



Republic of the Philippines  
**PROVINCE OF ZAMBOANGA DEL SUR**  
**SANGGUNIANG PANLALAWIGAN**  
**OFFICE OF THE SECRETARY TO THE SANGGUNIANG PANLALAWIGAN**  
 Pagadian City



EXCERPT FROM THE MINUTES OF THE 95TH REGULAR SESSION OF THE 11<sup>TH</sup> PROVINCIAL BOARD, SANGGUNIANG PANLALAWIGAN OF ZAMBOANGA DEL SUR, HELD AT THE SP LEGISLATIVE BUILDING, PROVINCIAL GOVERNMENT CENTER, BARANGAY DAO, PAGADIAN CITY ON SEPTEMBER 5, 2024 AT 9:10 IN THE MORNING.

OFFICERS/MEMBERS		PRESENT	ABSENT	REMARKS
HON. ROSELLER L. ARIOSA	Vice Governor	√		
HON. CESAR C. DACAL, JR.	Chairman Pro Tempore	√		
HON. FRANCISVIC S. VILLAMERO	Floor Leader	√		
HON. JUAN C. REGALA	Assistant Floor Leader	√		
HON. ROGELIO J. SANIEL	SP Member	√		
HON. MAPHILINDO Q. OBAOB	SP Member	√		
HON. BIENVENIDO L. EBARLE, JR.	SP Member	√		
HON. JENIFER B. DIN-MARIANO	SP Member	√		
HON. RONALDO C. POLOYAPOY	SP Member	√		
HON. MARILOU VIDAD-ABRENICA	SP Member	√		
HON. HERNAN P. DELA CRUZ	SP Member	√		
HON. MONIQUE SHAIRA Y. TO	Ex-Officio Member, PCL			On Official Time
HON. ROEL A. AMBAN	Ex-Officio Member, LNB	√		
HON. SHANER U. MABANG	Ex-Officio Member, SKF	√		

**PROVINCIAL ORDINANCE NO. 068-2024**

Sponsored by: Hon. Francisvic S. Villamero

**"UPDATED ENVIRONMENTAL CODE OF 2024 OF THE PROVINCE OF ZAMBOANGA DEL SUR"**

**WHEREAS**, the Province of Zamboanga del Sur has an existing Environmental Code denominated as Provincial Ordinance No. 012-2002;

**WHEREAS**, there is a need to update the said enactment to incorporate the latest laws and environmental issuances for implementation at the local level;

**WHEREAS**, Hon. Francisvic S. Villamero, Provincial Board Member of Zamboanga del Sur sponsored the adoption of the "Updated Environmental Code of 2024 of the Province of Zamboanga del Sur";

**WHEREAS**, the Committee on Environment and Natural Resources which studied the provisions thereof reported the following observations:

- a) This legislative measure is enacted pursuant to the several provisions of the Local Government Code of 1991 which mandated the Local Chief Executives of their respective local government units (LGUs) to adopt adequate measures to safeguard and conserve land, mineral, marine, forest and other resources. Also provided are authorities to their respective Sanggunian to protect the environment and impose appropriate penalties for acts which endanger the environment and other destructive activities.
- b) The Local Government Code of 1991 also provides for the devolution of some environmental powers and responsibilities to the LGUs including preparation and enforcement of their respective waste management programs. They are also mandated to integrate environmental aspects in local development planning, implement environmental protection programs and projects as well as enforce laws and regulations.
- c) It is mandated in the Local Government Code that LGUs shall share with the national government the responsibility in the management and maintenance of ecological balance within their territorial jurisdiction subject to the provisions of this Code and national policies.

**NOW, THEREFORE, BE IT ORDAINED** by the Sangguniang Panlalawigan of Zamboanga del Sur in session assembled that:

**ARTICLE I  
TITLE OF THE ORDINANCE**

**SECTION 1. Title of the Ordinance** — This ordinance shall be known as the “UPDATED ENVIRONMENTAL CODE OF 2024 OF THE PROVINCE OF ZAMBOANGA DEL SUR,” and shall be hereinafter referred to as the Code.

**ARTICLE II  
AUTHORITY AND PURPOSE**

**SECTION 2. Authority** — This Code is enacted pursuant to the provisions of Republic Act No. 7160, also known as the Local Government Code of 1991, particularly Sections 3(d), 16, and 35, thereof, including Sections 389(b)(9), 444(b)(3)(vii), 455(b)(3)(v), and 465(b)(3)(v), which mandated the Municipal Mayor, City Mayor and Provincial Governor, respectively, to adopt adequate measures to safeguard and conserve land, mineral, marine, forest and other resources; Section 447(a)(1)(vi), Section 458(1)(vi), and Section 468(a)(vi), which provides for the authorities of the Sangguniang Bayan, Sangguniang Panlungsod, and Sangguniang Panlalawigan, respectively, to protect the environment and impose appropriate penalties for acts which endanger the environment, such as dynamite fishing and other forms of destructive fishing, illegal logging and smuggling of logs, smuggling of natural resources products and endangered species of flora and fauna, slash and burn farming, and such other activities which result in pollution, acceleration of eutrophication of rivers and lakes, or of ecological imbalance.

**SECTION 3. Objectives and Purposes** — This Code is enacted for the following objectives and purposes:

**Objectives:**

- a) To promote the principles of ecologically sustainable development:
  - 1.0 That the use, development and protection of the environment should be managed by LGUs in a way, and at any rate, that will enable people and communities to provide for their health and safety while:
    - 1.1 Sustaining the potential of natural and physical resources to meet the reasonably foreseeable needs of future generations;
    - 1.2 Safeguarding the life supporting capacity of air, water, land and ecosystems;
    - 1.3 Avoiding, remedying or mitigating any adverse effects of harmful activities on the environment;
  - 2.0 That proper weight should be given to both long and short terms economic, environmental, social and equity considerations 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 LGUs to protect, restore and enhance the quality of the environment having regard to the principles of ecologically sustainable development and
  - 1.0 To prevent, reduce minimize and where practicable, eliminate harm to the environment;
  - 1.1 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;
  - 1.2 By regulating in an integrated systematic and cost-effective manner:
    - 1.2.1 Activities, products, substances and services that through pollution or production of waste, cause environmental harm;
    - 1.2.2 The generation, storage, transportation, treatment and disposal of waste;
  - 1.3 To coordinate activities, policies and programs necessary to prevent, reduce, minimize or eliminate environmental harm to ensure effective environmental protection, restoration and enhancement;
  - 1.4 To 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;
  - 1.5 To apply a precautionary approach to the assessment of risk 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;
  - 1.6 To require persons, natural or judicial engaged in pollution activities, to progressively make environmental improvements including reduction of

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- pollution and waste at source as much improvements become practicable through technological and economic developments;
- 1.7 To allocate the costs of environmental protection and restoration equitably and in a manner that encourages 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;
- 1.8 To provide for monitoring and reporting on environmental quality on a regular basis to ensure compliance with environmental laws, rules and regulations and the maintenance of a records of trends in environmental quality;
- 1.9 To provide for reporting of the state of the environment on a periodic basis;
- 2.0 To promote (a) industry and community education and involvement in decisions about the preservation, protection, restoration and enhancement of the environment and (b) disclosure of and public access to information about significant environmental incidents and hazards;

**Purposes**

- a) Operationalize the powers and responsibilities of the local government units of Zamboanga del Sur in the delivery of general welfare services particularly in environment and natural resources management.
- b) Provide guidance to the lower-level local government units in the exercise of their powers and in optimizing the opportunities provided under RA 7160.
- c) Establish the framework for a local government-driven, inter-agency, and multi-sectoral system of environment management in the province.
- d) Regulate, control, and guide future growth and development of the province 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 people of Zamboanga del Sur.
- e) Inform the citizens on the environment and natural resources management policy of the Provincial Government of Zamboanga del Sur; and
- f) Establish the mechanism for implementing the provisions of this Code.

**Section 4. Operative Principles** — This Code is based upon the following:

- a) The active participation of the constituents of Zamboanga del Sur is the key to the attainment of sustainable development;
- b) The people are the stewards of God's gift of nature for sustainable livelihood;
- c) The enactment and enforcement of laws concerning the protection and conservation of the environment shall be just and consistent with the laws of nature;
- d) The use of environment-friendly and appropriate technologies is a basic foundation for a healthy and progressive generation;
- e) All development activities shall always give importance and respect for the indigenous culture and practices of the people including gender and population concerns consistent with ecological principles;
- f) The sustainable economic development of Zamboanga del Sur calls for a judicious use of natural resources and an equitable access to all in accordance with existing laws; and
- g) All constituents of Zamboanga del Sur have the right to be informed and to participate in all undertakings pertinent to the sustainable utilization, protection, preservation, and conservation of natural resources.

**Section 5. Declaration of Policies** — Cognizant of the enormous promise and opportunity for prosperity offered by the quality, quantity, diversity, and sustainability of our environment and natural resources through which the Province envisage to arrest the growing scarcity and declining productivity of our natural resources, and considering that environment and natural resources management within the province transcends municipal boundaries, it is hereby declared the policy of the provincial government to achieve sustainable and equitable development of natural resources to attain a sound ecological balance and healthy environment. This board policy can be implemented by:

- a) ensuring perpetual existence of adequate forest cover and forest resources;
- b) regulating the mining, quarrying and utilization of mineral resources;
- c) managing water resources for equitable sharing and non-deprivation of safe and clean water pursuant to the provisions of the Clear Water Act of 2004;
- d) encouraging participation and supporting the Ecological Waste Management Act of 2000;
- e) protecting municipal waters (coastal marine resources) from over exploitation;
- f) enforcing pollution laws;
- g) adopting ecological tourism as strategy in conserving biological biodiversity and preservation of natural and cultural heritage;
- h) adopting basic processes for ensuring environmental soundness of all development projects through the Environmental Impact Issues (EIS) System;

- i) utilizing watershed planning approaches in the preparation of comprehensive land use plans (CLUPs) by local government units and conserving the wetlands and all bodies of waters. The constituents have equal access to the benefits created by this development which is not detrimental to other sectors and their present needs are sufficiently met without compromising the ability of the future generations to meet their own needs.

**Section 6. Definition of Terms** — As used in this Code, the following words and phrases shall be defined as follows:

- a) "*Alienable and Disposable (A and D) Lands*" refer to those lands of the public domain which have been declared by law as not needed for forest purposes.
- b) "*Ancestral Domain*" refers to all areas generally belonging to Indigenous Cultural Communities/Indigenous Peoples (ICCs/ICPs) comprising lands, inland waters, coastal areas, and natural resources therein, held under a claim of ownership, occupied or possessed by ICCs/IPs themselves or through their ancestors, communally or individually since time immemorial, continuously to the present except when interrupted by war, force majeure, or displacement by force, deceit, stealth or as a consequence of government projects or any voluntary' dealings entered into by governments and private individuals, corporations, and which are necessary to ensure their economic, social and cultural welfare. It shall include ancestral lands, forest, pasture, residential, agricultural, and other lands individually owned whether alienable and disposable or otherwise hunting grounds, burial grounds, worship areas, bodies of water, mineral and other natural resources, and lands which may no longer be exclusively occupied by ICCs/IPs but from which their traditional activities, particularly the home ranges of ICCs/IPs who are still nomadic and/or shifting cultivators.
- 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 immediately adjacent to designated protected areas and need special development control in order to avoid or minimize harm to the protected area.
- e) "*Carrying Capacity*" is the maximum number of individuals of a given species which can be supported by a particular habitat or an ecosystem without damaging it. It is also defined as the maximum human population that an environment can support indefinite on a specific resource base, using a specific level of technology.
- f) "*Coastal Area/Zone*" is a band of dry land and adjacent ocean space (water and submerged land) in which terrestrial processes when used directly affect oceanic processes and uses, and vice versa; its geographic extent may include areas within a landmark limit of one (1) kilometer from the shoreline at high tide to include mangrove swamps, brackish water ponds, nipa swamps, estuarine rivers, sandy beaches and other areas within a seaward limit of 200 meters isobaths to include coral reefs, algal flats, sea grass beds and other soft-bottom areas.
- g) "*Commercia/Fishing*" is fishing for commercial purposes in waters more than seven (7) fathoms deep with the use of fishing boats more than three (3) gross tons.
  - Small scale commercial fishing — fishing with passive or active gear utilizing fishing vessels of 3.1 gross tons (GT) up to 20 GT;
  - Medium scale commercial fishing — fishing utilizing active gears and vessels of 20.1 GT up to 150 GT;
  - Large-scale commercial fishing — fishing utilizing active gears and vessels of more than 150 GT.
- h) "*Communal Forest*" refers to a tract of forest land set aside for a municipality by law or through a valid proclamation or order for the use of the residents of a municipality from which said residents may establish forest plantations and/or tree farms, cut, collect and remove forest products for their personal use in accordance with existing laws and regulations. Each municipality is entitled to a maximum of 5,000 hectares of communal forest as provided In Section 17 (b)(2)(ii), RA 7160.
- i) "*De Facto*" open access conditions result from the inability of a resource owner or manager, such as the State in the case of marine resources, to enforce its ownership and authority by way of effectively excluding or regulating non-owners from the use thereof, thereby rendering the utilization of the resources under open and unregulated conditions as if there is no owner or manager. The failure of regulatory controls by resource owners or managers inevitably results in the destruction of the resource and overall losses in public welfare. In the case of marine resources, de facto open access conditions lead to eventual declines in marine productivity particularly fish catches in the municipal waters. Examples of destructive human activities in Zamboanga del Sur, occasioned by "de facto" open access regimes in municipal waters including the use of destructive fishing methods, over fishing, destruction of fragile mangrove fish habitats and spawning grounds, improper garbage disposal, pollution, and acts resulting to siltation.

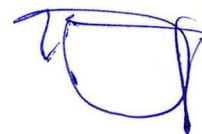
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- j) "*Ecological Solid Waste Management*" shall refer to the systematic administration of activities that provide segregation at source, segregated transportation, storage, transfer, processing, treatment, and disposal of solid waste and all other waste management activities which do not harm the environment.
- k) "*Eco-tourism*" refers to a nature-based activity managed by the local community with government support whose primary goals are conservation and enhancement of natural resources while providing economic benefits to the local community without endangering the socio-cultural practices of its people.
- l) "*Effluent*" refers to the general term denoting any wastewater, partially or completely treated, or in its natural state, flowing out of a manufacturing plant, industrial plant or treatment plant.
- m) "*Emission*" refers to the act of passing into the atmosphere an air contaminant, pollutant, gas stream and unwanted sound from a known source.
- n) "*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, political and historic factors,
- o) "*Environmental Compliance Certificate*" (ECC) refers to a certificate issued to proponents by the Secretary of DENR or his authorized representative. It certifies the proponent's compliance with the requirements of the EIS.
- p) "*Environmental Guarantee Fund*" (EGF) refers to a fund that a proponent who is required or opting to submit an EIS, shall commit to establish when an ECC is issued by the DENR for projects or undertakings determined by the latter that pose significant public risk to answer for damage to life, health, property, and the environment caused by such risk, or requiring rehabilitation or restoration measures.
- q) "*Environmental Impact Assessment*" (EIA) refers to the process of predicting the likely environmental consequences of implementing projects or undertakings and designing appropriate preventive, mitigating and enhancement measures.
- r) "*Environmental Impact Statement*" (EIS) refers to the document of studies on the environmental impacts of a project including the discussion on direct and indirect consequences upon human welfare and ecological and environmental integrity. The EIS may vary from project to project but shall contain in every case all relevant information and details about the proposed project or undertaking, including the environmental impacts of the project and the appropriate mitigating and enhancement measures.
- s) "*Environmental Management Plan*" (EMP) refers to the section in the EIS that details the prevention, mitigation, compensation, contingency and monitoring measures to enhance positive and minimize negative impacts of a proposed project undertaking.
- t) "*Environmental Monitoring Fund*" (EMF) refers to a fund that proponents, required or opting to submit an EIS, shall commit to establish when an ECC is issued by the DENR for its project or undertaking, to be used to support the activities of the Multi-Partite Monitoring Team (MMT).
- u) "*Environmentally Critical Areas*" (ECA) refer to those areas that are environmentally sensitive and listed under Presidential Proclamation No. 2146, Series of 1981 as well as other areas which the President of the Philippines proclaimed as environmentally critical in accordance with Section 4 of P.D. No. 1586.
- v) "*Environmentally Critical Projects*" (ECP) refer to projects that have high potential for significant negative environmental impact and are listed as such under Presidential Proclamation No. 2146, Series of 1981 and Presidential No. 803, Series of 1996, as well as other projects which the President may proclaim as environmentally critical in accordance with Section 4 of P.D. 1586.
- w) "*Exemption Certificate or Certificate of Non-Coverage*" (CNC) refers to the Certificate issued by DENR to a proponent if the project is exempted from EIS as reflected in Section 2, Article II of DAO 96-37. The exempted projects are those operating prior to 1982 except with expansion, with new facilities, non-pollutive, capitalized at less than P500,000 and employs less than 20 persons.
- x) "*Filter Net (Sanggab)*" affixed stationary fishing gear made of natural synthetic materials with a fine screen at cod end forming a conical bag with "non-return" values. Its mouth is held open by set of anchors and floats or by tying two (2) lateral sides of the rib lines to a set of rings attached to two (2) vertical post and bottom line pulled down by sinkers and set against the tide current both ebb and flow.
- y) "*Governor*" refers to the Provincial Governor of Zamboanga del Sur.
- z) "*Initial Environmental Examination*" (IEE) refers to the document required of proponents describing the environmental impact of, and mitigation and enhancement measures for projects or undertakings located in an ECA. The IEE shall replace the Project Description required under DAO 21, Series of 1992.

- aa) "*Integrated Social Forestry*" refers to an interagency national program created by Letter of Instruction No. 1260, dated July 28, 1982. It is designed to promote the socio-economic conditions of forest occupants and communities dependent on forestland for their livelihood, provide land tenure and at the same time protect and improve the quality of the environment.
- bb) "*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 or in order to undertake any authorized activity therein.
- cc) "*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.
- dd) "*Mangrove*" is the term applied to the type of forest occurring on tidal flats along the sea coast, extending along streams where the water is brackish consisting of a community of plants including trees, shrubs, vines and herbs.
- ee) "*Mineral Lands*" refer to those lands of the public domain that have been classified as such by the Secretary of Environment and Natural Resources in accordance with prescribed and approved criteria, guidelines and procedure (P.D. 1559).
- ff) "*Multipartite Monitoring Team*" (MMT) refers to the multi-sectoral team convened for the primary purpose of monitoring compliance by the proponent with the ECC, the EMP and applicable laws, rules and regulations.
- gg) "*Municipal Waters*" as defined by Section 4 (58) or RA 8550, which 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 RA 7586 (The NIPAS Law), public forest, timber lands, forest reserves or fishery reserves, but also marine waters included between two (2) lines drawn perpendicular to the general coastline including offshore island and fifteen (15) kilometers from such coastlines. Where two (2) municipalities are situated on opposite shores that there is less than 30 kilometers of marine waters between them, the third line shall be equally distant from opposite shore of the respective municipalities.
- hh) "*Natural Resources*" refer to material objects of economic value and utility to man produced by nature. They constitute the patrimony of the nation. Section 2, Article XII of the 1987 Constitution provides that all natural resources, with the exception of the agricultural lands shall not be alienated and its exploration, development, and utilization shall be under the full control and supervision of the State.
- ii) "*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 without any right of occupation or possession therein.
- jj) "*Person*" includes natural as well as juridical persons.
- kk) "*Production Forest*" refers to forest areas with slope from 18% to 50% managed primarily for the production of timber and other tree products. These include the residual dipterocarp forests; pine forests available for logging; rangelands for grazing; areas under Industrial Forest Plantation Management; Areas for Community Forestry Program; Integrated Social Forestry (Agro-Forestry), watersheds, and other forestlands for special uses.
- ll) "*Protected Area*" refers to identified portions of land and water set aside by law by reason of their unique physical and biological diversity and protected against destructive human exploitation, as provided in RA 7586, the National Integrated Protected Areas System (NIPAS) Act of 1992.
- mm) "*Protection Forest*" refers to forestlands maintained primarily for their beneficial effects on soil and water and in the environment in general. They are preserved and/or protected whereby the remaining forest and those that will be developed in the future are no longer subject to conversion into other land uses, or into excessive and illegal cutting, as well as to various forms of exploitation not within a prescribed management plan.
- nn) "*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 fully integrated into the process of environmental impact assessment.
- oo) "*Public Easement*" is an encumbrance imposed upon an immovable for the benefit of a community or for the benefit of another immovable belonging to a different owner (real or predial easement).
- pp) "*Public Forest Lands*" 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.
- qq) "*Quarry Resources*" means any common stone or other common mineral substances such as, but not restricted to marble, granite, volcanic cinders, basalt, tuff and rock phosphate; provided, they contain no metals or other valuable minerals in economically workable quantities.
- rr) "*RA 7160*" refers to the Local Government Code of 1991.
- ss) "*Recreation Forest*" refers to a tract of public forest land, forested or non-forested, and may contain both production and protection forest, developed for the additional or primary



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- purpose of providing non-destructive recreational pursuits such as, but not limited to, camping, bush walking, bird watching, mountaineering, and nature observations/studies.
- tt) "*Scoping*" refers to the stage in the EIS system where information and assessment requirements are established. This includes establishment of spatial boundaries (direct impact area, primary impact zone, secondary impact area and regional impact zone), temporal boundary (activities that happen during the pre-construction, construction, operation and maintenance, abandonment/decommissioning) and identification of key issues and concerns.
  - uu) "*Small-Scale Mining*" refers to mining activities that rely heavily on manual labor using simple implements and methods and do not use explosives or heavy mining equipment.
  - vv) "*Solid Waste*" refers to all putrescible, non-putrescible and discarded materials (excludes human excrement) including but not limited to food waste, rubbish, ashes, street cleanings, dead animals, abandoned vehicles, sewerage treatment sludge in non-liquid form, incinerator ash and residue, commercial, industrial, hospital, funeral, and agricultural waste; and special wastes, whether combustible or non-combustible such as paper, rags, cartons, woods, tin cans, lawn, clippings, glass, or litter of any kind.
  - ww) "*Strict Protection Zone for Water Production*" refers to areas set aside by the Sangguniang Panlalawigan upon recommendation by the Governor for the purpose of water production, which shall be closed to all human activity except for scientific studies and/or ceremonial or religious use by indigenous communities.
  - xx) "*Superlight*" also called magic light, is a type of light using halogen or metal halide bulb that maybe located above the sea surface or submerged in the water. It consists of a ballast, regulator, electric cable and socket. The source of energy comes from a generator, battery, or dynamo coupled with the main engine.
  - yy) "*Trawl*" — an active fishing gear consisting of a bag shaped net with or without otter boards to open its opening which is dragged or towed along the bottom or through the water column to take fishery species by straining them from the water including all variations and modifications of trawls (bottom, mid-water and baby trawls) and tow nets.
  - zz) "*Watershed*" is a land area drained by a stream or fixed body of water and its tributaries having a common outlet for surface runoff. Small watershed areas specifically refer to those that are identified by local governments or the proper agency as sources of water supply for particular local communities.

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

### ARTICLE III FOREST RESOURCES

**Section 7. Scope of Powers** — In addition to the powers, duties, and functions of the Municipal Mayor, City Mayor, and Provincial Governor to adopt adequate measures to safeguard and conserve land, mineral, marine, forest and other resources, as provided under RA 7160, Sections 389(b)(9), 444(b)(3)(vii), 455(b)(3)(vii), and 465(b)(3)(v) respectively, and the powers of the Sangguniang Bayan, Sangguniang Panlungsod, and Sangguniang Panlalawigan to protect the environment against 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), 458(a)(1)(vi), and Section 468(a)(1)(vi), RA 7160, the various local government units of Zamboanga del Sur shall provide forest resources management services and facilities, pursuant to Section 3(e), 3(i), 3(l), 16 and 17(a), RA 7160, as follows:

- a) For the Provincial Government of Zamboanga del Sur:
  - 1.0 Enforcement of forestry laws limited to community-based forestry projects as devolved to the province pursuant to Section 17(b)(3)(iii), RA 7160, particularly in municipal/city communal forests, integrated social forestry areas, and small watersheds, such as, but not limited to, 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 implants used in the commission of offenses penalized under Presidential Decree No. 705, as amended by Executive No. 277, Series of 1987, and other forestry laws, rules and regulations; and the province shall establish or commission a Scientific body who lists, reviews, monitors and updates the list of endangered species of Zamboanga del Sur.
  - 2.0 The province shall endeavor to enjoin the business, religious, civic, academic, local government units and other sectors to conduct systematic and periodic tree planting activities.

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- 3.0 The academic community is hereby mandated in coordination with DepEd and DENR to require tree planting as a pre-requisite for high school and college graduation in all public and private schools under PD 1153.
- b) For the Municipal Governments of Zamboanga del Sur:
  - 1.0 Implementation of the following community-based forestry projects:
    - 1.1 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;
    - 1.2 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;
    - 1.3 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;
    - 1.4 Forest Land Management Agreements, in accordance with DAO 71, Series of 1990, and other guidelines that the DENR may adopt, pursuant to Section 3.1(a)(iv), DAO 30, Series of 1992;
    - 1.5 Community Forestry projects, subject to concurrence of financing institution (s), if foreign assisted, pursuant to Section 3.1(a)(v), DAO 30, Series of 1992;
  - 2.0 Management and control of communal forests with an area not exceeding fifty (50) square kilometers, pursuant to Section 17(b)(2)(ii), RA 7160; provided, that the concerned local government unit shall endeavor to convert said areas into community-based forestry projects, pursuant to Section 3.1(b), DAO 30, Series of 1992;
  - 3.0 Management, protection, rehabilitation, and maintenance of small watershed areas which are sources of local water supply as identified by the DENR, pursuant to Section 3.1(c) DAO 30, Series of 1992, and the IPRA Law (R.A. 8371);
  - 4.0 Establishment, protection and maintenance of tree parks, greenbelts, pursuant to Section 17(b)(2)(ii), RA 7160, and other tourist attractions in areas identified and delineated by the DENR, except those within protected areas and the collection of fees for their services and the use of facilities established therein pursuant to Section 3.2(a), DAO 30, Series of 1992;
  - 5.0 Regulation of flora outside NIPAS area, including industries and businesses engaged in their propagation and development, such as orchidaria and nurseries, except export and import; provided, that such businesses and industries are registered with the DENR for monitoring purposes pursuant to Section 3.2(b), DAO 30, Series of 1992;
  - 6.0 Implementation of the Rehabilitation in Conservation Hotspots (RICH) and Conservation of Rare and Endangered Species (CARE) activities in areas identified and delineated by the DENR, pursuant to Section 3.2, DAO 30, Series of 1992, and
  - 7.0 Implementation of soil resource utilization and conservation projects, pursuant to Section 17(2)(i), RA 7160.
  - 8.0 Conservation of mangroves pursuant to Section 17(2)(i), RA 7160.
  - 9.0 For the Punong Barangay, enforce laws and regulations relating to pollution control and protection of the environment pursuant to Section 389(b)(9), RA 7160.

**Section 8. 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 7586 (National Integrated Protected Areas System Act of 1992)
- f) DENR Administrative Order No. 30, Series of 1992 entitled "Guidelines for the Transfer and Implementation of DENR Functions Devolved to the Local Government Units"
- g) EO 247 Series of 1995 entitled "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 Other Purposes"

**Section 9. Operative Principles** — In consideration of the multiple economic, ecological, aesthetic, scientific and educational services which forest resources provide in sustaining the 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 province, it is hereby declared the policy of the provincial government that the Governor shall fully exercise his powers and provide leadership over constituent city and municipal governments to ensure the perpetual existence of adequate forest and forest resources for the use and enjoyment of our people through local government driven, inter-agency, and multisectoral forest resources management.



Forest management initiatives of the various local government units of Zamboanga del Sur shall be consistent with the following principles:

- a) The timber needs of the people of Zamboanga del Sur shall be met within the province as far as practicable. Specifically, there shall be a timber resource within the province that is capable of supporting indefinitely a stable wood industry in the province;
- b) The water needs of the people of Zamboanga del Sur 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 province;
- c) Natural forest, 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 Zamboanga del Sur people; and
- d) There shall be maintained an adequate mangrove forest resource that is capable of maintaining the productive capacity of municipal coastal fisheries.

In carrying out the provisions of this Code, the Governor shall enhance the capacity of city and 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 peoples organizations, non-government organizations, government agencies, and individuals and households; provided, that the Governor 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, hereinafter referred to in this Code as DENR, and the private sector.

**Section 10. Forest Resources Management** — Within nine (9) months upon effectivity of this Code, the Governor shall update the provincial strategic forest resources management framework to serve as guide for city and municipal governments in preparing their forest resources management plan. The provincial framework shall in the minimum, outline how the city and municipal governments may promote investments, create jobs, and generate local government revenues through, protection, and recreational forestry programs or projects. Further, the framework shall be formulated, adopted, and implemented in collaboration with the national government agencies, particularly the DENR and the private sector in accordance with law; subject, however, to the condition that the framework shall be in conformity with the provincial physical framework plan.

**Section 11. a) Development of Production Forests** — In order to provide adequate raw material stocks to meet increasing household, infrastructural, agricultural, and industrial demand for timber, fuel wood, and minor forest products of commercial value, the Zamboanga del Sur Tree Enterprise Program (ZDSTEP) is hereby established as a regular budgeting process; provided, that ZDSTEP funds shall be intended for the provision of assistance to city and municipal governments in the promotion of commercial tree farming, harvesting, and artisanal and industrial wood processing enterprises through the provision of conducive policy, technical assistance, information flows, capability building, law enforcement, loan assistance, and tenurial security services; provided, further, that the program shall be implemented in close collaboration with the DENR and that tree farming, harvesting, wood processing, and marketing activities are conducted in accordance with pertinent forest laws and regulations; provided, furthermore, that the provincial government may invest and operate its own tree enterprise and related facilities for commercial purposes and for developing suitable working models; provided, finally, that issuances of tenurial instruments and usufruct permits shall remain under the jurisdiction of the DENR in accordance with law. Likewise, the municipalities and cities are encouraged to provide a regular or annual budget provision for the same purpose.

**b) Operationalization of Devolved Production Forestry-Related Forest Management Functions** - The Governor shall assist the city and the municipal governments establish and operate their communal forests, upon proper coordination with the DENR, management of community-based forestry projects and establishment of new reforestation projects as provided under Section 17 RA 7160, including the establishment of small watershed areas pursuant to DENR Administrative Order (DAO) No. 30, Series of 1992.

**c) Limited Production Forests in Protected Areas** - The Governor shall actively support the development of limited production forest and issuances of applicable tenurial instruments in specific zones within the protected areas, as provided in RA 7586 (NIPAS ACT).

**d) Integrated Social Forestry** — Upon effectivity of this Code and in order to expedite the delivery of services to qualified beneficiaries, the Governor shall transfer to the city/municipal governments the responsibility for the implementation of integrated social forestry projects particularly the establishment of on-farm production forests and mangrove plantations through a system of Memoranda of Agreements; provided, that such agreements for transfer of responsibilities shall stipulate continuing provincial and municipal government collaboration towards developing the capacity of Barangay Councils to eventually

administer these projects; provided, further, that issuances of applicable tenurial instruments shall remain under the jurisdiction of the DENR in accordance with law.

e) **Timber Utilization and Wood Processing Plants** — The cutting, harvesting and transporting of timber lumber, and minor forest products, including the processing and sale thereof, in all classes of lands, shall be actively regulated in order to create new and legitimate forms of livelihood, create new jobs, and generate additional local government revenues as major catalysts for reforestation of idle and unproductive lands, reduction of soil erosion, and improvement of the overall quality of the environment, subject to DENR laws and regulations on the conservation of endangered premium species pursuant to DAO 78, Series of 1987; provided, that the Governor shall establish in coordination with the DENR a streamlined system for the issuance of licenses, leases or permits; provided, further that licenses, leases, and/or permits to be issued by the DENR shall be subject to prior area clearance by the concerned Mayor upon issuance of area clearance by the Punong Barangay at the source of the forest product; provided, further, that a Governor's area clearance shall be required in the case of transport or movement of forest products from one municipality to another and outside the Province of Zamboanga del Sur in order to ensure proper compliance to pertinent existing local ordinances or those that may hereafter be promulgated; provided, finally, that the utilization of timber and minor forest products situated within protected areas and critical watersheds shall be subject to the provisions of RA 7586 and its implementing laws, rules and regulations.

f) **Timber Inventory in Alienable and Disposable Lands** — Within (1) one year upon effectivity of this Code, the City/Municipal Mayors through their respective ENROs shall complete the conduct of a one hundred percent (100%) inventory and registration of planted and naturally growing timber in alienable and disposable (A and D) lands, including those found within protected areas as defined in RA 7586 in order to rationalize issuances of Mayor's clearances, business permits, collection of fees and charges, and associated municipal support services for the utilization of timber and minor forest products in A & D lands and in order to protect timber on government-owned lands from unauthorized harvests; provided, that the imposition of fees and charges is authorized under appropriate municipal ordinance(s).

Upon completion of the aforesated one hundred (100) percent inventory or after one (1) year from effectivity of this Code, whichever comes first, the City/Municipal Mayors may, subject to an ordinance enacted for the purpose by the concerned Sanggunians, impose appropriate penalties, fees and/or charges for such clearances, business permits, and/or municipal support services covering unregistered timber on A & D lands; provided, that the Governor shall provide technical assistance services to concerned municipal governments upon request; provided, further, that the Governor shall be responsible for securing participation of national government agencies particularly the DENR, non-government organizations, and peoples organizations in the timber inventory; provided, finally, that the municipal inventory data shall be integrated into the provincial forest resources information system for investments promotion purposes, as provided in Section 14 of this Code.

g) **Incentives for the Development of Production Forests** — The municipal Sanggunians may enact ordinances and appropriate funds for the purpose of providing incentives such as, but not limited to, tax holidays, cash awards, free seedlings, soft loans, and training for the purpose of promoting private investments in the development of commercial forest-based enterprises.

h) **Retention of Timber Within Production Forests for Protection Purposes** - All trees situated on slopes over fifty (50) percent and elevations over 1,000 meters above sea level, including those within twenty (20) meters from both sides of rivers and within ten (10) meters from both sides of roads and highways shall be retained for protection purposes. The Governor shall provide assistance to city/municipal Sanggunians in the formulation of appropriate implementing ordinances for the implementation of this provision.

i) **Conservation of timber from Native Forests on A & D Lands** - Subject to the provisions of RA 7586 and other existing national laws, naturally growing timber and minor forest products found within A & D lands may be commercialized upon inventory and registration with the city/municipal government; provided, that adequate measures shall be provided for the protection of wildlife and wildlife habitats, if any there be, including the non-extraction of regulated species, such as but not limited to Molave (or "tugas") and other premium species pursuant to DAO 78, Series of 1987; provided, further, that from the timber inventory the Governor shall, within one (1) year from effectivity of this Code designate with the City/Municipal Mayor and the DENR appropriate premium species source areas and recommend the Molave and other non-deregulated trees therein for exemption from DAO No. 78, Series of 1987 in order to rationalize and maintain the furniture industry in Zamboanga del Sur; provided, finally, that the Governor shall share the inventory information with the DENR.

Within nine (9) months upon effectivity of this Code, the Governor shall recommend measures to the Sangguniang Panlalawigan for the protection and conservation of endemic flora within native forests on A & D lands.

**Section 12. a) Management of Protection Forests** — All measures shall be adopted to actively share responsibility with the national government, particularly the DENR, in securing the perpetual existence of all native plants and animals in the province. The Governor shall adopt measures to assist the DENR

towards enabling the Protected Area Management Boards (PAMBs), as provided under RA 7586, particularly in the immediate delineation, establishment and operationalization of strict protection zones, habitat management zones, cultural zones, and recreation zones.

As far as practicable, the management of protection forests for sustained water production, coastal habitat protection, conservation of waterways, easements and rights-of-way, forest-based recreation, biodiversity conservation, and scientific and educational advancement shall be undertaken with the end view of generating livelihood for local residents and revenues for municipal governments.

b) **Forest Protection and Law Enforcement** — The Governor shall provide effective leadership in the operation of inter-agency, inter-municipality, and multi-sectoral efforts in forest protection and law enforcement in close collaboration with the DENR and other law enforcement agencies.

c) **Municipal Watersheds** — Subject to National and Provincial Policies, City/Municipal governments shall be responsible in the proper management of their respective watersheds, if there be any.

d) **Watersheds Within One (1) Year Upon Effectivity of This Code**; provided, that area identification and delineation shall be undertaken in coordination with the DENR pursuant to Section 17, RA 7160 and Section 3.1 (c), DAO 30, Series of 1992 for areas within public forest lands. For watersheds within alienable and disposable lands, the establishment thereof shall be properly coordinated with the Department of Agrarian Reform.

e) **Protection and Conservation of Mangroves** — For the purpose of protecting the livelihood and well-being of the artisanal fishing population, the sustained productivity of coastal habitats of marine flora and fauna shall be secured through the provision of assistance to municipal governments in establishing adequate safeguards and control on human activities within declared mangrove forest reserves, marine parks and fish sanctuaries, such as, but not limited to, the formulation of a provincial coastal management framework, as prescribed in Section 53 of this Code.

f) **The Governor shall initiate reversion actions against those who may have been issued certificates of title over forest lands to include mangrove forests.**

**Section 13. Development of Recreation Forests** — Upon request, the Governor shall assist municipal 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.

**Section 14. Forest Resources Information System** — The Governor shall establish and maintain a forest resources information 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 province. 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 Governor shall provide technical assistance to interested municipal governments in the development of their forest resources information systems. The Governor shall create a multi-sectoral committee to identify what particular species are endangered.

**Section 15. Prior Consent of Sanggunians** - For the purpose of implementing the provisions of this Code and pursuant to Section 26 and Section 17, RA 7160, government agencies and instrumentalities are hereby required to consult with local government units and obtain prior consent of the concerned Sanggunians 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 framework as prescribed under Section 10 of this Code.

**Section 16. Annual Investment Plans** — Upon effectivity of this Code, the municipal and provincial budget allocation for forest resources management shall be included in the annual investment plans; provided, that such investments are in accordance with forest resources management framework as prescribed under Section 10 of this Code.

**Section 17. Organization** - There is hereby created a Forest Resource Management Section (FRMS) under the Provincial Environment Management Office (PEMO) and now the Provincial Environment and Natural Resources Office, as provided in Section 114 of this Code. The city/municipal governments are encouraged to establish their appropriate forestry service offices, if necessary, to ensure proper implementation of their respective forest management plans. The FRMS shall provide assistance to municipal governments in (a) preparation of Municipal Forest Resources Management Plans, (b) design and preparation of forestry related projects, (c) strengthening of municipal forest management capability, (d) establishment of support linkages and network systems, and (e) formulation of municipality-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 municipalities.

**Section 18. Prohibited and Punishable Acts** under this Code shall include, but not limited to, the following:

- a) The indiscriminate cutting of trees in both private and public lands.
- b) The use of unregistered or unlicensed power saws/chain saws and similar tree-felling equipment shall be banned and prohibited, unless a current and valid license or permit for the use thereof as issued by the Municipal/City Mayor has been obtained.
- c) Hunting, destroying, or mere possession of any plants, animals or other forest products both living and other species considered endangered or threatened pursuant to existing laws shall be banned and prohibited.
- d) The use of unregistered or unlicensed hunting paraphernalia such as air guns, shotguns, and the like shall be banned and prohibited, unless a current and valid permit for the use thereof as issued by the proper authority subject to prior clearance by the concerned Municipal/City Mayor.
- e) The trafficking of flora and fauna shall be prohibited, unless the Municipal/City Mayor and the DENR have issued current and valid permit for the traffic thereof from the source. The hunting and/or gathering of endangered or threatened species are prohibited.
- f) No person shall ignite, cause to be ignited, or maintain any open forest except in the following activities: open fires for cooking of food for human consumptions 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 firefighting, prescribed burning for recognized agricultural, forestry and wildlife management practices, and open fires expressly approved by the DENR and concerned Mayor.
- g. No person shall by any act, prevent any project in the dredging of rivers and creeks within mangrove areas.
- h. No Certificates of title or tax declarations shall be issued to any person over a portion of forests to include the mangrove areas.

#### ARTICLE IV MINERAL RESOURCES

**Section 19. Scope of Powers** - In addition to the powers, duties and functions of the Municipal Mayor, City Mayor, and Provincial Governor to adopt adequate measures to safeguard and conserve land, mineral, marine, forest and other resources, as provided under RA 7160, Sections 389(b)(9), 444(b)(3)(vii), 455(b)(3)(v) and 465(b)(3)(v), respectively, the powers of municipal governments in respect to the management of mineral resources are provided under Sections 26 and Section 27, RA 7160 (consultations and prior consent required), in addition to the powers of the City and Provincial Government as provided in Section 17(b)(3)(iii) and Section 138, RA 7160 and Section 43, RA 7942 (Philippine Mining Act of 1995).

Through this Code, the Provincial Government shall provide the following basic services and facilities:

- a) Enforcement of Republic Act No. 7076 (The Small-Scale Mining Law of 1991);
- b) Issuance of permit for extraction of quarry resources on privately owned lands and/or public lands for building and construction materials pursuant to Section 43, RA 7942 and Section 138, RA 7160 upon presentation of ECC or ECC Monitoring Report (if renewal);
- c) Verification and adjudication of conflicts and collection of fees and charges for the collection and the extraction of sand, gravel and other quarry resources; and
- d) Sue and demand damages brought about by dumping of toxic wastes on land or to any body of Municipal waters.

**Section 20. Governing Laws** - The pertinent mineral resources provisions of this Code shall be governed by, but not limited to, the following national laws and regulations:

- a) Republic Act No. 7160 (Local Government Code of 1991)
- b) Republic Act No. 7942 (Philippine Mining Act of 1995)
- c) Republic Act No. 7076 (Small Scale Mining Law)
- d) DENR Administrative Order No. 23, Series of 1995, as amended by DAO 40, Series of 1996 entitled "Implementing Rules and Regulations of the Mining Act of 1995"

**Section 21. Operative Principles** - The revenue generation and livelihood functions of mineral resources notwithstanding 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, erosion of biological diversity, and deterioration of coastal fisheries, the Provincial Mining Regulatory Board shall regulate the mining, quarrying and utilization of mineral resources in the province is hereby adopted and reaffirmed; provided, that the Governor shall recommend to the Sangguniang Panlalawigan, within six (6) months upon effectivity of this Code, the creation or amendments thereto for the purpose of allocating membership from representatives of non-governmental organizations of the Board of at least twenty five (25) percent of the total number thereof; provided, further, that such recommendation shall indicate gender parity in terms of representatives to the Board.

**Section 22. Regulatory Provisions** — It shall be unlawful for any person, natural and juridical, to undertake quarrying and mining of minerals without a permit or license duly issued by the Governor or appropriate agency having authority and jurisdiction thereof; provided, that no license, lease, agreement, and/or permit shall be issued by other government agencies or the Governor without the prior area clearance and/or consent of the concerned municipal officials or Sanggunians, as the case may be, pursuant to Section 99 (a), DAO 23, Series of 1995 (known as the "Implementing Rules of the Philippine Mining Act of 1995"); provided, further, that such prior clearance shall not apply to a private land owner who cannot be forced by government or by law, except by way of eminent domain, to permit entry and quarrying over his/her land; save those disclosed by laws as protected areas, provided, further, that mining and quarrying activities within the Province of Zamboanga del Sur shall be subject to prior Environmental Impact Assessment (EIA) System; provided, furthermore, that "no extraction or removal of materials shall be allowed within a distance of one (1) kilometer from the boundaries or reservoirs established for public water supply, archaeological and historical sites and any public or private works or structures. No extraction or removal of materials shall likewise be allowed in offshore areas within five hundred (500) meters distance from the coast and two hundred (200) meters from the mean low tide level along the beach pursuant to Section 101, DAO 23, Series of 1995 (Implementing Rules of RA 7942).

**Section 23. Exploitation of Quarry Resources** - Sand, gravel and other quarry resources within the province may be exploited only through a permit issued exclusively by the Governor pursuant to an ordinance of the Sangguniang Panlalawigan pursuant to Section 43, RA 7942 and Section 138, RA 7160 and renewable subject to the recommendation of the DENR ECC Monitoring and Evaluation. The permittee, natural or juridical, provided, all individuals, partnerships or corporations engaged in the exploration, development and exploitation of natural resources or in the construction of infrastructure projects shall be required to restore or rehabilitate areas subject thereof or affected thereby to their original condition, pursuant to Presidential Decree No. 1198.

**Section 24. Monitoring and Evaluation** — The Provincial Environment and Natural Resources Office (PENRO) shall ensure compliance of permittees and/or licenses to pertinent mining laws, rules and regulations. The governor shall also provide assistance to concerned municipalities and barangays in their monitoring and evaluation capability.

**Section 25. Organization** - The Mineral Resources Management Section (MRMS) created under Section 114 of this Code shall be responsible in the effective implementation of the mineral management responsibilities of the Provincial Government.

**Section 26. Prohibited and Punishable Acts** - The Governor through the Sangguniang Panlalawigan, in consultation with the various Municipal/City Sanggunians of Zamboanga del Sur and the DENR, shall, within one (1) year upon effectivity of this Code, enact needed legislations for the purpose of further defining the penalties and/or sanctions for acts in violation of the mining quarrying provisions of this code.

#### ARTICLE V WATER RESOURCES

**Section 27. Scope of Powers** - In addition to the powers, duties and functions of the Municipal Mayor, City Mayor, and Provincial Governor to adopt adequate measures to safeguard and conserve land, mineral, marine, forest and other resources, as provided under RA 7160 Sections 389.(b)(9), 444(b)(3)(vii), 455(b)(3)(vii), respectively, other specific powers of local government units in the management of water resources are enumerated in Section 17, RA 7160, as follows:

- a) For a barangay: pursuant to Section 17 (b)(l)(iii) and (v), services related to general hygiene and sanitation and maintenance of water supply systems respectively;
- b) For a municipality: water and soil resource utilization and conservation projects and inter-barangay irrigation system, (ij) communal irrigation, small water impounding projects and other similar projects, artesian wells, spring development, rainwater collectors and water supply systems, seawalls, dikes, drainage and sewerage, and flood control pursuant to Section 17(b)(2)(i) and (viii), respectively; and management, protection, rehabilitation, and maintenance of small watershed areas which are sources of local water supply as identified or to be identified by the DENR, pursuant to Section 3.1 (c), DAO 30, Series of 1992;
- c) For the province: enforcement of forestry laws and other laws on the protection of the environment, and mini-hydroelectric projects for local purposes pursuant to Section 17(b)(3)(iii), RA 7160; provision of inter-municipal waterworks, drainage, and sewerage, flood control, and irrigation systems, pursuant to Section 17(b)(3)(viii), RA 7160;

**Section 28. Governing Laws** — The water resources provisions under 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. 1067 (Water Code of the Philippines of 1976)
- c) DENR Administrative Order 34, Series of 1990, (Revised Water Usage and Classification/Water Quality Criteria Amending Section Nos. 68 and 69 Chapter III of the 1978 NPCC Rules and Regulations)
- d) DENR Administrative Order No. 35, Series of 1991 (Revised Effluent Regulations of 1982)
- e) Republic Act No. 6969 (Toxic Substances and Hazardous and Nuclear Waste Control Act of 1990)
- f) Presidential Decree No. 984 (National Pollution Control Decree of 1978)
- g) Presidential Decree No. 825 (Providing Penalty for Improper Disposal of Garbage and Other Forms of Uncleanliness and for Other Purposes)
- h) Presidential Decree No. 856 (Code on Sanitation of the Philippines, 1975)
- i) Presidential Decree No. 1198 (Requiring All Individuals, Partnership or Corporation Engaged in the Exploration, Development and Exploitation of Natural Resources or in the Constructions of Infrastructure Projects to Restore or Rehabilitate Areas Subject Thereof or Affected Thereby to Their Original Condition)
- j) Clean Water Act of 2004

**Section 29. Operative Principles** - Water resources in the province shall be managed (a) for the primary purposes of meeting indefinitely the basic requirements for potable water of all residents of Zamboanga del Sur and for sustained agricultural production and (b) for the secondary purpose of securing the availability of adequate supplies of water for the growing industrial, recreational and commercial development activities through water resources pricing, institution of local water pollution control legislation, and establishment of the Zamboanga del Sur Network of Watersheds, as provided under Section 31 (a) of this Code. Further, it is hereby declared the policy of the provincial government that water resources in the province shall be equitably shared and that no municipality shall be deprived of safe and clean water.

**Section 30. Establishment of Water Resources Trust Fund** - The PLGU shall maintain a Water Resources Trust Fund for the sole purpose of supporting municipal programs or projects for the rehabilitation of water production areas within the Province as provided under Section 31 and Section 33 of this Code. The trust fund, which shall comprise all amount 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 governor upon recommendation of the multi-sectoral Water Resources Advisory Committee, as provided under Section 33 of this Code. Henceforth, all such unexpected amounts and future allocations shall accrue to the Water Resources Trust Fund.

**Section 31. a) Designation of Priority Watersheds for Protection** — Pursuant to paragraph 2 (b) Section 9 of this Code, the Provincial Government shall further identify and designate other watersheds which shall be managed and governed by provincial laws, for the purpose of securing the water for the sustainable development of Zamboanga del Sur. The Zamboanga del Sur Network of Watersheds (ZDSNW), if created, shall continue to exist.

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b) **Establishment and Extent of ZDSNW** — Within one (1) year upon effectivity of this Code, the Governor shall, in close collaboration with the DENR and concerned municipal governments, barangay councils, and Protected Area Management Boards, study and review each watershed already identified as to its sustainability for the purpose of determining the specific areas needed for water production purposes.

Upon completion of the study and review, the Governor shall submit to the Sangguniang Panlalawigan an updated map and legal description or boundaries of each of the water production areas in each watershed together with recommendations for the Sangguniang Panlalawigan to declare, set aside and maintain the aforesaid areas as strict protection zone for the purpose of water production.

c) **Additional Areas to the ZDSNW** — The Governor shall propose to the Sangguniang Panlalawigan the inclusion in the ZDSNW those watersheds established by the municipal governments in accordance with Section 12 of the 2002 Environmental Code, including additional watersheds which the Governor deems to require strict protection for water production purposes.

d) **Disestablishment of Watersheds** — When upon the recommendation of the majority members of the concerned Sangguniang Panlalawigan and, if applicable, the members of the concerned Protected Area Management Board, a certain watershed within the ZDSNW or portions thereof should be withdrawn or disestablished, or its boundaries modified, the disestablishment thereto shall take effect pursuant to an act of the Sangguniang Panlalawigan.

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

**Section 32. Water Resources Management Plan** - The Governor shall, together with the Municipal Mayors, concerned Protected Area Management Boards, national government agencies, local water districts, and private sector groups formulate a strategic management plan for the Zamboanga del Sur Network of Watersheds. Upon recommendation of the multi-sectoral Water Resources Committee (WRC), as provided in Section 33 of the 2002 Environmental Code, the Governor 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 in accordance with Presidential Decree No. 1067 and DENR Administrative Order No. 34 Series of 1990 for the purpose of determining appropriate uses, protection measures needed and water quality standard to be applied;
- b) Characterization of the status of priority watersheds 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 the watershed;
- d) The appropriate institutional arrangements to be established for managing the watershed;
- e) The investment requirement, duration and revenue generating measures to be implemented; and
- f) Appropriate policy incentives and regulations to ensure that the watershed is managed in a sustainable manner.

**Section 33. Water Quality Monitoring** - Within nine (9) months upon effectivity of this Code, the Governor shall activate and maintain the continuous and effective operation of a 9-member Multi-sectoral Water Resources Committee (WRC) to be composed of the Governor as Chairman and NIA, DENR, NAPOCOR, DOST/PAG-ASA, DA and IPHO as members, including the SP-Committee Chairman on Environment, and two (2) representatives of non-government organizations as appointed by the Governor. The Committee shall be vested with the following duties and responsibilities.

- a) Establish the number and location of province-wide water sampling stations on proximity to human settlements and possible sources of pollution. The sampling stations shall include coastal areas, estuaries, rivers, community deep wells, artesian wells, aquifers, and similar bodies of water as determined by the Committee.
- b) Conduct regular sampling and the analysis of samples collected using the parameters, standards, and procedures established by national laws. The priority parameters to be measured shall include PH content, temperature, Biochemical Oxygen Demand (BOD), Chemical Oxygen Demand (COD), Total Suspended Solids (TSS), oil and grease, and total coliform.

- c) Release of the monitoring result to the public particularly to the municipalities and barangay concerned.
- d) In coordination with the Provincial Mining Regulatory Board (PMRB) to monitor the impact on water resources of all mining operations in the province.
- e) Assist national government agencies (in the enforcement of anti-pollution laws including Presidential Decree No. 984, DENR Administrative Order No. 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 province so that they can share water pollution reduction techniques, work as a group with the government and non-governmental organization on pollution reduction.
- g) Advise the Governor on policy requirements to safeguard water resources in the province.
- h) Recommend to the Governor the allocation of the Water Resources Trust Fund as may have been established under Section 30 of the 2002 Environmental Code.
- i) Prepare and recommend to the Governor annual work and financial plans for the operation of the Committee.

**Section 34. Protection of Public Water Infrastructure** – The Governor shall identify the component watersheds of the ZDSNW, which are presently supporting small hydroelectric projects, inter-municipality waterworks and irrigation system as well as those, which are potential sites of similar projects and assist municipal governments prepare management plans thereof. The Governor shall ensure that engineering works and infrastructure projects within the province do not adversely affect water quality.

**Section 35. Protection of Riverbanks, Easements, Rights-of-Way, and Greenbelts** – The Governor shall adopt adequate measures for establishing clearance and greenbelts along river banks and seashore areas as prescribed by law to recover easements as provided in DENR Administrative Order No. 05, Series of 1997 and Presidential Decree No. 1067 which provide that banks of rivers 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, fishing and salvage.

**Section 36. Drainage Systems** – The Governor shall adopt necessary measures to ensure that adequate municipal and barangay drainage system are established and maintained to prevent the negative effects of all types of effluents on both surface and underground water quality. The Governor shall also provide assistance to municipalities for the purpose of ensuring that solid wastes are properly disposed for protection of water resources.

**Section 37. Organic Farming and Soil and Water Conservation** - The Governor shall assist municipalities in the implementation of community-based forestry projects for the purpose of instituting improved soil and water conservation techniques and generate resources to implement the measures.

**Section 38. Health and Sanitation Measures** - The Governor shall adopt appropriate measures to assist municipal governments improve environmental sanitation by mandatorily requiring 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 Building Code.

**Section 39. Water Usage and Classification** - The provisions of DAO No. 34, Series of 1990, otherwise known as the "Revised Water Usage and Classification," and amendments thereto, are hereby adopted.

**Section 40. Prohibited and Punishable Acts** – The Sangguniang Panlalawigan, in consultation with the various Sangguniang Bayans/Sangguniang Panglunsod and the DENR, shall penalize and /or sanction prohibited and punishable acts in violation of the provision of this Code, which shall include, 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 permit issued by the Municipal Mayor, as the case maybe.



- b) No industrial or domestic sewage shall be discharged into Class AA and Class SA waters, 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 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 and without a permit/authority to construct and operate wastewater treatment facilities from the DENR and/or air pollution source control facilities/equipment.
- 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 and secure air pollution control facilities.
- 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 provision of this Code.
- h) The construction of houses and other physical structures without clearance/permit from the DENR and the LGU within the seashore or banks of rivers are hereby prohibited.
- i) No person 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, as well as ECC from DENR per DAO No. 96-37 and PD 1586.
- j) No person shall develop a stream, lake, marshland or pond for recreational or commercial purposes without first securing a permit from the National Water Resources Council (NWRB) and the local government chief executive, in addition to Environmental Compliance Certificate (ECC) by the DENR in accordance with the existing laws.
- k) No person shall raise or lower or cause the raising and lowering of the water level of the stream, river, lake, marsh or pond, nor drain the same without the necessary government clearances and/or permits.
- l) Impounding of water in large amount which will prejudice downstream or upstream users shall be prohibited, subject to existing laws and regulation of National Water Resource Board (NWRB) and DENR.
- m) No person shall, for commercial purposes, drill a well without a permit from the NWRB and the local government executive, and the Governor 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; provided, further, that the Governor through the proper national government agency shall reserve the right to revoke or cancel any permit for the extraction of groundwater if this is found to be detrimental to its sustainability or inimical to other higher priority water uses.
- n) The construction or setting up of any structure, temporary or otherwise, that would destroy the scenic value of natural waterways or result to the disruption of water flows shall be prohibited.
- o) Dumping of tailings and sediments from mining and quarrying operations, as well as farm carrying pesticide residues, is hereby banned and therefore prohibited.

#### ARTICLE VI ECOLOGICAL SOLID WASTE MANAGEMENT

**Section 41. Scope of Powers** — In addition to the powers, duties and functions of the Municipal Mayor, City Mayor, and Provincial Governor to adopt adequate measures to safeguard and conserve land, mineral, marine, forest and other resources, as provided under RA 7160, Sections 389(b)(9), 444(b)(3)(vii), 455(b)(3)(vii), and 465 (b)(3)(v) respectively. Pursuant to those relevant provisions, the local government units shall be primarily responsible for the implementation and enforcement of the provision of the Ecological Solid Waste Management Act within their respective jurisdictions.

- a) Segregation and Collection of solid waste shall be conducted at the barangay level specifically for biodegradable, compostable and reusable waste: Provided, that the collection

of non-recyclable materials and special waste shall be the responsibility of the municipality or city.

- b) 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.

**Section 42. Governing Laws** - The initiatives of the Provincial Government on Ecological Solid Waste Management (ESWM) shall be consistent with existing national laws, namely:

- a) 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 surrounding, including streets and canals adjacent to the properties. It further provides for penalties for the improper disposal of garbage and other forms of uncleanness
- b) Presidential Decree 856, otherwise known as the Code of Sanitation of the Philippines, prescribing requirements for refuse collection of disposal systems by food establishments in cities and municipalities.
- c) Presidential Decree 1152, entitled "Consolidating the Philippine Environmental Code." It requires the preparation and implementation of waste management program in all cities and municipalities. Specifically provides that waste disposal shall be by sanitary landfill, incinerators composting and other methods as may be approved by a competent government authority.
- d) Republic Act 6969, also known as the Toxic Substances and Hazardous Nuclear Wastes Control 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 Environmental 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 other 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. 9003 or Ecological Solid Waste Management Act of 2000, "An Act Providing for an Ecological 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."

**Section 43. Operative Principles** - The Provincial Government recognizes that the steadily increasing level of economic activities and population growth in the urban and rural areas would lead to an increase in the volume of wastes and adverse impact on the health of its constituents and fragile ecosystems. Pursuant to Section 3(i), Republic Act 7160, respectively, and in consideration of eco-tourism and agro-industrialization as the province's key development strategy, it is therefore a declared policy to encourage and support the Ecological Solid Waste Management Act of 2000.

**Section 44. Comprehensive Solid Waste Management** - As guide for interventions, the provincial government hereby adopts the Comprehensive Solid Waste Management (CSWM) System as recommended by the Ecological Solid Waste Management Act of 2000. Accordingly, the province, city or municipality, through its local solid waste management boards, shall prepare its respective 10-year solid waste management plans consistent with the National Solid Waste Management Framework: Provided, that the waste management plan shall be for the re-use, recycling and composting of wastes generated in their respective jurisdictions: Provided further, that the solid waste management plan of the LGU shall ensure the efficient management of solid waste generated within its jurisdiction. The plan shall place primary emphasis on implementation of all feasible re-use, recycling, and composting programs while identifying the amount of landfill and transformation capacity that will be needed for solid waste which cannot be re-used, recycled and composted. The plan shall contain all the components provided in Section

17 of RA 9003 and a timetable for the implementation of the solid waste management program in accordance with the National Framework and pursuant to the provisions of said Act: Provided, finally, that it shall be reviewed and updated every year by the Provincial, City or Municipal Solid Waste Management Board, as the case may be.

For LGUs which have considered solid waste management alternatives to comply with Section 37 of RA 9003, but unable to utilize such alternatives, a timetable or schedule of compliance specifying the remedial measures and eventual compliance shall be included in the plan.

All local government solid waste management plans shall be subjected to the approval of the National Solid Waste Management Commission. The plan shall be consistent with the national framework and in accordance with the provisions of RA 9003 and of the policies set by the Commission.

**Section 45. Role of the Province** - The Provincial Government shall promote the practice of waste segregation and waste minimization at source. Specifically, it shall perform the following functions:

- a) Assist municipal governments in the preparation of a solid waste management plan to include information, education, and communication materials.
- b) Facilitate establishment of supportive linkages between municipal government units and other government and private sector organizations.
- c) Assist municipalities who may decide to group themselves, consolidate or coordinate their effort, services, and resources for the purpose of establishing a common Ecological Solid Waste Management (ESWM) system or facilities.
- d) In coordination with the Provincial Solid Waste Management Board, DENR, NGOs, and the League of Municipalities, facilitate the establishment of a model municipal unit that demonstrates an effective and efficient CSWM system or facilities.
- e) In coordination with the Presidential Task Force for Waste Management, DENR, NGOs and the League of Municipalities, facilitate the establishment of a model municipal unit that demonstrates an effective and efficient system.
- f) Train provincial personnel to provide technical assistance services, particularly in ESWM and Environmental Impact Assessment (EIA) to city and municipal governments.
- g) Install an operational monitoring system to ensure sustainability of ESWM programs.

**Section 46. Role of the City, Municipality and Barangay** - Pursuant to Section 17, R.A. 7160, the city, municipality and barangay shall be responsible in providing services related to waste and garbage disposal. Accordingly, the city and municipal governments shall consider the following processes for the establishment of their own IWM system:

- a) Establish waste stream through the conduct of a baseline survey on current WM practices.
- b) Conduct consensus building with communities in order to generate support and participation from the private sector.
- c) Prepare a ESWM program based on the review of options identified with the community.
- d) Promulgate a ESWM Ordinance. The ordinance shall contain the following parts, namely: Definition of Terms, Waste Generation and Storage, Waste Processing and Resource Recovery, Collection and Transportation of Waste, Disposal of Solid Wastes, User Fees for Waste Management Services, Violation and Penalty and Penal Provisions. The city or municipality may refer to the generic city/municipal for waste management prepared by the Presidential Task Force for Waste Management.
- e) Appoint an ESWM manager/coordinator to oversee the comprehensive approach versus the conventional collection and disposal effort.

**Section 47. Provincial Solid Waste Management Board** —A Provincial Solid Waste Management Board (PSWMB) shall be activated in the province, to be chaired by the Governor. Its members shall include:

- a) All the mayors of component city and municipalities;
- b) One (1) representative from the Sangguniang Panlalawigan to be represented by the chairperson of the Committee on Environment;
- c) The Provincial Health and/or General Services Officer, whichever may be recommended by the Governor;
- d) The Provincial Environment and Natural Resource Officer (PENRO);
- e) The Provincial Engineer;
- f) Congressional representative/s from each congressional district within the province;

- g) A representative from the NGO sector whose principal purpose is to promote recycling and the protection of air and water quality;
- h) A representative from recycling industry;
- i) A representative from the manufacturing or packaging industry; and
- j) A representative of each concerned government agency possessing relevant technical and marketing expertise as maybe determined by the Board.

The PSWMB may, from time to time, call on any other concerned agencies or sectors, as it may deem necessary.

Provided, that representatives from the NGOs, recycling and manufacturing or packaging industries shall be selected through a process designed by themselves and shall be endorsed by the government agency representatives of the Board.

The PSWMB shall have the following functions and responsibilities:

- a) Develop a Provincial Solid Waste Management Plan (PSWMP) from the submitted solid waste management plans of the respective city and municipal solid waste management boards herein created. It shall review and integrate the submitted plans of all its component cities and municipalities and ensure that the various plans complement each other, and have the requisite components. The PSWMP shall be submitted to the Commission for approval;

The Provincial Development Plan (PDP) shall reflect the general program of action and initiatives of the provincial government in implementing a solid waste management program that would support the various initiatives of its component cities and municipalities.

- b) Provide the necessary logistical and operational support to its component cities and municipalities in consonance with subsection (f) of Section 17 of the Local Government Code;
- 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;
- f) Coordinate the efforts of the component cities and municipalities in the implementation of the Provincial Solid Waste Management Plan;
- g) Develop an appropriate incentive scheme as an integral component of the Provincial Solid Waste Management Plan;
- h) Convene joint meetings of the provincial, city and municipal solid waste management boards at least every quarter for purposes of integrating, synchronizing, monitoring and evaluating the development and implementation of the Provincial Solid Waste Management Plan;
- i) Represent any of its component city or municipality in coordinating its resource and operational requirements with agencies of the national government;
- j) Oversee the implementation of the Provincial Solid Waste Management Plan;
- k) Review every two (2) years or as the need arises the Provincial 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
- l) Allow for clustering of LGUs for the solution of common solid waste management problems.

**Section 48. Local Government Solid Waste Management Plans** — Within one (1) year upon approval of this Code, the Province, City or Municipality, through its local SWMB, shall update their respective 10-year Solid Waste Management Plans (SWMP) consistent with the National Solid Waste Management Framework: provided, that the Waste Management Plan shall be for the re-use, recycling, and composting of waste generated in their respective jurisdiction: provided further, that the solid waste management of the LGU shall ensure the efficient management of solid waste generated within its jurisdiction. The plan shall primarily focus on the implementation of all feasible re-use, recycling, and composting programs while identifying the amount of landfill and transformation capacity that will be needed for solid waste which cannot be re-used, recycled or composted. The plan shall contain all components provided in Section 17 of RA 9003 and a timetable for the implementation of the solid waste management program in accordance with the national framework and pursuant to the provisions of this Act: provided finally, that it shall be reviewed and updated every year by the Provincial, City or Municipality SWMB.

All updated local government Solid Waste Management Plans shall be subjected to the approval of the Commission. The plan shall be consistent with the national framework and in accordance with the provisions of RA 9003 and of the policies set by the Commission.

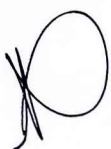
**Section 49. Prohibited Acts** - The Sangguniang Panlalawigan, in consultation with the various Municipal/City Councils of Zamboanga del Sur and the DENR, shall, within one (1) year upon effectivity of this Code, enact a unified ordinance for the purpose of defining the penalties and/or sanctions for acts in violation of the provisions of this Code, such as, but not limited to, the following:

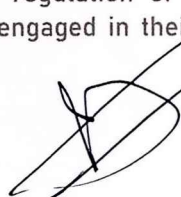
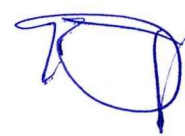
- a) The disposal of non-biodegradable debris, dredge materials if such are contaminated with industrial wastes, as well as the disposal of plastics and litter in beaches and the sea itself is prohibited. Dumping of plastic debris such as discarded fishing nets and lines, packing bands, straps, synthetic ropes, plastic bags, bottles, sheets, other containers and even medical equipment shall likewise be prohibited for it will not only reduce amenity of the marine environment but also possess threat to the safety of many marine mammals and birds that are prone to ingest such debris.
- b) Pursuant to existing laws, construction of local dumpsites or industrial settlement and waste treatment plants less than one (1) kilometer away from the sea and/or rivers shall be banned and therefore prohibited.
- c) No person shall dump or dispose wastes into the sea and any body of water, including shorelines and river banks, where wastes are likely to be washed into the water; provided, that dumping of waste and other materials into the sea or any navigable waters shall be permitted in case only of immediate or imminent danger to life and property, subject to existing national laws and regulations.
- d) The required acts and prohibitions under Provincial Ordinance No. 042 - 2023 known as the WASTE SEGREGATION AT SOURCE ORDINANCE are hereby adopted as part of this Code.

#### ARTICLE VII COASTAL RESOURCES

**Section 50. Scope of Powers** - In addition to the powers, duties, and functions of the Municipal Mayor, City Mayor, and Provincial Governor to adopt adequate measures to safeguard and conserve land, mineral, marine, forest and other resources, as provided under RA 7160 Sections 389(b)(9), 444(b)(3)(vii), 455(b)(3)(vii), and 465(b)(3)(v), respectively, the local governments, with applicable provisions of RA 8550 and implementing rules and regulations, shall also provide the following coastal resources management services and facilities.

- a) For coastal municipalities, pursuant to RA 7160 and other laws:
  - 1.0 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 which include dispersal of fingerlings and other seeding materials for aquaculture pursuant to Section 17(b)(2)(i);
  - 2.0 Provision of fish ports, seawalls, dikes, drainage and sewerage, and flood control services pursuant to Section 17(b)(2)(viii); and
  - 3.0 Coastal/marine tourism facilities and other marine/coastal tourist attractions, that will include the acquisition of equipment, regulation and supervision of business concessions, and security services for such facilities pursuant to Section 17 (b)(2)(xi); and pursuant to DENR Administrative Order No. 30, Series of 1992;
  - 4.0 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, mangrove forest reserves) and critical watersheds, family and community based contract reforestation projects, subject to policies and procedures prescribed by the DENR, Forest Land Management Agreements, in accordance with Section DAO 71 Series of 1990 and other guidelines that DENR may adopt, and Community Forestry Projects, subject to concurrence of financing institutions, if foreign assisted pursuant to Section 3.1 (a);
  - 5.0 Management and control of communal forests with an area not exceeding 5,000 hectares, provided that the concerned coastal municipality shall endeavor to convert said areas into community forestry projects pursuant to Section 3.1 (b);
  - 6.0 Establishment and maintenance of tree parks, greenbelts and other tourist attractions in areas identified and delineated by the DENR except those in protected areas, and the collection of fees for their services and the use of facilities established therein pursuant to Section 3.1 (a);
  - 7.0 Except import and export, regulation of flora outside protected areas including industries and businesses engaged in their propagation and development, such as

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- orchidaria and nurseries; provided, that such businesses and industries are registered with the DENR for monitoring purposes pursuant to Section 3.2(b); and
- 8.0 Implementation of the Rehabilitation in Conservation Hotspots (RICH) and the Conservation of Rare and Endangered Species (CARE) activities in areas identified and delineated by the DENR pursuant to Section 3.2;
  - 9.0 Implementation of waste disposal and other environmental management and services related to general hygiene and sanitation, such sewage and household wastes disposal;
  - 10.0 The Municipal Government shall have jurisdiction over the municipal waters. The municipal government shall be responsible for the management, conservation, development, protection, utilization and disposition of all coastal and fishery resources within the municipal waters consistent with the policy endorsement by the Panguil Bay Development Council (PBDC), Illana Bay Regional Alliance (IBRA) and Dumanquillas and Maligay Bays Development Council (DMBDC). The municipal government, in consultation with the FARMC, shall enact corresponding ordinances and issue executive orders thereon: provided, that all ordinances enacted and executive orders issued by the municipal government shall conform with the existing national and local laws and policies and shall not endanger the sustainability of the coastal and fishery resources or destroy the ecological balance: provided, however, that the municipal government, in coordination with the FARMC and other concerned agencies and institutions, shall also enforce all fishery and environmental laws, rules and regulations as well as coastal and fishery resources-related ordinances enacted by the Sangguniang Bayan;
  - 11.0 The municipal waters shall be reserved for municipal fisheries: provided, that other activities, such as but not limited to, research and monitoring activities may be allowed under appropriate regulations, for purely research, scientific, technological and educational purposes;
  - 12.0 All fisheries and coastal related activities in the municipal waters, subject to existing laws and regulations shall be utilized by the residents and the municipal fishers their organizations and cooperatives duly accredited by the Sangguniang Bayan: provided, that municipal fishers from other municipalities may be allowed to use and exploit the coastal and fisheries resources of the municipality, subject to existing national and local rules and regulations: provided, however, that no commercial fishing vessel is allowed to operate within the municipal waters;
  - 13.0 The Municipal Government, shall maintain a registry of coastal and fishery resource users for the purpose of determining priority among them, of regulating and limiting entry into the municipal waters, and of monitoring fishing activities and/or other related purposes: provided, that such list or registry shall be updated annually or as often as may be necessary, and shall be posted in Barangay halls or other strategic locations where it shall be opened to the public, for the purpose of validating the correctness and completeness of the list: provided, however, that the Municipal Government, in consultation with the FARMC, shall formulate the necessary mechanism for inclusion or exclusion procedures that shall be most beneficial to the resident municipal fishers. The FARMC may likewise recommend such mechanism: provided, further, that the Municipal Government shall also maintain a registry of municipal fishing vessels, type of gears and other boat and fishing particulars;
  - 14.0 The component coastal LGUs shall update and/or adopt their respective 10-year Coastal Resource Management Plans within 2 years from the approval of this ordinance.
- b) For the Provincial Government of Zamboanga del Sur, pursuant to RA 7160:
- 1.0 Assistance to fishermen's cooperatives and other collective organizations as well as the transfer of technology pursuant to Section 17(b)(3)(i);
  - 2.0 Enforcement of community-based (mangrove) forest management laws and other laws on the protection of the environment pursuant to Section 17(b)(3)(iii); and
  - 3.0 Coastal tourism development and promotion programs pursuant to Section 17(b)(3)(xii); pursuant to DAO 30, Series of 1992;
  - 4.0 Enforcement of pollution control and environmental laws, rules and regulations such as the issuance of Environmental Compliance Certificate (ECC) for Environment

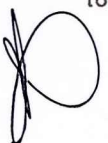

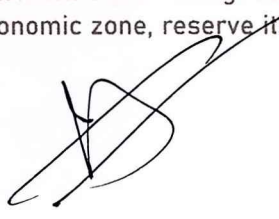
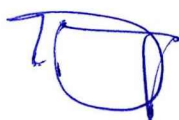
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- Critical Projects (ECP) and projects located in Environment Critical Areas (ECA) by the DENR;
- 5.0 Adjudication of cases involving complaints against businesses under the Kalakalan 20 pursuant to Section 3.3(a)(ii);
  - 6.0 Abatement of noise and other forms of nuisance pursuant to Section 3.3;
  - 7.0 Implementation of Cease and Desist Orders issued by the Pollution Adjudication Board pursuant to Section 3.3(d);
  - 8.0 Enforcement of the small-scale mining law (RA 7076) pursuant to Section 3.4(a);
  - 9.0 Enforcement of forestry laws limited to community-based forestry projects particularly in municipal/city communal forest, integrated social forestry areas, and small watersheds, such as, but not limited to, prevention of forest fire, illegal cutting and kaingin; 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 pursuant to Section 3.1(d) thereof; and
  - 10.0 Provide a policy framework and guidelines for the creation of municipal ordinance for the management, development and conservation of fisheries and aquatic resources, specifically in the following areas, namely: designation of closed season, limited entry into over fished areas, establishments of fish sanctuary, mangrove protection and conservation, regulation on construction and operation of fish corrals, protection of other marine habitats, coastal aquaculture, regulation on construction and protection of fish pens and fish cages, registration of fish hatcheries and private fishponds, coastal and aquatic pollution, maintenance of water quality and cleanliness, artificial reefs and other fish aggregating devices, navigational route and procedure in fishery license and permit.
  - 11.0 Organize all coastal component LGUs for the protection and conservation of the coastal resources.

**Section 51. Governing Laws** - The provisions of the Code shall be governed, but not limited to, the following national laws:

- a) RA 7160 (Local Government Code of 1991)
- b) Presidential Executive Order No. 240, Series 1995 (creation of FARMCs)
- c) RA 8550 otherwise known as the Philippine Fisheries Code of 1998 with its Implementing Rules and Regulations – DAO No. 17
- d) Presidential Decree No. 705, (Forestry Decree of 1975, as amended)
- e) Presidential Decree 601 (tasking the Philippine Coast Guard in marine environmental protection)
- f) Republic Act 6975 (Local Government Act of 1990, creating the PNP-MARICOM under the DILG)
- g) Republic Act 5173 (Philippine Coast Guard Act of 1957)
- h) EO 247 Series of 1995 entitled "Prescribing the 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"

**Section 52. Operative Principles** - The Provincial Government recognizes that its municipal waters, which contain valuable productive habitats wherein more than one-third of the people 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 the fishing population in particular and the people of Zamboanga del Sur, in general. The Provincial Government 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 of local communities, to the preferential use of communal marine and fishing resources, both inland and offshore. It shall also protect its marine and exclusive economic zone, reserve its use and enjoyment exclusively to Filipino citizens.

Through this Code, it is hereby declared the policy of the Provincial Government to strongly and irrevocably support governments and communities of coastal municipalities in the full exercise of their powers, duties and responsibilities towards proper management of their municipal waters. It also hereby declared a policy that, considering the transboundary character of the issues and problems confronting our municipal waters, the Provincial Government shall exercise its full powers through the provision of active leadership, technical assistance, conducive policy, and effective law enforcement for the conservation of the marine resources.

**Section 53. a) Delineation of Municipal Waters** - Within one (1) year upon effectivity of this Code, the Governor shall adopt all measures to encourage the Municipal and City Mayors, coastal inhabitants, and concerned national government agencies to complete the delineation, establishment, management, and maintenance and protection of their municipal waters pursuant to Section 131, RA 7160.

It shall be incumbent upon the concerned Municipal Mayor or City Mayor, as the case may be, to measure, delineate, demarcate, zonify, and produce maps of their respective territorial boundaries, employing in the process a certified geodetic engineer; provided, that the delineation of municipal territorial waters shall be undertaken jointly by contiguous municipalities to avoid future controversies in boundary lines; provided, further, that the amicable settlement of boundary disputes 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 Governor is hereby authorized to issue the appropriate implementing rules and regulations, circulars, directives and memoranda for the purpose of implementing the provisions of this Section.

**b) Provincial Coastal Resources Management Framework (PCRMF)** - In consideration of the trans-boundary of the issues, challenges, and problems confronting the municipal waters and pursuant to the general welfare clause of RA 7160, the Governor shall establish a Provincial Coastal Resources Management Framework (PCRMF) to serve as guide for coastal municipalities in undertaking, among others, the delineation, establishment, management, and maintenance and protection of their municipal waters six (6) months upon effectivity of this Code.

In the minimum, the PCRMF shall include working guides for conducting the following:

- 1.0 Delineation of boundaries of municipal waters.
- 2.0 Preparation of zoning and management plans covering municipal waters.
- 3.0 Strengthening the fisher folk organizations.
- 4.0 Organizational and institutional mechanisms.
- 5.0 Procedures for dealing with pollution (from liquid and solid waste) of municipal waters.
- 6.0 Regulations governing recreational, educational and scientific use of municipal waters.
- 7.0 Investments promotion, revenue generation and livelihood enhancement.
- 8.0 Procedures for dealing with abandoned, unproductive and illegal fishponds.
- 9.0 Rehabilitation of mangroves.
- 10.0 Development of alternative livelihood.
- 11.0 Formulation, promulgation, and enforcement of fishing laws, rules and regulations.

**Section 54. Conservation of Biological Diversity and Preservation of Heritage Items** - Biological diversity and heritage items shall not be jeopardized in the utilization, development and management of the municipal waters. Unique marine features and productive habitats, sea grass beds and coral reefs, shall not be destroyed.

**Section 55. Community Participation and Integration of National Government Agencies** - Management of the coastal resources and municipal waters shall be undertaken by communities in close collaboration with their Municipal and Barangay Councils, national government agencies, people's organizations, non-government organizations and the private sector in general in order to engage their active cooperation. In particular, the governor shall adopt adequate measures to directly engage the Philippine Coast Guard (PCG) of the Department of National Defense (DND) pursuant to RA 5173 and Presidential Decree 601 (PCG Act of 1957 and tasking the PCG in marine environmental protection, respectively), Maritime Command (MARICOM) of the Philippine National Police (PNP) pursuant to Section 24, RA 6975 (Local Government Act of 1990, creating the PNP under the DILG), Marine Industry Authority (MARINA) and the Philippine Ports Authority (PPA) of the Department of Transportation and Communications (DOTC) pursuant to Executive Order 125, the Bureau of Fisheries and Aquatic Resources (BFAR), Department of Science and Technology (DOST), Department of Education (DepEd), Department of



Public Works and Highways (DPWH), and the Department of Natural Resources (DENR) in the implementation of CRM laws, programs and/or projects in the province.

**Section 56. Coastal Zoning and Management Guidelines** - In addition to the PCRMF cited in Section 52(b) of this Code, the Governor shall formulate a Provincial Coastal Zoning and Management Planning Guideline, which will serve as basis in formulating municipal coastal and management plans. The plan shall be based on co-management approach where, the municipal government shall work with resource users and build upon existing laws, particularly in the institutionalization of the Fisheries and Aquatic Resource Management Councils (FARMC) pursuant to Presidential Executive Order No. 240, Series of 1995.

- a) Zoning - The zoning component of the plan shall classify municipal waters according to four (4) zones, namely: strict protection zones, recreation and ecotourism zones, rehabilitation or core zones, and sustainable production use zones. The zoning plan shall achieve the following purposes:
  - 1.0 Provide basis for the provision of tenure to qualified coastal zone residents as a means to prevent incidence of squatting and/or unplanned settlements.
  - 2.0 Allocate, delineate and set aside appropriate areas for industries to secure the environmental requirements for the growth and development of coastal communities, such as, but not limited to the identification of areas for settlements, agriculture, institutions, infrastructure, commerce, recreation, tourism, natural reservations and sanctuaries and areas of cultural and historical significance.
  - 3.0 Delineate areas as sanctuaries, no-fishing zones, fishing gear restriction zones, and critical breeding and feeding areas of ecologically and economically important organisms.
  - 4.0 Delineate natural areas for the exclusive use of specific user groups such as, but not limited to, areas for recreation, tourism, research and education.
  - 5.0 Delineate mangrove areas where to be covered under stewardship agreements and other applicable tenurial instruments.
  - 6.0 Delineate areas where construction is prohibited pursuant to Presidential Decree No. 106 and DENR Administrative Order No. 05, Series of 1997.
- b) Management Planning - The management component of the plan shall complement the zoning plan. To be holistic, the management plan shall incorporate the following strategies:
  - 1.0 Assessment of the type, status, quality and quantity of coastal resources.
  - 2.0 Develop a Community-Based Coastal Resource Management (CB-CRM) approach for each municipality and provide active and continuing support CRM activities at the barangay and household levels.
  - 3.0 Develop clear resource protection strategies and active law enforcement activities as provided for in RA 8550 and other existing policies.
  - 4.0 Create territorial use rights in fisheries and devolve these to the organized resource users for management.
  - 5.0 Develop sources of alternative and/or supplemental livelihood particularly micro-enterprise development, while technical and financial support is obtained for plan implementation.
  - 6.0 Conduct information and education campaign to build awareness on CRM related issues, government regulations on coastal resources and inculcate environmentally sound resource extraction practices among coastal communities.
  - 7.0 Develop a research framework and installation of a municipal database for coastal resources.
  - 8.0 Develop community-based ecotourism enterprises and biodiversity conservation measures acceptable to the local communities.
  - 9.0 Undertake community organizing and social preparation measures in implementing CRM activities.
  - 10.0 Provide guidelines and procedures in identifying resource "hot spots" and areas with unique characteristics, unspoiled natural state, resources, or requiring immediate protection to maintain its economic, cultural, historical, social and ecological importance.
  - 11.0 Provide a workable institutional arrangement to rationalize the authorities and activities of various government and non-government organizations involved in coastal management.

The Provincial Government shall coordinate with the DepEd and the Technical Education and Skills Development Authority (TESDA), and any other appropriate institutions to undertake Non-Formal Education (NFE) and Skills Training Program among the deserving members of the fishing households to Increase their employment potential in no-fishing but gainful occupations.

**Section 57. Environmental Impact Assessment** - The coastal zoning and management plans shall be subjected to an Environmental Impact Assessment (EIA). Without an EIA, the Sangguniang Panlalawigan (SP) shall not authorize appropriation of public funds for this purpose.

**Section 58. 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 Governor, Municipal/City Mayors, 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 cities and 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. Section 18 of RA 8550 shall govern commercial fishing in municipal waters. As such, the municipal or city government may through its local chief executive and pursuant to an appropriate ordinance ban commercial fishing provided prior consultations, through public hearing, with the M/C FARMC has been conducted.

**Section 59. Water Quality Monitoring** - The Governor, through the Multi-Sectoral Water Resources Advisory Board as provided in Section 33 of this Code, shall monitor the quality of its waters in coastal zones.

**Section 60. Promotion of Conducive Policy and Complementary Provincewide Fishery Ordinance** - The Governor shall assist the municipal/city governments in reviewing and systematizing the ordinances pertaining to the coastal zone to identify the ordinances, and attain rational complementation of ordinances among existing ordinances, and attain rational complementation of ordinances among municipalities/cities and between the provincial and municipal/city ordinances; provided, that the Governor shall initiate measures towards the promulgation of a complementary province-wide fishery ordinance in consideration of the fugitive nature of marine resources and the transboundary character of the issues and problems on coastal resources management.

**Section 61. Public Beaches** - The municipal mayors of coastal municipalities shall conduct an inventory of beach areas and in coordination with the DENR, set aside sites for public beach purposes.

**Section 62. Gathering Extraction, and/or Removal of Beach Sand and Corals** - The gathering, extraction, and/or removal of beach resources such as pebbles, sand and gravel, and boulders for whatever purpose is hereby prohibited except those expressly allowed by law.

**Section 63. Coastal Resources Management Fund** - The provincial government shall allocate funds every year from its National Tax Allocation (NTA) to support multi-year coastal management activities provided, that such investments are in accordance with the duly validated and approved Provincial/Municipal/City Coastal Resource Management Plans and programs as described in Section 56, 56(a) and 56(b) of this Code.

**Section 64. Fishery and Aquatic Resources Management Councils (FARMCs)** - Pursuant to Presidential Executive Order No. 240, Series of 1995 and RA 8550, the Governor shall adopt any and all measures for the purpose of organizing a provincewide federation of municipal FARMCs within one (1) year after the effectivity of this Code, which shall be under the guidance of the PENRO which has the responsibility of coordinating the enforcement of fishery laws, rules and regulations.

The Bantay Dagat Task Force under the PENRO is also hereby created.

To this effect, the Governor shall exert efforts for the deputation of all members of the Bantay Dagat Task Force and FARMCs as fishery wardens, in accordance with law; provided, further, that the Governor shall include in the Annual Investment Plans specific budget provisions for the implementation of the Bantay Dagat Task Force and FARMC federation activities.

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**Section 65. Organization** - There is hereby created a Coastal Resource Management (CRM) Section under the Provincial Environment and Natural Resources Office, as described In Section 111 and 112 of this Code.

**Section 66. Functions of the CRM Section** - The CRM shall:

- a) Assist the municipal/city governments in the formulation and implementation of their Municipal/City Coastal Resource Management Plans, including the organization and federation of FARMCs.
- b) Assist in the physical delineation and legislation of the boundaries of municipal waters.
- c) Provide technical, logistical and training support to concerned municipal/city governments and coastal communities particularly on coastal resources management, planning, monitoring, community organizing and law enforcement.
- d) Formulate incentive system to enforce coastal management policies to complement community-based initiatives.
- e) Help municipalities formulate strategies which will enable communities manage their coastal resources.
- f) Review, modify or amend policies based on the lessons gained from the implementation of coastal resource management projects by municipalities/city and local communities.
- g) Develop participatory and replicable strategies in planning for coastal management.
- h) Integrate coastal management programs with other environmental programs.
- i) Assist municipal governments set up a permitting system for use of resources within municipal waters, including a rationalized revenue generation system.
- j) Through the One-Stop-Shop scheme provided under Section 112 (h) of this Code, facilitate issuances of applicable tenurial instruments to qualified resources users or managers.

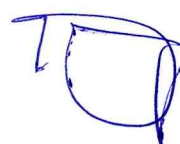
**Section 67. Prohibited and Punishable Acts** – A. The following acts are hereby prohibited:

- a) The gathering, taking, or transporting of corals, giant clams, spawning fishes, and the capture of dolphins, whales, sea turtles ("pawikan"), manta rays ("salanga"), whale shark ("balilan"), mother Bangus ("awa"), seahorses, starfishes and such other marine flora and fauna as identified in the Convention on International Trade of Endangered Species (CITES) of wild flora and fauna for commercial, educational, scientific research or private purposes shall be banned and therefore prohibited.
- b) 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 shall be prohibited.
- c) The use of the following fishing gears or methods shall be banned and prohibited: air compressors, filter nets (Sanggab), electric light shiners or superlights, dynamite fishing, stationary or moving trawl fishing, fishing through the use of noxious or poisonous substances and other kinds of explosives.

The Provincial, City or Municipal Government through an ordinance, may declare other fishing methods or gears prohibited or banned. They may also, upon the endorsement of the PENRO, allow for research, educational or scientific purposes only, the use of poisonous or noxious substances to catch, take or gather fish or fishery species.

- d) It shall be prohibited and punishable for any officer, crew or passenger of any ship, boat or sea craft or vessel of any kind to dispose, dump or throw away garbage or waste at any port or waters within the territorial jurisdiction of the Province of Zamboanga del Sur. The owner or operator of a ship boat or sea craft or vessel who orders or knowingly allows its/his/her crew, officers of the ship, or personnel to dispose or throw away garbage or waste at any port or waters within the territorial jurisdiction of the province shall also be liable for the said act.
- B. Regulated Acts. The following act is regulated under this Code:
- a) The conversion of wetland into fish/prawn farms, and the extraction of freshwater in coastal areas that may result in the intrusion of saline water into the freshwater table be regulated through a system of permit issued by the local government chief executive having territorial jurisdiction thereto, subject to existing national laws, rules and regulations.





**ARTICLE VIII**  
**AIR, NOISE AND RADIATION POLLUTION MANAGEMENT**

**Section 68. Scope of Powers** - The powers on air and noise pollution control are vested in the Provincial, Municipal or City government pursuant to Section 17(b)(3)(iii) and Section 17(b)(4), respectively and refer 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 following pollution control and environmental laws, rules and regulations: (1) Issuance of Environmental Compliance Certificate (ECC) for Environmentally Critical Projects (ECPs) and Environmentally Critical Areas (ECAs); and apprehension and testing of smoke-belching vehicles and collection of appropriate fees and charges;
- b) Abatement of noise and other forms of nuisance, offensive and disturbing visuals; and
- c) Implementation of Cease and Desist Orders issued by the Pollution Adjudication Board.

**Section 69. Governing Laws** - This portion of the Code shall be governed by, but not limited to, the following national laws:

- a) Republic Act No. 7160 (Local Government Code of 1991)
- b) Presidential Decree No. 1181 entitled "Providing for the Prevention, Control and Abatement of Air Pollution from Motor Vehicles and for Other Purposes"
- c) Republic Act No. 8749 (Philippine Clean Air Act of 1999)

**Section 70. Operative Principles** - The Provincial Government recognizes that, unless appropriate proactive measures are in place, the agro-industrial development of the province will be associated with the production of increased amount of air and noise pollutants thereby inevitably threatening the health and well-being of the people of Zamboanga del Sur, particularly from the increased utilization of fossil fuels by automotive vehicles and industries. Pursuant to Section 17 of RA 7160, the Provincial Government reaffirms its authority to enforce pollution laws and take over the testing and apprehension of smoke belching vehicles abatement of noise and nuisance in accordance with law.

**Section 71. Vehicle Emissions Control** - The Governor, in coordination with the Land Transportation Commission (LTC) and the DENR, shall establish a permitting system to ensure that the emission of vehicles and industries operating within the province are in accordance with standards provided under Presidential Decree No. 1181, entitled "Providing for the Prevention, Control and Abatement of Air Pollution from Motor Vehicles and for Other Purposes" and RA 8749. If necessary, the Governor shall allocate funds for the acquisition and maintenance of emission testing equipment.

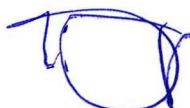
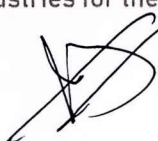

**Section 72. Industrial Pollution Control** - The Governor, in close collaboration with the DENR, shall ensure that the industrial firms operating within the province comply with the air quality standards, (periodically test the emission of industrial firms) and establish adequate capability to respond positively to related citizen complaints on air and noise pollution.

**Section 73. Zoning Clearance and Building Permits** - The city and municipal governments shall be responsible in evaluating the noise generating potential of infrastructure projects as part of the processing of zoning clearance and building permits. All projects, which generate potential 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. No telecommunication towers shall be allowed within residential areas.

**Section 74. Ambient Air Quality and Noise Level Monitoring** - When necessary, the Governor, in close collaboration with the DENR 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.

**Section 75. Information and Education** - The Governor 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 provincial government.

**Section 76. Industry Group** - Pursuant to Section 33(e) of this Code, the Multisectoral Water Resources Advisory Board shall organize industries for the purpose of sharing air pollution reduction and



noise abatement techniques, work as a group with the government and non-governmental organizations on pollution and noise minimization and advise the Governor on the policy requirements to promote clean air in the Province.

**Section 77. Acts Prohibited and Punishable** under this Code shall include but not limited to the following:

- a) Causing, permitting, suffering or allowing the emission of particular matter from any source whatsoever, including but not limited to, vehicular movement, exportation of materials, construction, alteration, demolition or wrecking or industry related activities 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 Governor and the appropriate national government agency.
- c) Operating plant or source at capacities that exceed the limits of operation or capability of control device to maintain the air emission within the 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 provision of this Code.
- e) Any person intending to build, erect, install or alter any chimney, from or through which air impurities may be emitted, shall obtain a prior approval from the Governor. 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 pollutant at levels greater than the acceptable concentration standard prescribed by the DENR.
- g) Causing, allowing or permitting the discharge of air pollutants that cause or contribute to an objectionable odor.
- h) Building, erecting, constructing, installing or implanting 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 that the levels prescribed by the DENR for tolerable noise without first securing a clearance from the Municipal Mayor.
- i) Causing or permitting the creation of any unnecessary noise through the use of any device or any street adjacent to any hospitals, schools, or courts of justice.
- j) Erection of strong radiation emitting towers in residential areas.

## ARTICLE IX ECOTOURISM

**Section 78. Scope of Powers** — In addition to the powers, duties and functions of the Municipal Mayor, City Mayor, and Provincial Governor to adopt adequate measures to safeguard and conserve land, mineral, marine, forest and other resources, as provided under RA 7160 Sections 389(b)(9), 444(b)(3)(vii), 455(b)(3)(vii) and 465(b)(3)(v), respectively, the local governments shall also provide the following ecotourism services and facilities:

- a) For the municipality, ecotourism facilities and other tourist attractions, including acquisition of equipment, regulation and supervision of business concessions, and security services for such facilities pursuant to Section 17(b)(2)(xi), RA 7160; and
- b) For the province, ecotourism development and promotion programs pursuant to Section 17(b)(3)(xii), RA 7160.

**Section 79. Governing Laws** — The provisions of this portion of the Code shall be governed, but not limited to, the following national laws:

- a) Article II, Section 16 and Article XII, Section 1 of the Philippine Constitution.
- b) Presidential Executive Order No. 120 (Reorganizing the Department of Tourism and Defining its Functions, Among Others)

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- c) EO 247 Series of 1995 entitled "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"
- d) International Standard Organization (ISO) 14000 - series of environmental management standards being developed by the ISO that offers a comprehensive systems-based approach that can be used by businesses and other organization to manage the impact of their activities on the environment.

**Section 80. Operative Principles** — Pursuant to Article II, Section 16 and Article XII, Section 1 of the Constitution and Presidential Executive Order No. 120, the Provincial Government shall adopt ecological tourism as one of the major strategies for the conservation of biological diversity and preservation of the unique natural and cultural heritage of the people of Zamboanga del Sur, creation of local employment opportunities and generation of municipal revenues. It shall be the priority of the provincial 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 authorized ecotourism sites.

**Section 81. Community-Based Eco-tourism** — The Governor and the Municipal Mayors shall adopt adequate measures to ensure that local communities within ecotourism sites are not deprived of opportunities for gainful livelihood and generation of municipal revenues. For this purpose, the Municipal Councils and Barangay Councils are hereby encouraged enacting appropriate legislations, such as, but not limited to, the regulation and control of the number and frequency of visitors, on-site pollution control measures, provision of proper visitor services, amenities and facilities, site protection, and law enforcement.

**Section 82. Authorized and Unauthorized Sites** — In order to regulate the eco-tourism industry in Zamboanga del Sur, protect heritage resources and site destinations from adverse impacts, maintain favorable visitor services and facilities, and secure the well-being of local residents and visitors, the Governor, in coordination with the concerned Mayors, Department of Tourism (DOT), Department of Environment and Natural Resources (DENR), Protected Area Management Boards (PAMBs) and other concerned national government agencies and instrumentalities shall, from time to time, determine, authorize and prescribe eco-tourism sites for visitation and/or development, as the case may be, to any unauthorized sites shall be prohibited and penalized. The Governor shall, in the same manner as ecotourism sites are determined, submit to the Sangguniang Panlalawigan his/her legislative agenda for this purpose.

**Section 83. Eco-tourism Plans and Review** — Within one(1) year from effectivity of this Code, the Governor shall, together with the members of the Provincial Development Council (PDC) review and update the Provincial Eco-tourism Development Plan for the following purposes:

- a) Prioritize ecotourism and areas for development 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 Governor who, in tum, 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, local government or a combination of two or three entities operating in a corporate manner may 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 and written endorsement of the concerned barangay chairmen have been satisfactorily complied, provided, further, that in case eco-tourism site extends in area coverage to other municipalities, the same shall be approved in writing by all the Mayors having jurisdiction of the area, subject to the written endorsement of the concerned barangay chairmen.
- c) Regulate and control the growth of ecotourism activities in the province through the establishment of site-specific framework plans.

**Section 84. Preparation of Eco-tourism Framework Plans** - 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 or City Mayors, as the case may be; provided, the said plan shall be

disapproved if and when the potential municipal revenues to be generated amount to be less than five percent (5%) over and above the total estimated municipal investments. If necessary, in the interest of environmental conservation, the Governor shall issue the necessary circulars and guidelines for the preparation of framework plans, including the provision of technical and for financial assistance to the concerned municipalities in the preparation of the plans.

In the minimum, they shall indicate the following: areas to be developed, type of development proposed to be undertaken, schedule of development, support facilities and services, a clear statement of the nature of local community participation and capability building requirements, institutional arrangements, policy requirements, and an estimate of potential municipal revenues.

**Section 85. Incentives** - The Governor shall work with Municipal/City Mayors in promulgating a range of tax and non-tax incentives to investors on eco-tourism projects, as may be stipulated in the Provincial Investment Incentives Code, if any. Priority shall be given to those incentives structure for the development of authorized ecotourism sites that require sizeable investments in supportive infrastructure, services and amenities.

**Section 86. Environmental Standards** - The Governor shall issue the appropriate circulars establishing the environmental standards for ecotourism in accordance with law. The standards will take into consideration the following:

- a) Standards on environmental management, water and air quality, noise, operating quality and efficiency, and sanitation, as established by the DENR, DOH, DOT, and municipal governments;
- b) Environmental aspects critical to the sustainable operation of ecotourism projects such as management, energy and water conservation, maintenance of air quality and noise minimization, and 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;
- e) Measures and standards as described under ISO 14000 Series.

**Section 87. Sensitive Areas** - The Governor shall issue appropriate directives, circulars, and advisories for the purpose of regulating visitor behavior in all authorized ecotourism sites.

**Section 88. Provisions for Accreditation** - In accordance with the Rules and Regulations Governing the Accreditation of Travel and Tour Services, pursuant to EO 120, the Governor shall institute a system of accreditation of tourist guides, drivers, escorts, promoters, service providers, and coaches and conveyances, including a system of rules and regulations governing the issuance and renewal of licenses, and the related fees and charges therefore, for the purpose of establishing and maintaining a high degree of professionalism, quality service, and hospitality of visitors.

**Section 89. Provincial Tourism Council (PTC)** - The existing Provincial Tourism Council (PTC) is hereby affirmed.

**Section 90. Functions of the Provincial Tourism Council** - In addition to the existing functions of the Council, it shall also perform the following:

- a) Coordinate eco-tourism promotion, investments, and development activities in the province.
- b) Establish eco-tourism performance, development, accreditation, planning, investment, and environmental criteria and standards.
- c) Monitor compliance to ecotourism standards, laws, rules and regulations.
- d) Recommend ecotourism related legislative agenda to the Sangguniang Panlalawigan.
- e) Submit regular quarterly written status reports to the Sangguniang Panlalawigan.
- f) Ensure the ecotourism sites must include eco education.

**Section 91. Prohibited and Punishable Acts** under this Code shall include, but not limited to the following:

- a) Developing authorized ecotourism sites for recreational or commercial purposes without first securing a permit from the National Water Resource Council (NWRC) and the local government chief executive, in addition to an Environmental Compliance Certificate (ECC) issued by the DENR in accordance with existing laws.

- b) Any person, who, being required to be accredited herein, fails to apply for accreditation within six (6) months from the approval of this ordinance, is hereby penalized in accordance with this Code.

**ARTICLE X  
ENVIRONMENTAL IMPACT ASSESSMENT**

**Section 92. Scope of Powers** — The implementation of Environmental Impact Assessment (EIA) by the local government units refers to the powers, duties and functions of the Municipal Mayor, and Provincial Governor to adopt adequate measures to safeguard and conserve land, mineral, marine, forest and other resources, as approved under Section 389(b)(9), 444(b)(3)(vii), 455(b)(3)(vii), and 465(b)(3)(v), respectively. Likewise, the power to enforce laws for the protection of the environment is provided in RA 7160, Section 17(b)(3)(iii) and Section 17(b)(4) to the provincial and city government, respectively.

**Section 93. Governing Laws** — The pertinent laws governing environmental impact assessment are:

- a) Presidential Decree No. 1152 (1977) — Required land use management regulating agencies to consider environmental impacts of locating industries.
- b) RA 7160, otherwise known as the Local Government Code of 1991 and Implementing Rules and Regulations — Transferred certain environmental management functions to LGUs and provided for positions of Environment and Natural Resources Officers (ENRO) in provinces, cities and municipalities.
- c) Presidential Decree No. 1586 (1979) — Implementing Rules, defined parameters for Environmental Impact Statement (EIS).
- d) Proclamation 2146 (1981) — Proclaimed certain areas and projects environmentally critical and within the Environmental Impact Statement (EIS) system.
- e) LOI 1179 (1981) — Authorized National Environmental Protection Council (NEPC) to issue Environmental Clearance Certificate (ECC) and exemptions.
- f) NEPC Office Circular No. 3 (1983) — provided technical definitions and scope for environmentally critical projects and areas.
- g) PD 1586 — Revised Rules and Regulations (1984) — Limited EIS for ECPs; established requirements for ECAs, fees, compliance monitoring system; closure of ECPs operating without ECC; identified lead agencies for ECPs and ECAs.
- h) EO 192 (1987) — Establishes the central and regional structure of the DENR, including the Environment Management Bureau (EMB); abolished the NEPC and the transferred NEPC powers and functions to EMB.
- i) DAO 21 — Amendment to Revised Rules and Regulations Implementing PD 1586 (1992) — Decentralizes DENR functions; refined need for public hearings and establish concepts of multi-sectoral monitoring team and the Environmental Guarantee Fund (EGF).
- j) DAO 70 — Guidelines for Programmatic Compliance (1993) — Established EIA procedures for industrial development projects to consider potential overall impacts of existing, planned and future industrial establishment within a specific geographic area.
- k) DAO 96-37 of the DENR - Revising DENR Administrative Order No. 21, Series of 1992: To further strengthen the implementation of Environmental Impact Statement (EIS) System.

**Section 94. Operative Principles** - The Provincial Government recognizes the need for an effective instrument for ensuring environmental soundness of agro-industrial and ecotourism projects thereby maintaining a rational and orderly balance between economic growth and community development in the province and 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— which shall involve secondary data collection, appraisal of agro-industrial ecosystem, and public consultations.
- b) Ecological Profiling — includes work plan development, baseline characterization, assessment of resource carrying capacity and risk assessment, and formulation of Environmental Management Framework.
- c) Environmental Impact Assessment (EIA) Preparation and Approval — Proponent to accomplish DENR ENFORM 1 to determine if project is an ECP or sited in ECA or exempted from the EIS. If the project is exempted, proponent to prepare and submit a project profile to



DENR for EIA Review Process per Sections 10 and 20, Article III of DAO 96-37, as amended. After the review, a Certificate of Exemption from the EIA Process shall be issued. The IES is required for all environmentally critical projects. The EIS is also recommended when a project description does not contain adequate data to assess environmental impacts and for ECAs when impacts are expected to be significant.

EIS preparation includes consolidation of ecological profile, evaluation of development alternative impacts and formulation of Environmental Management Plan. The resulting EIS documents shall be submitted in 15 copies to DENR for review of its completeness. The EIA Review Committee (EIARC), a body of independent technical experts and professionals of known probity from various fields organized by the EMB/RED, shall evaluate the EIS and other documents related thereto and make appropriate recommendations to the EMB/RED regarding the issuance and non-issuance of ECCs.

The Committee shall convene after 15 days upon receipt of the document to evaluate the technical acceptability of impacts and social acceptability. The comments of the Committee shall serve as basis in reviewing the application for an Environmental Compliance Certificate (ECC). A Public Hearing will be conducted after the review of the Committee with technical assistance. The results of the Public Hearing shall contain recommendation for ECC approval or denial. The approved ECC shall include the conditionalities of the project.

As a matter of Provincial Government policy and in order to validate the extent of social acceptability of the project as provided in DAO 96-37 as amended, the Governor shall fully exercise his/her powers to ensure that a public hearing shall be conducted for all projects defined under PD 1586, as a condition precedent to ECC issuance.

- d) **Post-ECC Monitoring** — There is hereby created a Multi-partite Monitoring Team (MMT), immediately after the issuance of an ECC by the proponent in close coordination with the DENR. The Provincial ENRO shall initiate the activation of the said team within 10-days from receipt of an ECC or from knowledge of any ongoing infrastructure projects where an ECC was or should be issued. This Committee shall be composed of PENRO/CENRO as chairperson, LGU Concerned (Governor, Mayor, Councilor, Barangay Chairman), project proponent, representative from DOH, representative from NGOs/POs, representative from Indigenous People (if applicable), representative from women sector, representative from population office and representative from academe. The MMT is principally tasked to undertake monitoring of compliance with the ECC conditions, the Environment Management Plan (EMP) and applicable laws, rules and regulations.

**Section 95. Specific Functions of the Multi-partite Monitoring Team (MMT)** — The MMT is principally tasked to undertake monitoring of compliance with the ECC conditions, the Environment Management Plan (EMP) gather relevant information to determine cost 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) Monitor ECC compliance and its conditionalities.
- b) Validate Scoping sessions, as provided in Section 94 of this Code.
- c) Participation in public consultation and hearing, as provided in Section 98 of this Code.
- d) Participate in law enforcement, as provided in Section 99 of this Code.
- e) Conduct regular inventory of establishments, as provided in Section 100 of this Code.
- f) Submit written monthly status reports to the Governor.

**Section 96. Validation of Scoping Sessions** — The Governor, through the PENRO as provided in Section 94(d) of this Code, shall review the documentation of the scoping session and as required by law, validate its authenticity by signing it. Likewise, the Governor will assist EIA preparers in identifying the stakeholders who should be involved in the scoping sessions.

**Section 97. Participation in the Preparation of EIS Document** — The Governor, through the PENRO as provided in Section 94(c) of this Code, shall coordinate in the preparation of the EIS document by identifying the potentially affected population, assessing the demand and needs of the affected population, providing the preparers of EIA 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 project is consistent with the provincial policies and plans.

**Section 98. Review of EIA and IEE** — The Governor, through the PENRO as provided in Section 94(d) of this Code, shall review all the EIS and IEE done for the province. Upon recommendation of the PENRO,

the Governor may procure the services of experts to validate the findings of the study or conduct another EIA.

**Section 99. Participation in the Public Consultation and Hearing** — The Governor, through the EIA Monitoring Team as provided in Section 94 of this Code, shall attend public consultation and hearing on the conduct of the EIA, be informed of new issues, which arise, and articulate the views and concern of the Provincial Government.

**Section 100. Law Enforcement** — The Governor, through the EIA Monitoring Team as provided in Section 96 of this Code, and the DENR shall work together to enforce the law, including the closure of the establishments and projects and the prosecution of the offenders.

**Section 101. Inventory of Establishments** — The Governor, through the PENRO as provided In Section 94(d) of this Code, and the DENR shall conduct an annual inventory of existing establishments and projects within the province to ascertain whether these have complied with the IEE as required under this Code and the EIA and ECC requirement as defined by law.

**Section 102. IEE Compliance for Projects Not Covered by the EIS System** - All projects defined under PD 1586 which are proposed to be undertaken in Zamboanga del Sur, including those not required by national law to secure an ECC and therefore not covered by the EIS System, an Initial Environmental Examination (IEE) is required base DAO 96-37. The proponent must apply for the issuance of an exemption certificate if the project is exempted from EIS system. Exempted projects are those operational before 1982 except with expansion with new facilities, non-pollutive, capitalized at less than P500,000.00 - and employs less than 20 persons. The Governor shall submit a proposed measure for legislative enactment to the Sangguniang Panlalawigan, including recommendations for sanctions, penalties, and/or charges for violation of this provision, within nine (9) months upon effectivity of this Code.

**Section 103. Environmentally Critical Areas** — Within nine (9) months upon effectivity of this Code, the Governor in close collaboration with the DENR shall identify the location of environmentally critical areas (ECA) as defined in DENR Administrative Order 37, series of 1996 and other national laws for the purpose of integrating the identified ECA in the Provincial Physical Framework Plan.

**Section 104. Training** — The members of Multi Partite Monitoring Team shall be required to undergo training on the different aspects of monitoring work as prescribed by law.

**Section 105. Environmental Guarantee Fund** - The Governor, through the PENRO as provided in Section 94 of this Code, shall participate in the negotiation and review of the Memorandum of Agreement (MOA) between the project proponent and other concerned parties as prescribed by law for the establishment of Environmental Guarantee Fund (EDF) for projects creating significant public risk.

## ARTICLE XI LAND USE PLANNING

**Section 106. Scope of Powers** - In addition to the powers, duties and functions of the Municipal Mayor, City Mayor, and Provincial Governor to adopt adequate measures to safeguard and conserve land, mineral, marine, forest and other resources, as provided under RA 7160, Section 389(b)(9), 444(b)(3)(vii), 455(b)(3)(vii), and 465(b)(3)(v), respectively. The more specific powers are provided in Sections 447(a)(2)(vii to ix), and 467(a)(2)(vii), RA 7160 for in Sangguniang Bayan, Sangguniang Panlungsod, and Sangguniang Panlalawigan, respectively.

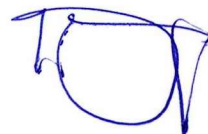
The provisions contained herein present the extent to which the provincial government can influence the preparation of municipal comprehensive land use plans (CLUPs) for the purpose of integration of environmental conservation in the formulation of CLUP at the provincial and municipal levels.

**Section 107. Governing Laws** — The legal basis for undertaking the preparation of CLUPs at the provincial, city and municipal levels stems primarily from the specific provisions of the following national laws:

- a) R.A. 7160, the Local Government Code of 1991.

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- b) Executive Order No. 72 Series of 1993, which reaffirms the specific provisions of RA 7160 on the need for LGUs to prepare their CLUPs and prescribes the review and approval process therefore.
- c) Proclamation No. 2146, which declares certain areas and types of projects as environmentally critical and therefore within the scope of the environmental impact statement system established under Presidential Decree 1586.
- d) R.A. 7586 or National Integrated Protected Area System (NIPAS) Law Act of 1992.

**Section 108. Operative Principles** - It is hereby required that the preparation of Comprehensive Land Use Plans (CLUP) shall, as far as practicable, utilize watershed planning approaches. In order to arrest further degradation of environment and natural resources in the Province, the Governor and the Mayors of the province shall formulate their Comprehensive Land Use Plans (CLUPs) on the basis of compatibility between land capabilities and land uses. In particular, land classes shall be allocated for specific land uses, and land use guidelines formulated thereby, primarily on the basis of land conservation constraints but not on the basis of their productivity or non-productivity in order to prevent or minimize the recurrence and the adverse effects of, among others.

- a) Soil erosion, siltation and sedimentation or destruction of critical habitats;
- b) Reduction or loss of productivity of agricultural lands;
- c) Reduction of forest cover minimum of 40%;
- d) Destruction of municipal fishery grounds and decline in fish catches per capita;
- e) Unauthorized use of public easements for residential, commercial, and industrial uses; and
- f) Destruction of natural heritage assets due to mining and quarrying activities in unauthorized areas.

**Section 109. Basic Policies** — In consideration of the provisions of (a) Republic Act 7586, or the NIPAS Act of 1992, (b) the need to improve the forest cover, and (c) the conservation of mangrove forests and coastal areas of the Province, the Governor shall issue circulars or directives for the purpose of incorporating in the Municipal Comprehensive Land Use Plans (MCLUP) the corresponding forest and coastal land use plans, including municipal waters, for the management of production and recreation forest for commercial purposes, maintenance of productivity of municipal waters and coastal zones, and protected areas for the production of water, conservation of wildlife, provision of livelihood opportunities, conservation of biological diversity and natural heritage areas, and maintenance of forest cover, respectively. As such, the Mayors shall actively engage the cooperation of the DENR and PAMB, if any, in the preparation of their CLUPs.

**Section 110. CLUP Formulation** — The preparation, formulation and updating of comprehensive land use plans shall be undertaken with the full participation of community residents. To achieve this end, no CLUP whatsoever shall be given due course by the Sangguniang Panlalawigan unless such plans are endorsed in writing through a Resolution of each Municipal Development Council of every municipality before being acted upon by the concerned Sangguniang Bayan and, consequently, reviewed and endorsed by the Provincial Land Use Committee (PLUC). The Governor, upon recommendation of the Provincial Planning and Development Coordinator, shall include a budget request in the Annual Investment Plans, as may be deemed necessary, for the provision of technical assistance to municipalities in order to accomplish this provision of the Code.

**Section 111. Compatibility of Provincial and Municipal Land Use Plans** — The Governor, upon recommendation of the Provincial Planning and Development Coordinator (PPDC) and the Provincial Environment and Natural Resources Officer (PENRO), shall issue pertinent guidelines for the purpose of rationalizing Provincial/Municipal Land Use Plans.

## ARTICLE XII ORGANIZATION

**Section 112. Creation of the Provincial Environment Management Office (PEMO) and now Provincial Environment and Natural Resources Office** — For the purpose of implementing the provisions of this Code pursuant to Section 463 and 484, RA 7160, the coastal, mineral, forestry, and water resources management, solid and liquid waste management, air and noise pollution control, environmental impact assessment, and ecotourism functions of the various offices and departments under the Office of the Governor, including applicable appropriations, records, equipment, property and such personnel as may

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be necessary, are hereby merged into single office to be known as the Provincial Environment Management Office, referred to in this Code as the PEMO and now the PENRO.

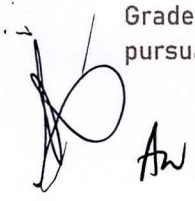
**Section 113. Jurisdiction of the PEMO and now the PENRO** — The PEMO/PENRO shall have jurisdiction and authority over all environment and natural resources in the province, subject to the provision of RA 7160 and all other applicable national laws, rules and regulations, and all other areas not covered by PAMB.

Pursuant to Section 16, RA 7160, the Provincial Government shall share responsibility with the municipal/city governments, the DENR and other cognizant national government agencies for the effective protection, development, management, rehabilitation, and conservation of environment and natural resources in the province, the regulation and supervision of the operation of implementation of the local government-driven coastal, forest, mineral, ecotourism, and water resources management including waste management and the control of air and noise pollution; and enforcement of environment and natural-resources laws, rules and regulations; and perform the function prescribed in Section 484, RA 7160. Specifically, the PEMO and now the PENRO shall undertake the following.

- a) Organizational Development — Assist City and Municipal Governments and Barangay Councils, including environmental organizations, through the provision of technical assistance such as, but not limited to, development of environment 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 tree enterprises, watershed management, ecotourism, coastal 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—as—of—the-moment methods, processes, and approaches by establishing showcases within the province for LGUs 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 provincial network of environmental organizations.
- g) Management Review — Facilitate and coordinate the holding of Provincial Environmental Summits to be held in June of each year where a cross section of the provincial community will resolve issues with regard to natural resource utilization and management.
- h) One-Stop-Shop — Install a one-stop-shop and quick response desk that will be manned by an interdisciplinary, interagency and multisectoral team whose task will be to facilitate calls for fact-finding missions, monitoring and investigation of controversial issues in the province.
- i) LGU Clustering — Encourage municipalities to group themselves into clusters to address common concerns, such as law enforcement in municipal waters as stipulated in Section 3 (f), RA 7160.
- j) IRR — Recommend to the Governor Implementing Rules and Regulations (IRR) for the Provincial Environmental Code of Zamboanga del Sur.
- k) Perform such acts as mandated by this Code and such other that are necessary to carry out its functions.

**Section 114. Department Head** — The PEMO and now the PENRO shall be headed by a Department Head who shall be appointed by the Governor. No person shall be appointed PEMO/PENRO Officer unless he/she is a natural born citizen of the Philippines, a resident of Zamboanga del Sur, of good moral character, a holder of a college degree preferably in environment, forestry, agriculture or any related course from a recognized college or university, at least five (5) years experience in environment management or related fields, and a first grade civil service eligible or equivalent.

The Department Head shall receive a minimum monthly compensation corresponding to Salary Grade Twenty Six (26) prescribed under Republic Act 6758 and the Implementing guidelines issued pursuant thereto.




**Section 115. Supervision and Control** – The PEMO/PENRO shall be under the direct supervision and control of the Provincial Governor.

**Section 116. Review** –All actions and decisions of the PEMO/PENRO Officer are subject to review, motu proprio, or upon appeal of any person aggrieved thereby, by the Governor whose decision shall be final and executory after the lapse of thirty (30) calendar days from receipt of the aggrieved of said decision.

**Section 117. Regulations** - The Governor, in consultation with the Sangguniang Panlalawigan and upon the recommendation of the PEMO/PENRO Officer, shall promulgate the IRR necessary to implement effectively the provisions of this Code.

**Section 118. Creation of Functional Division** – For the effective implementation of the programs of the PEMO/PENRO, the following divisions and sections are hereby created.

Divisions	Sections
1) Administrative Services	
2) Ecotourism Management	
3) Natural Resources Management	a. Coastal/Water Resources b. Forest Resources Management c. Mineral Resources Management
4) Waste Management and Pollution Management	a. Waste Management b. Air and Noise Pollution Control

**Section 119. Performance Evaluation** – The Department Head shall devise a system, to be approved by the Governor, to evaluate the performance of its employees, and contractors, if there be any.

**Section 120. Zamboanga del Sur Sustainable Development Council (ZDSSDC)** - The Zamboanga del Sur Sustainable Development Council, herein referred to as the council, shall be activated in order to establish policy guidelines and recommend policy reforms to the Sangguniang Panlalawigan for the sustainable development of the Province.

The Council shall be composed of the Governor as Chairman and representatives of Sangguniang Panlalawigan Committees on Environmental Protection, Tourism, Investments, Agriculture, Engineering and Public Works; Department Heads of Offices under the Office of the Governor; representatives of provincial government-accredited environmental organizations; the provincial heads of the Departments of Environment and Natural Resources, Agriculture, Agrarian Reform, Health, Tourism, Public Works and Highways; the Municipal and City Mayor; the presidents of the League of Municipalities, Vice Mayors, and Councilors; the Provincial Chamber of Commerce and Industry; Liga ng mga Barangay; Sangguniang Kabataan, College and High School Student Councils; Senior Citizens (Church, Women, Fisherfolk, Lowland Farmers, Upland Farmers, Colleges and Universities in the province, Forestry and Technology); Congressmen or their designates; and the Provincial Association of Hotels, Restaurants and Resorts as permanent members, which shall be appointed by the Governor; provided, that gender parity shall be applied in the selection of members. The Governor may also appoint additional members.

A full Council meeting shall be convened by the Governor at least twice a year or upon request of majority of the members. The Council may adopt other mechanisms such as the formation of an executive committee or other technical working groups as it deems necessary. The PEMO/PENRO shall serve as the full time secretariat of the Council.

**ARTICLE XIII  
PENALTIES AND MISCELLANEOUS PROVISIONS**

**Section 121. a) Violation of Section 18 (a) on Prohibited and Punishable Acts under this Code** shall be penalized and be fined an amount not less than Three Thousand (Php3,000.00) pesos or an imprisonment of not less than Thirty (30) days but not to exceed one year or both fine and imprisonment at the discretion of the court.

- b) Violation of Section 18 (b) and (d) of this Code** shall be penalized accordingly:  
 First Offense ----- Fine of not less than Three Thousand (Php3,000.00) Pesos  
 Second Offense----- Fine of not less than Four Thousand (Php4,000.00) Pesos

Third Offense ----- Fine of Five Thousand (Php5,000.00) Pesos or an imprisonment of not less than Fifteen (15) days or both at the discretion of the Court  
Confiscation of the aforementioned unregistered or unlicensed paraphernalia shall also be imposed.

- c) **Violation of Section 18 (c), (e), (g) and (h) of this Code** shall be penalized and be fined the amount of not less than Three Thousand (Php3,000.00) pesos but not to exceed Five Thousand (Php5,000.00) Pesos or an imprisonment at the discretion of the Court.

**Section 122. Violation of Section 40 of this Code** shall be penalized and be fined an amount of not less than Five Thousand (Php5,000.00) Pesos or an imprisonment of not less than Thirty days (30) but not to exceed One (1) Year or both fine and imprisonment at the discretion of the Court.

**Section 123. Violation of Prohibited Acts under Section 49 of this Code** shall be penalized and shall be fined an amount of not less than Two Thousand (Php2,000.00) pesos but not exceed to Five Thousand (Php5,000.00) pesos or an imprisonment of not less than Thirty (30) days but not to exceed One Year or both fine and imprisonment at the discretion of the Court.

**Section 124. Violation on Conservation of Biological Diversity and Preservation of Heritage Items under Section 54 of this Code** shall be penalized and be fined an amount of not less than Five Thousand (Php5,000.00) pesos or imprisonment of not less than Thirty (30) days but not to exceed One (1) Year or both at the discretion of the Court.

**Section 125. Violation of Section 62 under this Code** shall be penalized and be fined to an amount of not less than Four Thousand (Php4,000.00) pesos but not to exceed Five Thousand (Php5,000.00) pesos or an imprisonment of not less than Thirty (30) days but not to exceed One Year or both fine and imprisonment at the discretion of the Court.

**Section 126. a) Violation of Section 67 [A] (a) and (b) of this Code** shall be penalized and be fined in an amount of not less than Three Thousand (Php3,000.00) pesos but not to exceed Five Thousand (Php5,000.00) pesos or imprisonment of not less than Thirty (30) days but not to exceed One (1) Year or both fine and imprisonment at the discretion of the Court.

b) **Violation of Section 66 [A] (c) and (d) of this Code** shall be penalized and be fined an amount of not less than (Php4,000.00) pesos but not to exceed Five Thousand (Php5,000.00) pesos or an imprisonment of not less than Thirty (30) days but not to exceed One (1) Year or both fine and imprisonment at the discretion of the Court.

c) **Violation of Section 66 [B] (a) of this Code** shall be penalized and be fined an amount of not less than Four Thousand (Php4,000.00) pesos but not to exceed Five Thousand (Php5,000.00) pesos or an imprisonment of not less than Thirty (30) days but not to exceed One (1) Year or both fine and imprisonment at the discretion of the Court.

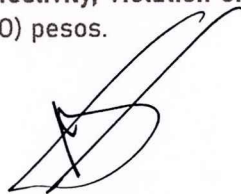
**Section 127. a) Violation of Section 77 (a), (b), (c), (d) of this Code** shall be penalized and be fined an amount of not less than Three Thousand (Php3,000.00) pesos but not to exceed Five Thousand (Php5,000.00) pesos or imprisonment of not less than Thirty (30) days but not to exceed One (1) Year or both fine and imprisonment at the discretion of the Court.

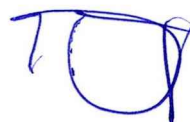
b) **Violation of Section 77 (f), (g), (h), (i) of this Code** shall be penalized and be fined an amount of not less than Three Thousand (Php3,000.00) pesos but not to exceed Five Thousand (Php5,000.00) pesos or imprisonment of not less than Thirty (30) days but not to exceed (1) Year or both fine and imprisonment at the discretion of the Court.

**Section 128. Violation of Section 82 of this Code** shall be penalized and be fined an amount of not less than (Php4,000.00) pesos but not to exceed Five Thousand (Php5,000.00) pesos or an imprisonment of not less than Thirty (30) days but not to exceed One (1) Year or both fine and imprisonment at the discretion of the Court.

**Section 129. After 6 months of effectivity, Violation of Section 88 of this Code** shall be penalized with a fine of One Thousand (Phpl,000.00) pesos.

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**Section 130. 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 (Php500.00) Pesos at the discretion of the Court.

**Section 131. The penalty preferred in the Code shall be in addition to the penalty that may be provided by any other law 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, ordinance and provisions thereof with different penalties or in case filing more than one charge may amount to double jeopardy.

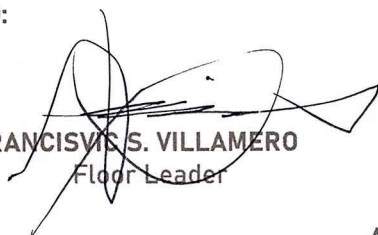
**Section 132. Repealing Clause** — All Ordinances, Resolutions, Circulars, Memorandum or Rules and Regulations passed by the Committee and issued by the Office of the Provincial Governor respectively, inconsistent with the provision of this Code are hereby repealed and modified accordingly.

**Section 133. Separability Clause** - If, for any reason or reasons, any part of the provision or provisions of this Code shall be held unconstitutional or invalid, other parts hereof are repealed and modified accordingly.

**Section 134. Effectivity Clause** — This Code shall take effect after Three (3) consecutive weeks of publication in a newspaper of general circulation in the Province of Zamboanga del Sur.

**ENACTED AND APPROVED** this 5<sup>th</sup> day of September, 2024 during the 95<sup>th</sup> Regular Session of the Sangguniang Panlalawigan of Zamboanga del Sur, Philippines.

VERIFIED:

  
FRANCISVIS S. VILLAMERO  
Floor Leader

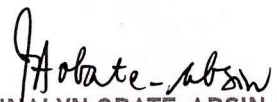
ATTESTED:

  
JUAN C. REGALA  
Acting Presiding Officer

APPROVED:

  
VICTOR J. VU  
Provincial Governor 11/06/24

I **HEREBY CERTIFY** that the foregoing is an accurate and true excerpt of the Minutes of the Session per available records of this Office:

  
ANNALYN OBATE-ABSIN, RN, CESE  
Secretary to the Sangguniang Panlalawigan

