and disposition of conveyances, equipment and other implements used in the commission of offenses penalized under Presidential Decree No. 705, as amended by Executive Order No. 277, series of 1987, and other forestry laws, rules and regulations pursuant to Section 3.1 (d) thereof.
- c. For all other services and facilities of the municipality pursuant to Section 17(b)(4) of RA 7160.

**Sec. 2. Governing Laws.** The provisions of this Code shall be governed by, but not limited to, the following national laws:

- a. Republic Act No. 7160 (Local Government Code of 1991)
- b. Republic Act No. 8550 (Philippine Fisheries Code): Section 69-Creation of FARMC's
- c. Executive Order No. 533, S- 2006 (ICM as National Strategies for Sustainable Coastal Development)
- d. Presidential Decree No. 705, (Forestry Decree of 1975, as amended)
- e. Presidential Decree 601 (Revised Coast Guard Law of 1974).
- f. Republic Act 6975 (Local Government Act of 1990, creating the PNP- MARICOM under the DILG)
- g. Executive Order No. 247, Series of 1995 (Prescribing Guidelines And Establishing A Regulatory Framework For The Prospecting Of Biological And Genetic Resources, Their By-Products And Derivatives For Scientific And Commercial Purposes, And For Other Purposes)
- h. DAO 30, Series of 1992
- i. Republic Act No. 9275 (Philippine Clean Water Act)
- j. Republic Act No. 9003 (Ecological Solid Waste Management Act)
- k. Republic Act No. 7576 (NIPAS Law)

**Sec. 3. Operative Principles.-** The Municipal Government of Urbiztondo recognizes that our municipal waters, which contains valuable productive habitats where majority of the people of Urbiztondo are directly dependent for livelihood, income and nutrition, is presently under "de facto" open access conditions which threaten the food security, long term livelihood, use and enjoyment of our fishing population in particular and the people of Urbiztondo in general. The Municipal Government of Urbiztondo also hereby affirms the provisions of Article XIII, Section 2 of the Philippine Constitution, which provides that the State, through the component coastal municipalities, shall protect the rights of subsistence fishermen, especially local communities, to the preferential use of communal marine and fishing resources, both inland and offshore. It shall also protect its marine wealth and exclusive zone, and reserve its use and enjoyment exclusively to Filipino citizens.

Through this Code, it is hereby declared the policy of the Municipal Government of Urbiztondo to strongly and irrevocably support communities along inland water areas in the

full exercise of their powers, duties and responsibilities towards proper management of our municipal waters. It is also hereby declared our policy that, considering the trans-boundary character of the issues and problems confronting our municipal waters, the Municipal Government of Urbiztondo shall exercise its full powers through the provision of active leadership, technical assistance, conducive policy, and effective law enforcement for the conservation of our marine/inland water resources.

**Sec. 4. Delineation of Municipal Waters.** Within two (2) years upon effectivity of this Code, the Municipal Mayor shall adopt all measures to encourage the inhabitants/constituents and concerned to complete the delineation, establishment, management, and maintenance and protection of their barangay community waters pursuant to Section 13 (r) of RA 7160.

It shall be incumbent upon the concerned Municipal Mayor to measure, delineate, zonify, and produce maps of their respective territorial boundaries, employing in the process a certified engineer; provided, that the delineation of barangay territorial waters shall be undertaken jointly by contiguous barangay in coordination with NAMRIA or the National Mapping and Resource Information Authority to avoid future controversies in boundary lines; provided, further, that the amicable settlement of boundary dispute between municipal waters shall be governed by Section 118 and Section 119, RA 7160; Provided, finally, that after two (2) years upon effectivity of this Code, no fishery privileges shall be issued, pursuant to Section 149, RA 7160, until the measurement, delineation, demarcation, zonification and mapping of municipal waters has been duly completed. The Municipal Mayor is hereby authorized to issue the appropriate implementing rules and regulations, circulars, directives and memoranda, including sanctions for the purpose of implementing the provisions of this Section.

**Sec. 5. Community Participation and Integration of National Government Agencies.** Management of our coastal resources and municipal waters shall be undertaken by communities in close collaboration with the municipal government and barangay councils, concerned national government agencies and instrumentalities, people's organizations, cooperatives, non-government organizations and the private sector in general in order to engage their active cooperation.

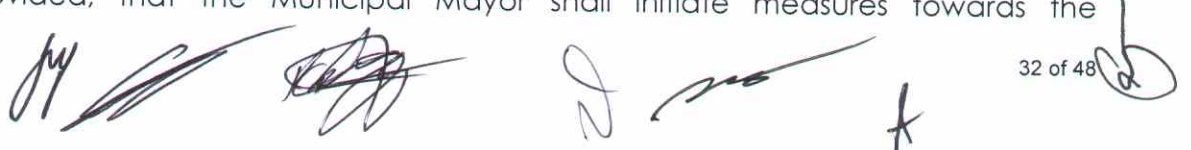
**Sec. 6. Environmental Impact Assessment.** The coastal zoning and management plans shall be subject to an Environment Impact Assessment (EIA). The Sangguniang Bayan shall not authorize appropriation of public funds for this purpose without an EIA.

**Sec. 7. Provision of Tenurial Security and Management Rights.** All zones within municipal waters or portions thereof shall be covered by applicable tenurial and/or management rights and the issuance thereof shall be in accordance with law; provided that the Municipal Mayor and concerned national government agencies shall provide adequate measures for the recognition of customary management use rights.

Pursuant to Article XIII, Section 2 of the Philippine Constitution, the State through the component coastal municipalities shall protect the rights of subsistence fishermen, especially of local communities, to the preferential use of communal marine and fishing resources, both inland and offshore. It shall also protect its marine wealth and exclusive economic zone, and reserve its use and enjoyment exclusively to Filipino citizens. Commercial fishing in municipal waters is not allowed by virtue of Provincial Ordinance No. 94-2001, otherwise known as the Unified Municipal Fisheries Code of the Province.

**Sec. 8. Water Quality Monitoring.** The Municipal Mayor, through the multi-sectoral Waters Resources Advisory Board as provided in Section 14 of this Code, shall monitor the quality of its waters in coastal zones/inland water areas.

**Sec. 9. Promotion of Conducive Policy and Complementary Municipal-Wide Fishery Ordinance.** The Municipal Mayor shall assist the barangay governments in reviewing and systematizing the ordinances pertaining to the coastal zone/inland water areas to identify the ordinances needed, reconcile conflicting provisions in the existing ordinances, and attain rational complementation of ordinances among barangays and between the municipal ordinances; provided, that the Municipal Mayor shall initiate measures towards the



promulgation of a complementary municipality-wide fishery ordinance in consideration of the fugitive nature of marine resources and the trans-boundary character of the issues and problems on coastal resource management.

**Sec. 10. Prohibited and Punishable Acts.** The following are prohibited and punishable acts under this ordinance:

- a. The construction of tourist facilities directly in the water's edge where such would result to the loss or alteration of breeding and nursery grounds of fishes.
- b. The use of the following fishing gears or methods, air compressors, electric light shiners, use of poisonous substances and all other fishing methods that may contribute to the destruction of water quality and resources.
- c. Dumping/throwing by any person or group of garbage, wastes and all other water pollutants and toxic/hazardous substances within the territorial waters of the Municipality.

### ARTICLE VIII ECOLOGICAL TOURISM

**Sec. 1. Scope of Powers.** In addition to the powers, duties and functions of the Municipal Mayor to adopt adequate measures to safeguard and conserve land, mineral, marine, forest and other resources the municipal government, through its tourism office, shall also have the following powers in tourism development:

- a. establishment of tourism facilities and development of tourist attractions, acquisition of equipment and other facilities, and regulation of business concessions and security services for such facilities pursuant to Section 17(b)(2)(xi) of RA 7160;
- b. tourism development and promotion programs pursuant to Section 17(b)(2)(xi) of RA 7160.

**Sec. 2. Governing Laws.** The provisions of this portion of the code shall be governed by, but not limited to, the following national laws:

- a. Provincial Ordinance No. 37-2006 (Prescribing the Guidelines for the Determination and Declaration of Historic and Cultural Resources of the Province of Pangasinan);
- b. Republic Act No. 9593 (Tourism Act of 2009);
- c. Republic Act No. 10066 (National Cultural Heritage Law);
- d. Article II, Section 16 and Article XII, Section 1 of the Constitution;
- e. Presidential Executive Order No. 120;
- f. EO 247, Series of 1995 (Prescribing guidelines and establishing a regulatory framework for the prospecting of biological and genetic resources, their by-products and derivatives for scientific and commercial purposes, and for other purposes);
- g. Executive Order No. 111 (National Ecotourism Program); and
- h. All other existing and prospective municipal ordinances related to environment, health and sanitation and tourism development.

**Sec. 3. Operative Principles.** Pursuant to article II, Section 16 and Article XII, Section 1 of the Constitution and Presidential Executive Order No. 120, the municipal government shall adopt ecological tourism as a major strategy for the conservation of biological diversity and preservation of the unique natural and cultural heritage of the Urbiztondonians, creation of



local employment opportunities and generations of municipal revenues. It shall be the priority of the municipal government to ensure equitable distribution of benefits from the utilization of our heritage and, as such, there is hereby established a system of local community entrepreneurship in the operation and management of eco-tourism sites.

**Sec. 4. Local Governance and Community Participation.** The local government units shall adopt adequate measures to ensure that local communities within ecotourism sites are not deprived of opportunities for gainful livelihood and generation of revenues. For this purpose, the Sangguniang Bayan and Barangay Councils are hereby encouraged to enact appropriate legislations, subject to the carrying of the area on-site pollution control measures, provision of proper visitor services, amenities and facilities, site protection, and law enforcement.

**Sec. 5. Authorized and Unauthorized Sites.** In order to regulate the ecotourism industry in Urbiztondo, protect heritage resources and site destinations from adverse impacts, maintain favorable visitors services and facilities, and secure the well-being of local residents and visitors, the Mayor in coordination with the concerned Punong Barangays, Department of Tourism, Department of Environment and Natural Resources, and other concerned national government agencies and instrumentalities shall, from time to time, determine, authorize and prescribe ecotourism sites of visitation and/or development within one (1) year from effectivity of this Code. Thereafter, access, visitation and/or development, as the case may be, to any unauthorized sites shall be prohibited and penalized. The Mayor shall, in the same manner as ecotourism sites are determined, submit to the Sangguniang Bayan his legislative agenda for this purpose.

**Sec. 6. Preparation of Ecological Tourism Framework Plan.** No eco-tourism site shall be authorized for operation, development or visitation without the prior approval of the framework plan thereof by the concerned Municipal Mayor, as the case may be; provided, that said plan shall be disapproved if and when the potential municipal revenues to be generated amounts to be less than ten (10) percent over and above the total estimated municipal investments. If necessary appropriate circulars and guidelines shall be issued for the preparation of framework plans, including the provision of technical and/or financial assistance to the concerned barangay in the preparation of the plans.

The Plan shall include the following concerns:

- a. carrying capacities of ecotourism sites;
- b. conduct studies that can serve as basis for user fees in LGU – managed eco-tourism sites;
- c. accreditation of eco-tourism service providers;
- d. eco-tourism training and capacity – building;
- e. assistance in eco-tourism product development;
- f. development of eco-tourism standards and criteria;
- g. zonification of eco-tourism;
- h. provision of facilities/amenities for medical emergencies in eco-tourism.

**Sec. 7. Ecological Tourism Plan Review.** Within one (1) year from effectivity of this Code, the Mayor shall, together with the concerned Barangay Council, national government agencies, non-governmental organizations and private sector representatives, review the Municipal Eco-tourism Development Plan for the following purposes:

- a. Prioritize eco-tourism zones and areas for development (as long as it complies with all the requirements, i.e. EIA System, Clean Air, Water, RA 8550, RA 9072, Cave and Cave Resources Act, RA 9147 Wildlife Act, PD 705 In case Project is within Public Forest Lands,

ECC, IEE, Social Acceptability) in consideration of market potential, infrastructure investment requirement, economic viability, strategic position for tourism expansion, community participation, and environmental rehabilitation advantage. Such prioritized zones shall be subject to the approval of the Mayor who, in turn, shall issue the appropriate directive for the purpose.

- b. Determine the appropriate type of development and management for each of the prioritized areas. The community, private sector and concerned local government are encouraged to co-manage the development. Such development prescription shall be subject to approval by the Mayor who shall thereby issue the appropriate directive for the purpose; provided, that prior proper consultations with the written endorsement of the concerned Barangay Council have been satisfactorily complied; provided, further, that in case the eco-tourism site extends in area coverage to other barangays, the same shall be approved in writing by the Mayor, subject to the written endorsement of the concerned Barangay Councils.
- c. Regulate and control the growth of eco-tourism activities in the municipality through the establishment of site-specific framework plans.

**Sec. 8. Incentives.** The Mayor shall work with Barangay Councils in promulgating a range of tax and non-tax incentives to investors on ecotourism projects, subject to the applicable provisions of the Local Revenue Code of Urbiztondo and Republic Act No. 9593. Priority shall be given to those incentive structures for the development of authorized eco-tourism sites that require sizable investment in supportive infrastructure, services and amenities.

**Sec. 9. Environmental Standards.** The Mayor shall issue the appropriate circulars establishing the environmental standards for eco-tourism in accordance with law. The standards will take into consideration the following:

- a. Standards on water and air quality, noise, operating quality and efficiency, and sanitation as established by the DENR, DOH, DOT, and this municipal government, respectively.
- b. Environmental aspects critical to the sustainable operation of eco-tourism projects such as waste management, energy and water conservation, improvement of air quality and noise minimization and reduction in the use of fossil fuels, polychlorinated biphenyl (PCB), pesticides and herbicides and hazardous materials.
- c. Measures that minimize the use of energy, water and on-site materials.
- d. Measures that minimize the generation of waste, including reduction, reuse and recycling of resources being used.

**Sec. 10. Accreditation of Eco-tourism Facilities and Services.** All eco-tourism facilities and services categorized as primary tourism enterprises shall be periodically required to obtain compulsory and mandatory accreditation from the Department of Tourism. All other provisions for accreditation in Republic Act No. 9593 shall likewise apply.

**Sec. 11. Urbiztondo Tourism Coordinating Office.** The role of the Urbiztondo Tourism Coordinating Office for municipal tourism development efforts is hereby affirmed. It shall perform the following function:

- a. Coordinate eco-tourism promotion, investments, and development activities in the municipality;
- b. Establish eco-tourism performance, development, planning, investment, and environmental criteria and standards;
- c. Monitor compliance to eco-tourism standards, laws, rules and regulations;
- d. Recommend eco-tourism related legislative agenda to the Sangguniang Bayan;



e. Submit regular quarterly written status reports to the Sangguniang Bayan.

**Sec. 12. Acts Prohibited and Punishable under this Code** shall include, but not limited to the following:

- a. Developing a stream, lake, marshland or pond for recreational or commercial purposes without first securing a permit from the National Water Resources Council and the Local Government Chief Executive, in addition to an Environmental Compliance Certificate (ECC) permit to operate, air pollution source installation issued by the DENR/EMB and other permits required in accordance with existing laws.
- b. Unlicensed and unaccredited tourist guides, drivers, escorts, promoters, service providers, coaches and other tourism related services.
- c. Destruction and unauthorized collection and selling of flora and fauna.
- d. Vandalism and desecration of sacred cultural sites and heritage.

**ARTICLE IX  
AIR AND NOISE POLLUTION MANAGEMENT**

**Sec. 1. Scope of Powers.** The municipality is vested with the powers under Section 17(2) of the LGC to enforcement of pollution control laws and other laws on the protection of the environment. Section 3.3 DENR Administrative Order No. 30, series of 1992 also provides specific powers, as follows:

- a. enforcement of the pollution control and environmental laws, rules and regulations and
- b. abatement of noise and other forms of nuisance.

**Sec. 2. Governing Laws.** This portion of the Code shall be governed by, but not be limited to, the following national laws:

- a. Republic Act No. 7160 (Local Government Code of 1991); and
- b. Republic Act No. 8749 (Clean Air Act of 1999).

**Sec. 3. Operative Principles.** Pursuant to Sec. 17 of RA 7160, the municipal government in coordination with DENR and LTO shall enforce pollution control laws and take over the testing and apprehension of smoke-belching vehicles and abatement of noise and other forms of nuisance in accordance with law.

**Sec. 4. Vehicle Emission Control.** The Municipal Mayor, in coordination with the Land Transportation Office (LTO) and the DENR, shall establish a permitting system to ensure that the emission of vehicles and industries operating within the municipality are in accordance with standards provided under Republic Act 8749. Appropriate funds should be allocated for the acquisition and maintenance of emission testing equipment as provided for under Article II, Section 8 hereof.

**Sec. 5. Industrial Pollution Control.** The Municipal Mayor, in close collaboration with the DENR-EMB I, shall ensure that the industrial firms operating within the municipality comply with the air quality standards, particularly test the emission of industrial firms, and establish adequate capability to respond positively to related citizen complaints on air and noise pollution.

**Sec. 6. Zoning Clearances and Building Permits.** The municipal government shall be responsible in evaluating the noise-generating potential of infra projects as part of the processing of zoning clearance and building permit. All projects which would generate noise and vibration levels contrary to ambient noise level standards established by the Department of Health shall be required to install soundproofing devices and eliminate vibration.

**Sec. 7. Smoking Regulation.** The municipal government shall enforce the prohibition and/or regulation of smoking in the following locations: inside public buildings especially hospitals and schools, enclosed public places including public vehicles and other means of transport, any enclosed area outside of one's residence, private place of work and other duly-designated enclosed area and ensure that the owner, proprietor, possessor, manager or administrator of such places has established smoking areas.

**Sec. 8. Ban on Persistent Organic Pollutants.** The municipal government shall formulate plans to eliminate the processing, sale, distribution, use and disposal of Persistent Organic Pollutants (POPs) and mixtures to include organochlorine pesticides such as aldrin, dieldrin, DDT, hexachlorobenzene, lindane, taxophere, and chlordane and organochlorine by-products such as dioxins and furans.

**Sec. 9. Reduction of Greenhouse Gas Emissions.** Together with concerned agencies, the Municipal Government shall fully implement plans and programs to reduce greenhouse causing gas emissions such as burning of rice hulls in large quantities (targeting big and medium scale rice millers), tires, plastics, styrofoams and other greenhouse-causing materials.

**Sec. 10. Phase out of Ozone Depleting Substances (ODS).** The Municipal Government and other concerned agencies shall draw up plans to phase out ozone depleting substance such as chlorofluorocarbons, halons, bromide, which are known to cause harmful effects on the ozone layer.

**Sec. 11. Sewerage System.** The Municipal Government shall adopt necessary measures to ensure that all drainage systems are adequately established and maintained to prevent the negative effects of all types of effluents on both surface and underground water.

**Sec. 12. Liquid Waste Disposal.** To avoid the deterioration of the Receiving Water Body (RWB), no industrial plant with high waste load potential shall discharge into a body of water where the dilution or assimilative capacity of said water body during dry weather conditions is insufficient to maintain its prescribed water quality according to its usage and classification. Further, no persons, entities or establishments shall discharge, wholly or partially, untreated or inadequately treated industrial effluents directly into bodies of water or through bypass canals and/or pumps and other unauthorized means.

**Sec. 13. Health and Sanitation Measure.** The Municipal Government shall adopt appropriate measures to assist barangay governments improve environmental sanitation by expanding the use of sanitary toilets for waste disposal, this include direct investments in public health education and strict enforcement of the Building and Sanitation Code.

**Sec. 14. Ambient Air Quality and Noise Level Monitoring.** When necessary, the Mayor, in close collaboration with the DENR-EMB I, shall establish, operate and maintain noise and ambient air quality sampling and monitoring stations, the result of which shall be released to the public particularly to communities living near and around emission sources. In general, the municipal government shall strictly regulate and monitor the operation of all noise-producing equipment such as construction and transportation equipment, stationary engines, electrical, electronic and similar equipment and contrivances to ensure that the generated noise and vibration levels are within the acceptable noise standards.

**Sec. 15. Information and Education.** The Mayor shall implement a continuing program of education and information dissemination on air and noise pollution as an integral part of the pollution control policy of the municipal government.

**Sec. 16. Advisory Group.** A group from the industrial sector shall be organized for the purpose of sharing air pollution reduction and noise abatement techniques and advised the Mayor and the barangay council on policy requirements to promote clean air in the municipality.

**Sec. 17. Acts Prohibited and Punishable** under this Code shall include, but not be limited to, the following:

- a. Causing, permitting, suffering or allowing the emission of particulate matter from any source whatsoever, including but not limited to, vehicular movement, exportation of

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materials, construction, alteration, demolition or wrecking or industry-related activities such as loading, storing or handling without giving reasonable precautions to prevent the occurrence of such condition. Neither shall such person cause or permit the discharge of visible fugitive dust emissions beyond the boundary line of the property from which the emission originates;

- b. Storing, dumping, handling, processing, unloading or using in any process or installation, volatile compounds or organic solvents without applying known vapor emission control devices or systems deemed necessary, and approved and ordered by the Mayor, as the case may be, or appropriate national agency;
- c. Operating plant/source at capacities exceeding the limits of operation or capability of a control device to maintain air emission within standard limitations as provided under existing national laws, rules and regulations;
- d. Building, erecting, installing or using any article, machine, equipment or other contrivance, the use of which will conceal emission which would otherwise constitute a violation of any of the provisions of this Code;
- e. Any person intending to build, erect or install any chimney, from or through which air impurities may be emitted, shall obtain a prior approval from the Mayor. This requirement shall not apply for a chimney serving a private residence;
- f. It shall be unlawful for any operator of a vehicle to allow it to discharge air pollutants at levels greater than the acceptable concentration standard prescribed by the DENR;
- g. Causing, allowing or permitting the discharge of air pollution that cause or contribute to an objectionable odor;
- h. Building, erecting, constructing, installing or implanting any new source; operate, modify, or rebuild an existing source; or by any means cause or undertake any activity which would result in ambient noise level higher than the ambient standards. Neither shall such person emit or cause to emit or suffer to be emitted noise greater in volume intensity or quality than the levels prescribed by the DENR for tolerable noise without first securing a clearance from the Municipal Mayor, and
- i. Causing or permitting the creation of any unnecessary noise through the use of any device on any street adjacent to any hospitals, schools, or courts of justice.

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**Sec. 18. Penalties.** Violation of Section 17 pars. (a), (b), (c), (d) of this Article shall be penalized and be fined an amount of not less than Five Hundred Pesos (P500) but not to exceed Two Thousand Five Hundred Pesos (P2,500.00) or an imprisonment of not less than thirty days but not to exceed six (6) months or both fine and imprisonment at the discretion of the court. Violation of Section 17 pars. (e), (f), (g), (h), (i) under this Article shall be penalized and be fined an amount of not less than Five Hundred Pesos (P500) or both fine and imprisonment of thirty (30) days at the discretion of the court.

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## ARTICLE X ECOLOGICAL SOLID WASTE MANAGEMENT

**Sec. 1. Scope of Powers.** In addition to his powers, duties and functions, the Municipal Mayor shall adopt adequate measures to safeguard and conserve land, mineral and other resources, as provided under Sections 389(b)(99) and Section 444(b)(3)(vii) of RA 7160 respectively, by providing the following services and facilities on ecological solid waste management.

- a. For barangays, services and facilities related to general hygiene and sanitation, beautification and waste collection, pursuant to Section 17(b)(1)(v), RA 7160; and segregation and collection of solid waste specifically for biodegradable, compostable and reusable wastes pursuant to Section 10 of RA 9003;



- b. For the Barangay Governments of Urbiztondo, waste disposal system or environmental management systems and services related to general hygiene and sanitation, pursuant to Section 17 (b)(2)(vi); and, collection of non-recyclable materials and special wastes, pursuant to Section 10 of RA 9003;
- c. For the Barangay Government of Urbiztondo, enforcement of RA 9003, an act providing for a solid waste management program; and enforcement of pollution control laws and other laws on protection of the environment pursuant to Section 17(b)(2)(ii); and
- d. For the Municipal Governments of Urbiztondo, all the services and facilities of the municipality.

The type of wastes covered under this code include household wastes, commercial industrial wastes, farm-agricultural wastes, institutional wastes, and miscellaneous and specialized wastes, such as residues of sewage treatment plants, ash from incinerators, residues from combustion, street sweepings, debris caused by disasters and dead animals.

The general principle is to establish a solid waste management system that promotes waste reduction, segregation, reusing, recycling, recovery and composting to ensure the proper segregation, collection, transport, storage, treatment, and disposal of solid waste through the formulation and adoption of the best environmental practices.

**Sec. 2. Governing Laws.** The initiatives of the Municipal Government on Ecological Solid Waste Management (ESWM) shall be consistent with existing national laws, namely:

- a. Republic Act 9003, an act providing for a solid waste management program, creating the necessary institutional mechanisms and incentives, declaring certain acts prohibited and providing penalties, appropriating funds therefore and for other purposes.
- b. Presidential Decree 825, otherwise known as the Garbage Disposal Law of 1975, prohibiting littering in public places and making it the responsibility of residents, institutions and commercial and industrial establishments to clean their surroundings, including streets and canals adjacent to their properties. It further provides for penalties for the improper disposal garbage and other forms of uncleanness.
- c. Presidential Decree 856, otherwise known as the Code of Sanitation of the Philippines, prescribing requirements for refuse collection and disposal system by food establishments in cities and municipalities.
- d. Republic Act 6969, also known as the Toxic Substances and Hazardous and Nuclear Waste Act of 1990.
- e. Republic Act 7160, also known as the Local Government Code of 1991 which provides for the devolution of certain environmental powers and responsibilities to the local government units, including the preparation and enforcement of their respective waste management programs.
- f. Section 2238, of the Revised Philippine Environment Code which stipulates the general powers of city and municipal councils to enact ordinances and make such regulations on health and safety for the comfort and convenience of the community and the protection of property therein.
- g. Republic Act 6957, as amended by RA 7718 (Build-Operate-Transfer Law) which provides that infrastructure and development projects normally financed and operated by the public sector, such as that for waste management, may be wholly or partially implemented by the private sector.
- h. Republic Act No. 9275 or the Phil. Clean Water Act of 2004
- i. Republic Act No. 10068 (An Act Providing for the Development and Promotion of Organic Agriculture in the Philippines)

Note: The same initiatives of the Local Government of Urbiztondo on Ecological Solid Waste Management shall likewise be consistent with the provisions of its local Ordinance No. 2-2015 entitled "Comprehensive Solid Waste Management Ordinance of the Municipality of Urbiztondo, Pangasinan".

**Sec. 3. Operative Principles.** The Municipal Government recognizes that the steadily increasing level of economic activities and population growth in urban and rural areas would lead to an increase in the volume of wastes and adverse impact on the health of our population and Urbiztondo's fragile ecosystems. Pursuant to Section 3(1), Republic Act 7160, respectively, and in consideration of eco-tourism and agro-industrialization as our key development strategy, it is the declared policy of the municipal government to mandate barangay councils on the strict implementation of Solid Waste Management (SWM) programs in their respective localities.

**Sec. 4. Solid Waste Management Program/Plans.** As guide for interventions, the Municipal Government hereby adopts the Ecological Solid Waste Management (ESWM) Program which shall contain the necessary standards/criteria pursuant to Section 16 and 17 of RA 9003.

**Sec. 5. Role of the Municipality.** Through this Code, the existing Municipal Ecological Solid Waste Management Board shall be strengthened and shall perform the following functions:

- a. Develop a municipal ecological solid waste management plan from the submitted solid waste management plans of the respective Barangay Councils herein created. It shall review and integrate the submitted plans of all its component municipalities and ensure that the various plans complement each other, and have the requisite components. The Municipal Plan shall reflect the general program of action and initiatives of the municipal government in implementing an ecological solid waste management program that would support the various initiatives of its component barangays.
- b. Provide the necessary logistical and operational support to its component barangays in consonance with Section 17 (b) of RA 7160.
- c. Recommend measures and safeguards against pollution and for the preservation of the natural ecosystem.
- d. Recommend measures to generate resources, funding and implementation of projects and activities as specified in the duly approved solid waste management plans.
- e. Identify areas within its jurisdiction which have common solid waste management problems and are appropriate units for planning local solid waste management services in accordance with Section 41 of RA 9003.
- f. Coordinate the efforts of the component barangays in the implementation of the Municipal Solid Waste Management Plan.
- g. Develop an appropriate incentive scheme as an integral component of the Municipal Solid Waste Management Plan.
- h. Convene joint meetings of the municipal and barangay solid waste management boards at least every quarter for purposes of integrating, synchronizing, monitoring and evaluating the development and implementation of its municipal solid waste management plan.
- i. Represent any of its component barangays in coordinating its resources and operational requirements with agencies of the national government.
- j. Oversee the implementation of the Municipal Ecological Solid Waste Management Plan.
- k. Prohibit use of plastic and burning of waste.

- l. Promotion of segregation (biodegradable from non-biodegradable) for organic composting/gardening/farming
- m. Review every two (2) years or as need arises, the Municipal Ecological Solid Waste Management Plan for purposes of ensuring its sustainability, viability, effectiveness and relevance in relation to local and international developments in the field of solid waste management, and
- n. Allow for the clustering of Barangays for the solution of common solid waste management problem.
- o. Sustain an IEC program on 5Rs (reduce, reuse, recycle, regenerate, re-create) including promotion of clean and green program competition on regular basis.

**Sec. 6. Role of the Municipality and Barangay.** Pursuant to Section 17, RA 7160, the municipality and barangay shall be responsible in providing services related to waste and garbage disposal. The municipality shall tap the services of the created Municipal Solid Waste Management Board under Section 12, RA 9003 (Act providing for an Ecological Solid Waste Management Program) which shall have the following duties and responsibilities:

- a. Develop the Municipal Solid Waste Management Plan that shall ensure the long-term management of solid waste, as well as integrate the various solid waste management plans and strategies of the barangays in its area of jurisdiction. In the development of the Solid Waste Management Plan, it shall conduct consultations with the various sectors of the community.
- b. Adopt measures to promote and ensure the viability and effective implementation of solid waste management programs in its component barangays and monitor the implementation of the Municipal Solid Waste Management Plan through its various political subdivisions and in cooperation with the private sector and the NGOs.
- c. Adopt specific revenue-generating measures to promote the viability of its Solid Waste Management Plan.
- d. Convene regular meetings for purposes of planning and coordinating the implementation of the solid waste management plans of the respective component barangays.
- e. Oversee the implementation of the Municipal Solid Waste Management Plan and review every two (2) years or as the need arises, the Municipal Solid Waste Management Plan for purposes of ensuring its sustainability, viability, effectiveness and relevance in relation to local and international developments in the field of solid waste management.
- f. Develop the specific mechanics and guidelines for the implementation of the Municipal Solid Waste Management Plan.
- g. Recommend to appropriate LGUs specific measures or proposals for franchise or build-to-operate-transfer agreements with duly recognized institutions, pursuant to RA 6957, to provide other exclusive or non-exclusive authority for the collection, transfer, storage, processing, recycling or disposal of municipal solid waste. The proposals shall take into consideration appropriate government rules and regulations on contracts, franchises and built-operate-transfer agreements.
- h. Provide the necessary logistical and operational support to its component barangays in consonance with Section 17 (b) of the Local Government Code.
- i. Recommend measures and safeguards against pollution and for the preservation of the natural ecosystem, and
- j. Coordinate the efforts of its component barangays in the implementation of the municipal Solid Waste Management Plan.

**Sec. 7. Solid Waste Management Bodies.** The Mayor shall upgrade and develop the existing SWM Section of the ENRO. The unit shall have a SWM Specialist whose primary task is to extend technical assistance to the barangays of the municipality, particularly in devising approaches to enhance their waste management capabilities.

- a. **Municipal SWM Units.**- If necessary, the barangays shall organize their waste management units. If SWM is existing already, the municipal mayor shall upgrade and develop the units. Where funding poses a major constraint, existing departments such as the General Services Offices, Municipal Health Office or the Municipal Planning and Development Coordinating Office may be designated to perform SWM responsibilities on a concurrent capacity. Otherwise, the municipality shall form a multi-sectoral Municipal Action Team for Waste Management under the direct supervision of the Office of the Mayor.
- b. **Access.**- The Mayor and Barangay Councils, or their duly authorized representatives in coordination with DENR shall have access to observe and inspect waste treatment and in-plant waste control facilities and to collect samples for analysis.

**Sec. 8. Prohibited Acts.** The provisions of Municipal Ordinance No. 2 – 2015, entitled “An Ordinance Providing for a Comprehensive Solid Wastes Management Program in the Municipality of Urbiztondo Amending for the Purpose Ordinance No. 1, IV-09, Defining Solid and Special Wastes and Prescribing Fees / Penalties Thereof and for Other Purposes” as referred to hereof listing the prohibited acts thereof are hereby accordingly adopted as part and parcel of this code under this Section.

## ARTICLE XI ENERGY

**Sec. 1. Scope of Powers.** In the exercise of their powers, duties and functions, the Municipal Government, in coordination with barangay councils, shall adopt measures to safeguard and conserve the environment in general and in particular adopt measures for the protection of the environment in relation to the development and generation of electric power from indigenous and renewable resources such as geothermal, solar, hydro and other natural resources.

**Sec. 2. Resource Utilization.** Cognizant of the vital role of electric power in economic development, the municipal government shall encourage the development and utilization of indigenous and renewable energy sources such as solar, natural gas, biomass, hydropower and wind for immediate and future applications.

**Sec. 3. Management Zone.** Power producers are required to establish, protect, maintain and develop management zones.

### Sec. 4. Benefits to Hosts

- a. **Communities** - Power generation facilities and/or resources development projects shall provide the inhabitants of host communities, financial benefits and lower electricity cost either through subsidy and/or non-subsidy schemes.
- b. **LGUs** - Host LGUs shall be entitled to an equitable and just share of the proceeds derived from the development and utilization of the national wealth.

Further, it shall enter into agreement with power generation companies and/or energy resource developers to commit funds to be managed by the municipal government for:

- a. Research and Development and Extension Services
- b. Consumer Welfare
- c. Monitoring and Evaluation

- d. Socio-economic Projects for Host Community

**ARTICLE XII  
ENVIRONMENTAL IMPACT ASSESSMENT**

**Sec. 1. Scope of Powers.** The implementation of environmental impact assessment by local government units refers to the powers, duties and functions of the Municipal Mayor to adopt adequate measures to safeguard and conserve land, mineral, marine, forest and other resources, as provided under Sections 389 (b)(9) and Section 444 (b)(3)(vii), respectively. Likewise, the power to enforce laws for the protection of the environment is provided in RA 7160, Section 17 (b)(2)(ii) to the municipal government.

**Sec. 2. Governing Laws.** The pertinent laws governing environmental impact assessment are:

- a. Presidential Decree 1152 (Consolidating the Philippine Environment Code)
- b. RA 7160 (Local Government Code of 1991)
- c. Presidential Decree No 1586 (Philippine Environmental Impact Statement System (PEIS), Administrative Order 42, dated November 2, 2002, and DAO 2003-30 (IRR)

**Sec. 3. Operative Principles.** The Municipal Government recognizes the need for an effective instrument for ensuring environmental soundness of agro-industrial and eco-tourism projects thereby maintaining a rational and orderly balance between economic growth and community development in the municipality and, as such, hereby adopts the Environmental Impact Statement (EIS) system provided under Presidential Decree No. 1586.

Specifically, the following basic processes for ensuring environmental soundness of all development projects as identified under PD 1586 are hereby adopted:

- a. **Scoping** – the representatives from the LGU shall participate in the scoping session where information and assessment are established to provide the project proponent with the scope of work for the Environmental Impact Assessment for projects falling under the EIS System. This is necessary if the undertaking is a major project or encompasses several municipalities. The LGU concerned is considered as one of the stakeholders which directly or indirectly may be significantly affected by the project.
- i. **EIS Preparation and Approval** – The stage in the EIS system wherein an Environmental Impact Assessment (EIA) is undertaken and data are gathered using accepted scientific methods to clarify key issues and concerns, characterize the environmental setting of the project, predict the impact of the resulting EIA document will be reviewed by DENR EIA, their comments will serve as basis in reviewing the application for an Environmental Compliance Certificate (ECC). The ECC maybe granted under certain conditions and includes the implementation of an Environmental Management Plan.

As a matter of municipal government policy, and in order to validate the extent of social acceptability of the project as provided in DAO 2003-30, the Mayor shall fully exercise his power to insure that public hearing shall be conducted for all projects defined under PD 1586, as condition precedent to ECC issuance.

**Sec. 4. EIA Monitoring Team and its Functions.** The team shall monitor compliance with the Environmental Management Plans, conditions set by the ECC and permits issued by the DENR to the project; gather relevant information to determine cause of damage and respond to public complaints about the project; prepare, integrate and disseminate monitoring status reports; and undertake community information and education dissemination. Further, the team shall:

- a. Participate in scoping activities.

- b. Validate scoping sessions, as provided in Section 5, Article XII of this Code.
- c. Participate in the preparation of EIS document, pursuant to Section 6, Article XII of this Code.
- d. Review the EIA and IEE documents, as provided in Section 7, Article XII of this Code.
- e. Participation in public consultation and hearing, as provided in Section 8, Article XII of this Code.
- f. Participate in law enforcement, as provided in Section 9, Article XII of this Code.
- g. Conduct regular inventory of establishments, as provided in Section 10, Article XII of this Code.
- h. Submit written monthly status reports to the Mayor.

**Sec. 5. Validation of Scoping Sessions.** The Mayor, through the EIA Monitoring Team, shall review the documentation of the scoping session and as required by law, validate its authenticity by signing it. Likewise, the Mayor shall assist EIA prepare in identifying the stakeholders who should be involved in the scoping sessions.

**Sec. 6. Participation in the Preparation of EIS Document.** The Mayor, through the EAI Monitoring Team, shall participate in the preparation of the EIS document by identifying the potentially affected population, assessing the demand and needs of the affected population, providing the EIA preparers with pertinent data, attending meetings and workshops organized by the EIA preparers, articulating the potential impacts which may affect public interest, and ensuring that the proposed projects are in line with the municipal policies and plans.

**Sec. 7. Review of Environmental Impact Study.** The Mayor, through the EIA Monitoring team shall review all the EIS done on the municipality. Upon the recommendation of the team, the Mayor may procure the services of experts to validate the findings of the study or conduct another EIS.

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**Sec. 8. Participation in the Public Consultation and Hearing.** The Mayor, through the EIA Monitoring Team shall attend public consultation and public hearing on the conduct of the EIS, be informed of any new issues that shall arise, and articulate the views and concerns of the municipal government.

**Sec. 9. Law Enforcement.** The Mayor, through the EIA Monitoring Team and the DENR shall work together to enforce the law, including the closure of the establishments and projects and the prosecution of offenders.

**Sec. 10. Inventory of Establishments.** The Mayor, through the Multi-partite Monitoring Team and the DENR shall conduct an annual inventory of existing establishments and projects within the municipality to ascertain whether these have complied with the IEE as required under this Code and the ECC requirement as defined by law.

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**Sec. 11. Projects Not Covered by the EIA System.** All projects defined under PD 1586 which are proposed to be undertaken in Urbizondo, including those not required by national law to secure ECC and therefore not covered by the EIA System pursuant to PD 1586, shall be subject to social acceptability assessment, in addition to compliance of additional environmental safeguards and occupational, health and safety standards.

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**Sec. 12. Environmentally Critical Areas.** Within nine (9) months upon effectivity of this Code, the Mayor in close collaboration with the DENR shall identify the location of environmentally critical area (ECA), as defined in Proclamation No. 2146, Series of 1981 and other national laws for the purpose of integrating the identified ECA in the municipal physical framework plan.

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**Sec. 13. Training.** The members of the EIA Monitoring Team shall be required to undergo training on the different aspects of monitoring work as prescribed by law.

**Sec. 14. Social Acceptability (Social Impact Assessment).** All undertakings and projects in the municipality shall undergo a social acceptability process where meaningful public participation and a transparent EIS process are to be undertaken. In determining social acceptability, the municipal government shall consider, among others, the following factors:

- a. ecological/ environmental soundness of the proposed project,
- b. effective and open public participation process,
- c. resolution of conflicts,
- d. promotion of social and inter-generational equity and poverty alleviation,
- e. participation and approval of concerned barangay government units,
- f. effective environmental monitoring and evaluation, and
- g. mitigation and enhancement measures.

### ARTICLE XIII INCENTIVES AND AWARDS

**Sec. 1. Incentives and Awards System.** The Municipal government shall adopt an incentive and awards system, particularly the **KALIKASAN** Awards Program to recognize local government units, agencies, organizations and individuals that have undertaken outstanding and innovative projects, techniques, initiatives or activities in the conservation of natural resources and ecosystem of the Municipal and the promotion of eco-tourism and healthful ecology.

**Sec. 2. Special Environmental Programs .** There shall be established special conservation and/or development program/projects addressing specific environmental concerns aimed to accomplish long-term initiatives, such as:

- a. Environmental Advocacy Program ("Ilog Ko, Bilayen tan Aroen Ko" Program);
- b. Nursery Development Program;
- c. Massive River Clean-up and Dredging Program;
- d. Urbiztondo Nature's Park and Urbiztondo People's Park as Eco-Tourism Parks to strengthen the community within the reservation and protected area that shall serve as showcase of indigenous heritage and culture to promote tourism;
- e. Rivers, Streams and Creeks Conservation and Rehabilitation Program;
- f. Resorts Development Program;
- g. Establishment of Agro-Forest Nurseries;
- h. Establishment of Seed Bank – for storage, propagation of endemic and indigenous seeds and seedlings as a backbone strategy in the municipal re-greening and Beautification Program;
- i. "Grade Ko, Tanim ko at Alagaan Ko" Program – which shall require all public and private grade school pupils, high school and college students to plant a number of trees equivalent to their educational level, i.e. Grades 1-3 = 1 tree, Grades 4-6 = 2 trees, etc.

**Sec. 3. Special Events and Days of Action.** The Municipal shall observe/celebrate and/or commemorate special events and days of action in coordination with all barangay councils, concerned government agencies and non-government organizations, to raise the level of environmental awareness and consciousness among the people of Urbiztondo.

**Sec. 4. Other Celebrations.** Other days/events not provided herein shall be observed subject to existing laws, rules and regulations.

**Sec. 5. Municipal-Wide Tree Planting Day.** There shall be a regular observance of a Municipal-wide annual tree planting day activity that will be determined by the municipal government. This shall be done in any of the established or identified communal or community-based forest projects in the municipality.

**Sec. 6. Earth Day.** Pursuant to the United Nations Resolution of 1972, the Municipal Government shall participate in the celebration of Earth Day every 22nd day of April every year.

**Sec. 7. Environment Month.** The Municipality shall conduct activities to celebrate the Philippine Environment Month (Month of June) and shall enjoin all Barangays to do the same. This is a culmination and will showcase the year-round activity thereby synchronizing all efforts in the protection, preservation and conservation of the municipal's natural resources ecosystem.

#### ARTICLE XIV ENVIRONMENTAL INFORMATION AND EDUCATION

**Sec. 1. The need for massive Environmental Information and Education.** There is a need for a massive and continuing environmental information and education so as to deepen the awareness and familiarity of the townspeople on the provisions of this code and to generate their sense of ownership and active participation in taking care of the physical environment.

Prior to its implementation, it is therefore necessary that the Code be promoted to the general public. Such a community informational campaign should focus on the environmental issues being addressed by the Code, their cause and effect relationship, and the measures being applied in order to avert further deterioration of the environment.

**Sec. 2. The MENRO.** The Municipal Environment and Natural Resource Office, through its IEC and Community Organizing Section of the Administrative and Support Services Division, is hereby tasked to:

- a. disseminate information on the state of the environment and the impacts of human activities on their sustainability as part of its local environmental education program through various traditional and social media such as internet, facebook, messenger, instagram, tweeter, youtube, blog, print, radio, TV, cultural shows, and public dialogues;
- b. establish Environment Information Center in coordination with the chair, committee on Environment of the Barangay Council;
- c. conduct seminars on subjects such as River Resources and Riverbank Protection, Fisheries Management, Community-based Fishery Law Enforcement, Air Pollution, Sustainable Agriculture and Safe Use of Pesticides, Tourism Management, Water Management Program, and other pertinent topics on the effects of the use of hazardous substances on the environment;
- d. seek the services of NGOs/CSOs/POs and other advocacy groups on the dissemination of information and the conduct of lectures;
- e. work closely with local religious groups to design a catechism module focused on environment;



- f. coordinate with the Department of Education, Culture and Sports to develop a concise curriculum on environment highlighting the unique features of Urbiztondo's ecosystem;
- g. tap the services of specialists in government agencies such as the DOST, DENR and DA as well as those in the academe for the conduct of more comprehensive seminars on the environment;
- h. establish a network for information collection and feedback linking NGOs/CSOs, government agencies and people's organizations for reporting violations, outbreaks, destructive resource-use practices and to conduct systematic observation on pollution and environmental impacts of human activities. To this end, investments in radio communication equipment, computers and other tools for surveillance shall be facilitated;

**Sec. 3. Human Resource Development and Capacity Building.** The Local Government of Urbiztondo, through inter-barangay/inter-agency/inter-institutional cooperation, and with the support of national agencies, shall embark on a human resources development and capacity building program to:

- a. expand multi-disciplinary education, training and research on sustainable management of land, water and air resources;
- b. create training opportunities for members of the community, NGOS/CSOs, POs and the industry to encourage environment-friendly lifestyles;
- c. develop and strengthen, where the need arises, institutions capable of conducting research, monitoring and implementing the objectives and activities related to environmental legislation and resources conservation, and
- d. develop local planning capabilities particularly using the population and development planning method.

**Sec. 4. International and Regional Cooperation.** In recognition of the role of the United Nations and other international organizations in the pursuit of sustainable development, the local government shall maintain liaison with organizations of the UN or those with whom the Philippines has signed bilateral or regional cooperation, for the purpose of environmental information exchange, financial assistance, technical cooperation and for the implementation of recognized action programs for environmental management.

## ARTICLE XV PENALTIES AND MISCELLANEOUS PROVISIONS

**Sec. 1. Prior Consent of Sangguniang Bayan.** Private entities, government agencies and its instrumentalities are hereby required to secure prior consent of the Sangguniang Bayan in the implementation and development of investment programs or projects affecting the environment.

Natural resources development, utilization or processing project, lease, license, ECC or agreement shall not be issued by national government agencies without prior consultation with and consent of local government units, affected communities and stakeholders in the municipality.

**Sec. 2.** Violation of any provision of this Code to which no specific penalty is imposed or commission of any of the prohibited acts which do not carry a specific penalty, shall be penalized by a fine of not less than Five Hundred Pesos (P500) but not more than Two Thousand Five Hundred Pesos (P2,500.00) at the discretion of the Court.

**Sec. 3.** The penalty provided in this Code shall be in addition to the penalty that may be provided by any other laws or ordinances. PROVIDED HOWEVER, that the prosecution or law enforcer shall charge the offender or violator with the law providing a heavier penalty in case it appears that a single act is punishable by two or more laws, ordinances and

provisions thereof with different penalties or in case filing more charges than one may amount to double jeopardy.

**Sec. 4. Conflicting Provisions with other Ordinances of the Local Government Unit.** Any provision on the power of the local government of Urbiztondo shall be liberally interpreted in its favor and in case of doubt, any question thereon shall be resolved in favor of its devolved powers. Any fair and reasonable doubt as to the existence of the power shall be interpreted in favor of the LGU of Urbiztondo.


**ARTICLE XVI  
FINAL PROVISIONS**

**Sec. 1. Repealing Clause.** All Ordinances, Resolutions, Circulars, Memoranda or Rules and Regulations inconsistent with any of the provisions of this Code are hereby repealed.

**Sec. 2. Separability Clause.** If any clause, sentence, provision or article of this Code should for any reason be held to be invalid or unconstitutional, it shall not affect the remaining parts of this Act and such parts shall be in full force and effect.

**Sec. 3. Effectivity.** This ordinance shall take effect upon favorable review and approval by the Sangguniang Panlalawigan and after fifteen (15) days upon its publication in a newspaper of local circulation pursuant to and in conformity with pertinent provisions of the Local Government Code of 1991 (R.A. 7160).

I hereby certify to the passage of the foregoing Ordinance which was duly approved by the Sangguniang Bayan of Urbiztondo on the 5th day of September, 2022.

  
**ARNEL C. RUFO**  
Secretary to the Sanggunian

**CONCURRED:**

  
COUN. MIRLA D. BALOLONG

COUN. ALEXIS G. DELA VEGA

  
COUN. PEPITO N. CALUGAY

  
COUN. ZENAIDA P. ESPINOSA

  
COUN. RENZIE M. DISPO

  
COUN. REYNALDO T. BAUTISTA

  
COUN. DYNA P. DE GUZMAN

  
COUN. JOEL M. FRIAS

  
COUN. FERNANDO L. TAPIADOR

  
COUN. ROZEL CLYDE D. USON

**ATTESTED:**

  
**VICE MAYOR VOLTERR D. BALOLONG**  
Presiding Officer

**APPROVED:**

  
**MAYOR MODESTO M. OPERANIA**