

HON. JULIUS G. JAMERO
SB Member

Republic of the Philippines
PROVINCE OF ZAMBOANGA DEL SUR
Municipality of Dumingag
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OFFICE OF THE SANGGUNANG BAYAN

EXCERPT FROM THE MINUTES OF THE 54th REGULAR SESSION OF THE 11th SANGGUNANG BAYAN OF DUMINGAG, ZAMBOANGA DEL SUR HELD AT THE MUNICIPAL SESSION HALL ON OCTOBER 16, 2023.

OFFICERS/MEMBERS:

POSITION

PRESENT

ABSENT

OB

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Hon. Edgardo G. Jamero
Hon. Julius G. Jamero
Hon. Jo Vincent J. Morpos
Hon. Dean Kaiser C. Tangalin
Hon. Francis Joeray T. Gumban
Hon. Jerson L. Cabahug
Hon. Julito C. Mandac
Hon. Percalixia Y. Bazar
Hon. Efren A. Costanilla
Hon. Ronie C. Gimeno
Hon. Leonel C. Dinawanao

Municipal Vice Mayor
SB Member
SB Member
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SB Member
SB Member
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SB Member
SB Member
Ex - Officio Member
Ex - Officio Member

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Municipal Ordinance No. 11th-4-2023

AN ORDINANCE PROVIDING MEASURES FOR THE PROTECTION AND MANAGEMENT OF THE LIPAWAN CAVE AND CAVE RESOURCES IN BARANGAY LIPAWAN, DUMINGAG, ZAMBOANGA DEL SUR AND FOR OTHER PURPOSES.

Be it ordained, as this Body hereby ordained that;

SECTION 1. TITLE

This Ordinance shall be known as the "Lipawan Cave and Cave Resources Protection and Management Ordinance of 2023."

SECTION 2. LEGAL BASIS

Republic Act No. 9072 also known as "An act to manage and protect caves and cave resources and for other purposes." This Act is aimed at preserving, managing, and safeguarding caves and their associated resources. It contains provisions for the conservation of the environment, the protection of cultural and ecological assets, and the issuance of licenses and regulations related to cave-related activities.

SECTION 3. DECLARATION OF POLICY

It is hereby declared the policy of the municipal government of Dumingag to conserve, protect and manage caves and cave resources as part of the municipality's natural wealth. Towards this end, the municipal government shall strengthen cooperation and exchange of information between governmental authorities and people who utilize caves and cave resources for scientific, educational, recreational, tourism and other purposes.

SECTION 4. DEFINITION OF TERMS

For the purpose of this ordinance, the following terms shall be defined as follows:

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11th Sangguniang Bayan

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SB Member

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SB Member

HON. FRANCIS JOSEPH T. GUMBAN
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HON. JERSON L. LABAHUG
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HON. JULITO Q. MANDAC
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HON. PERCALIXIA Y. BAZAR
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HON. EFREN A. COSTANILLA
SB Member

HON. BONIE GIMENO
Ex-Officio Member

HON. LEOCEL C. DINAWANAO
Ex-Officio Member

JESSY B. PALON
Secretary to the Sanggunian

HON. EDGARDO G. JAMERO
Municipal Vice Mayor

HON. GERRY T. PAGLIANAWAN
Municipal Mayor

- a. Cave - any naturally occurring void, cavity, recess or system of interconnected passages beneath the surface of the earth or within a cliff or ledge and which is large enough to permit an individual to enter, whether or not the entrance, located either on private or public land, is naturally formed or man-made. It shall include any natural pit, sinkhole, or other feature which is an extension of the entrance. The term also includes cave resources therein but not any vug, mine tunnel, aqueduct or other man-made excavation.
- b. Cave resources - includes any material or substance occurring naturally in caves, such as animal life, plant life, including paleontological and archaeological deposits, cultural artifacts, or products of human activities, sediments, minerals, speleogens and speleothems.
- c. Guano - the accumulated excrement of birds or bats.
- d. Speleogen - relief features on the walls, ceilings and floors of any cave or lava tube which are part of the surrounding bedrock, including but not limited to anastomoses scallops, meander niches, petromorphs and rock pendants in solution caves and similar features unique to volcanic caves.
- e. Speleothem - any natural mineral formation or deposit occurring in a cave or lava tube, including but not limited to stalactite, stalagmite, helictite, cave flower, flowstone, drapery, rim stone or formation of clay or mud.
- f. Significant cave - refers to a cave, which contains materials or possesses features that have archeological, cultural, ecological, historical or scientific value as determined by the DENR in coordination with the scientific community and the academe.
- g. Stalactite - a column of rock that hangs from the roof of a cave and is formed over a very long period of time by drops of water containing lime falling from the roof.
- h. Stalagmite - a column of rock that rises from the floor of a cave, formed over a very long period of time by drops of water containing lime falling from the roof of the cave.

SECTION 5. GEOGRAPHICAL LOCATION

The Lipawan Cave is located at the northeastern portion of the municipality of Dumingag particularly in Sitio Limok, Barangay Lipawan with exact coordinates of N8 12' 19" and longitude of E123 20' 58.4". It is approximately five (5) kilometers away from the town center. It is bounded on the north by the municipality of Sergio Osmeña, Sr.; on the east by the municipality of Mahayag; on the south by the municipalities of Sominot and Midsalip; and on the west by the municipality of Siayan, Zamboanga del Norte. (source: Lipawan Cave Management Plan 2021-2026, CENRO, R.M.)

SECTION 6. CAVE PROFILE

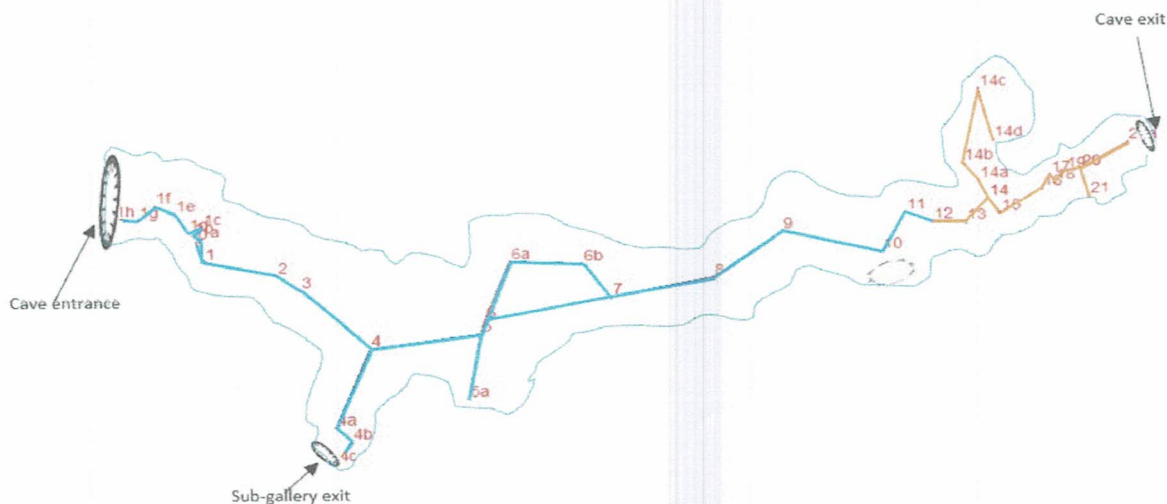
The Lipawan Cave is one of the many caves found in the municipality of Dumingag with pattern of sharp stone in the entrance. Inside the cave were patches of small and large stalactites and stalagmites believed over pressured/disturbed. There are three sub-galleries found in the entire cave alongside with the main gallery. There is also an open ceiling believed to be a catchment for rainwater.

Cave orientation is horizontal and vertical. The horizontal passage is 141.2 meters long from the entrance with narrow and squeeze passage to the cave exit. There are portions of the area where guano is deposited. The cave was discovered and explored long time ago by the local community particularly the Subanen tribe who are among the first people living in the area. Rock formation was deformed evident with the stalactites and stalagmites that cut and broken into pieces.

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Based on the characteristics of the Lipawan Cave, it is classified as CLASS III, which implies that the cave is generally safe to inexperienced visitor with no known threatened species, archaeological, geological, natural history, cultural and historical values.

SECTION 7. CAVE ZONING MAP



The Department of Environment and Natural Resources (DENR) - Community Environment and Natural Resources Office (CENRO), Ramon Magsaysay, Zamboanga del Sur released a Cave Zoning Map for Lipawan Cave. The map was divided into stations and numbered accordingly.

According to the recommendations outlined on the map, Stations 1 to Station 12 of the cave are identified as open zones for ecotourism activities. These sections are deemed suitable for visitors interested in experiencing the cave's natural beauty and geological formations. However, the map also indicates that Station 12 to Station 21 should be restricted from public access due to safety concerns posed by the hazardous outline of this portion. The decision to limit access aims to prevent potential risks to visitors and protect the cave's delicate ecosystem. These recommendations shall be adopted.

SECTION 8. CAVE PROTECTION ZONE

There shall be a five hundred (500) meter radius protection zone for Lipawan Cave and shall be known as the Lipawan Cave Protection Zone. This zone restricts any construction of significant infrastructure, except for essential elements which can be removed if needed such as informational signage, educational boards, and a solid waste management facility aimed at maintaining the area's pristine state and ecological equilibrium.

This protective zone serves to ensure the preservation and safeguarding of the cave's environment and surrounding ecosystem.

SECTION 9. DUMINGAG CAVE PROTECTION AND MANAGEMENT BOARD

There shall be created a Dumingag Cave Protection and Management Board (DCPMB). It will be the governing body responsible for overseeing the protection, conservation, and sustainable management of caves within the territorial jurisdiction of the municipality. Through effective governance, collaboration, and community engagement, the Board shall ensure the long-term preservation of cave ecosystems and cultural heritage while promoting responsible cave ecotourism practices.

The following is the composition of the Board, to wit;

Chairperson - Municipal Mayor

Members:

1. Sangguniang Bayan Committee on Tourism Chairperson
2. Sangguniang Bayan Committee on the Environment Chairperson
3. Representative from DENR-CENRO, Ramon Magsaysay
4. Representative from the Provincial Tourism Office
5. Representative from MENRO
6. Representative from the Municipal Tourism Office
7. Representative from an accredited and appropriate People's Organization/Non-Government Organization/Civil Society Organization (PO/NGO/CSO)

Furthermore, there shall also be created a Lipawan Cave Protection and Management Committee (LCPMC). It shall be the lead protection, management and coordinating body specifically for Lipawan Cave. The committee will be the direct implementor of Lipawan Cave plans, projects and activities. It will develop and maintain the Lipawan Cave's infrastructures, facilities and activities. The LCPMC shall be under the management of the DCPMB.

The following is the composition of the Lipawan Cave Protection and Management Committee, to wit;

Chairperson - Sangguniang Bayan Committee on the Environment Chairperson

Co-Chairperson - Sangguniang Bayan Committee on Tourism Chairperson

Members:

1. Punong Barangay of Lipawan
2. Representative from DENR-CENRO, Ramon Magsaysay
3. Representative from MENRO
4. Representative from the Municipal Tourism Office
5. Representative from the Municipal Planning and Development Office
6. Representative from the Municipal Engineering Office
7. Representative from the academe
8. Representative from law enforcement agencies
9. Representative from an accredited People's Organization/Non-Government Organization/Civil Society Organization (PO/NGO/CSO) based in Barangay Lipawan

The Municipal Mayor may expand the membership of the DCPMB and the LCPMC as necessary.

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JESSIE B. PALON
Secretary to the Sangguniang

HON. EDGARDO A. JAMERO
Municipal Vice Mayor

HON. GERRY T. PAGHAWAN
Municipal Mayor

DUMINGAG CAVE PROTECTION AND MANAGEMENT BOARD (DCPMB)



LIPAWAN CAVE PROTECTION AND MANAGEMENT COMMITTEE (LCPMC)

SECTION 10. ENVIRONMENTAL PROTECTION FEE

The implementation of an environmental protection fee can provide a sustainable and dedicated source of funding for cave conservation and management. By ensuring proper collection, transparent allocation, and effective communication, the fee can contribute to the long-term preservation of cave ecosystems and the enhancement of visitor experiences.

The schedule of environmental protection fees to be collected from each visitor shall be determined by the Lipawan Cave Protection and Management Committee. The proposed amount for the environmental protection fee shall subsequently be submitted to the Dumingag Cave Protection and Management Board for approval.

The Environmental Protection Fee shall be used exclusively for the protection and management of the Lipawan Cave. A twenty percent (20%) share of the environmental fees, however, shall be allocated to Barangay Lipawan, being the host barangay.

Children with age ranging from zero (0) to twelve (12) years old, for safety concerns, shall not be allowed to enter the Lipawan Cave. Alternatively, providing family-friendly activities or interpretation programs outside the protected cave zone may be authorized to engage younger children in the conservation and education efforts related to caves.

SECTION 11. PERMIT FROM THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES

Pursuant to Republic Act No. 9072 otherwise known as the "National Caves and Cave Resources Management and Protection Act, only the DENR can issue permits for the collection and removal of guano and other cave resources. No permits, whatsoever, shall be issued for the removal of stalactites and stalagmites and when it is established that the removal of the resources will adversely affect the value of the Lipawan Cave.

SECTION 12. LIPAWAN CAVE ECOTOURISM DEVELOPMENT PLAN

The Municipal Tourism Office (MTO) shall develop a three (3) Year Lipawan Cave Ecotourism Development Plan that will prioritize conservation, management, protection and the promotion of responsible ecotourism.

The 3-year Lipawan Cave Development Plan shall be formulated in coordination with the Lipawan Cave Protection and Management Committee (LCPMC) and other stakeholders. It shall then be presented to the Dumingag Cave Protection and Management Board (DCPMB) for approval and to the Sangguniang Bayan for adoption.

The development plan shall include the establishment of necessary infrastructures, strategically placed signboards, and stringent safety/precautionary measures. These provisions will cover the entire journey leading to the cave, the cave's interior, and the surrounding area. Moreover, the plan will also incorporate a diverse range of recreational activities designed to enhance the visitors' experience and enjoyment. These recreational

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activities shall include, if applicable, but not limited to, a three hundred steps leading to the cave, rock/wall climbing, camping and trekking.

SECTION 13. BUDGETARY REQUIREMENTS

The Municipal Tourism Office (MTO), MENRO and the Municipal Budget Office (MBO) shall prepare the corresponding budget necessary for protection, management and development of the Lipawan Cave.

SECTION 14. PROHIBITED ACTS

The following shall be considered as prohibited acts.

- a. Knowingly destroying, disturbing, defacing, marring, altering, removing, or harming the Lipawan Cave and cave resources or altering the free movement of any animal or plant life into or out of any cave;
- b. Gathering, collecting, possessing, consuming, selling, bartering or exchanging or offering for sale without authority any cave resources; and
- c. Counselling, procuring, soliciting or employing any other person to violate any provisions of this ordinance.
- d. Eating, drinking and loitering inside the cave.
- e. Vandalism and littering inside and in the immediate vicinity of the cave.
- f. Open fire in the cave protective zone.

SECTION 15. PENALTIES

Any person, natural or juridical, who violate, disobey, refuse, omit or neglect to comply with the prohibited acts and any provisions of this ordinance shall be meted with the following penalties:

- First Offense - a fine of one thousand pesos (₱ 1,000.00)
- Second Offense - a fine of two thousand pesos (₱ 2,000.00)
- Third and Succeeding Offenses - a fine of two thousand five hundred pesos (₱ 2,500.00)

Cave resources gathered, collected, removed, possessed or sold including the conveyance and equipment used found to be in violation of this ordinance shall be turned over to the DENR.

If the Lipawan Cave requires rehabilitation or restoration, the offender shall also be required to restore the same, whenever practicable or compensate for the damage as determined by a competent court.

The municipal government of Dumingag retains the authority to forward any violations to the Department of Environment and Natural Resources (DENR) for the initiation of appropriate legal actions in accordance with national laws.

SECTION 16. SEPARABILITY CLAUSE

If any portion of this ordinance is declared invalid or unconstitutional, other portions hereof not affected by such declaration shall remain in full force and effect.

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SECTION 17. REPEALING CLAUSE

Any portion of an ordinance, order or memorandum of local effect inconsistent with the provisions of this ordinance is hereby repealed or modified accordingly.

SECTION 18. EFFECTIVITY CLAUSE

This ordinance shall take effect after fifteen (15) days following the completion of the posting requirements in three (3) conspicuous places in the municipality of Dumingag and its publication in any newspaper of general circulation or posting of copies in all the municipalities and one (1) city within the province of Zamboanga del Sur.

Enacted: October 16, 2023

CONCURRED:

SANGGUNIANG BAYAN MEMBERS:

Hon. Julius G. Jamero

Hon. Dean Kaiser C. Tangalin

Hon. Jerson L. Cabahug

Hon. Percalixia Y. Bazar

Hon. Ronie C. Gimeno

Hon. Jo Vincent J. Morpos

Hon. Francis Joeray T. Gumban

Hon. Julito C. Mandac

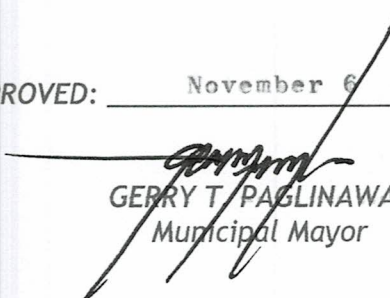
Hon. Efren A. Costanilla

Hon. Leonel C. Dinawanao

ATTESTED AND CERTIFIED
TO BE DULY ADOPTED


EDGARDO G. JAMERO
Presiding Officer / Municipal Vice Mayor

APPROVED: November 6, 2023


GERRY T. PAGLINAWAN
Municipal Mayor

I hereby certify that the foregoing Ordinance is true and correct.


JESSY B. PALON
Secretary to the Sanggunian