



Office of the Sangguniang Bayan

Excerpt from the MINUTES OF THE 33rd REGULAR SESSION OF THE 8th SANGGUNIANG BAYAN OF DUMINGAG, ZAMBOANGA DEL SUR HELD AT THE MUNICIPAL SESSION HALL ON MAY 20, 2014.

OFFICERS/MEMBERS:	POSITION	PRESENT	ABSENT	OB	OL
Hon. Michael F. Morpos	Mun. Vice Mayor	—/—	—/—	—	—
Hon. Francisco D. Gumban	SB Member	—/—	—	—	—
Hon. Agustin M. Adapon, Sr.	SB Member	—/—	—	—	—
Hon. Reynante G. Borling	SB Member	—/—	—	—	—
Hon. Roger M. Pacalioga	SB Member	—/—	—	—	—
Hon. Corazon J. Mandao	SB Member	—/—	—	—	—
Hon. Lars Christian C. Tangalin	SB Member	—/—	—	—	—
Hon. Bernaldo P. Degenion	SB Member	—/—	—	—	—
Hon. Nilo B. Ledesma	SB Member	—/—	—	—	—
Hon. Jerson L. Cabahug	Ex -Officio Member	—/—	—	—	—

Ordinance No. 4, s. 2014

AN ORDINANCE PROVIDING FOR THE ENVIRONMENT CODE OF THE MUNICIPALITY OF DUMINGAG AND FOR OTHER PURPOSES.

CHAPTER 1 - GENERAL PROVISIONS

Article I – Title, Policies, Principles and Terminologies

Section 1. TITLE.

This code shall be known and cited as “THE DUMINGAG ENVIRONMENT CODE” and shall hereinafter be referred to as the CODE.

Section 2. DECLARATION OF POLICY.

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

Section 3. GENERAL OPERATIVE PRINCIPLES.

The formulation and implementation of policies and measures for the protection of the environment, sustainable utilization of the natural resources, and the promotion of healthful ecology, shall be guided by the following general operative principles:

- A local network will promote and sustain relevant, efficient strategies and modern technologies for the protection of the environment and natural resources, primarily in the areas of research and management, shall be developed and enhanced;
- There shall be formulated relevant and effective policies and strategies that will ensure proper implementation of environmental programs and projects as well as the strict enforcement of pertinent laws, rules and regulations;
- An accountable, efficient and dynamic organizational structure and operating mechanism shall be established that will plan, implement, direct, assist, coordinate, monitor and/or evaluate all environmental laws, policies, programs and projects in Dumingag;

- d. The vesting of duties, responsibilities and accountabilities of personnel shall be accompanied with the provision for reasonably adequate resources to enable them to discharge their powers and functions;
- e. The local government unit, through the Office of the MENRO, shall encourage the formation, capability-building and participation of NGO's, women, children, youth, people's organization, the academe and all environmental advocates within the territorial bounds of the municipality.
- f. There shall be institutional mechanisms that will sustain or reinforce the implementation of this Code, pertinent existing laws and issuances and promote proper and mutual consultation with the people on matters involving the management, utilization, development, protection and conservation of natural resources;
- g. The promotion, development and protection of human resources shall be the paramount consideration in the formulation and implementation of all environmental programs and activities; and
- h. Adherence to the basic fundamentals of co-management approach encouraging multi-sectoral participation in the discussion and resolution of environmental issues.

Section 4. DEFINITION OF TERMS.

As used in this Code, the following terms shall mean or be construed as follows:

Affected communities - the communities, regardless of proximity to the project site, where the existing or the potential adverse impact of a project affects said communities.

Agriculture - shall include all fields such as but not limited to aquaculture, animal husbandry, agronomy, and horticulture.

Agricultural wastes - the wastes generated from planting or harvesting of crops, trimming or pruning of plants and wastes or run-off materials from farms or fields.

Alternative Packaging Materials - refer to recyclable, reusable and/or biodegradable packaging materials that are used in containing, carrying, holding and/or transporting goods or products as an alternative for plastic bag.

Aquatic resources - include fish, all other aquatic flora and fauna and other living resources of the aquatic environment, including salt and corals.

Biodiversity - means the variability among living organisms from all sources, including *inter alia*, terrestrial, marine, and other aquatic ecosystems and the ecological complexes of which they are part; this includes diversity within species, between species and of ecosystems.

Biopesticides - are naturally occurring substances and microorganism that controls pests.

Biopiracy - refers to the transfer of biological wealth and knowledge from indigenous communities to transnational corporations for the manufacture of commercial products with or without inadequate remuneration or acknowledgement of traditional users of the resources, such as the patenting of biological organisms.

Balig-bayong balig-basket program - refer to the program adopted by supermarkets, convenient stores, department stores and other business establishments, whereby customers are required to bring a reusable bag, paper bag, cloth bag, or any other alternative packaging material for purposes of containing, carrying, holding and transporting goods or products bought.

Buffer zones - This term shall likewise be defined in organic agriculture ordinance as a defined area of the boundary of an organic farm that has land use controls and allow only activities compatible with protection of organic farm. It serves as a barrier that surrounds or separates

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an organic farm from other traditional or conventional farms where plants are not designated as organic.

Carrying Capacity - a capacity of natural and human environments to accommodate and absorb change without experiencing conditions of instability and attendant degradation.

Cloth Bag (a.k.a. katsa) - refers to reusable packaging materials made of cloth (biodegradable) used in the packaging of flour, wheat and other similar goods.

Co-Management - a collaborative or joint management by two or more social actions. All actions negotiate a fair share of functions and responsibilities for a given development interest. It is a sharing of responsibilities, accountabilities and benefits achieved as result of an integrated and coordinated actions.

CRES - Conservation of Rare and Endangered Species.

Critical Watershed - a drainage area for a river system supporting existing and proposed hydro-electric power and irrigation works needing immediate rehabilitation as it is being subjected to widespread denudation that cause erosion and flood.

Cultivar - a plant variety developed from a natural specie and maintained through cultivation.

"De Facto" Open Access - a condition resulting from the inability of a resource owner or manager, such as the State, in the case of marine resource, 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 resource under open and unregulated conditions as if there is no owner or manager. The failure of regulatory controls by resource owners or managers inevitably result in the destruction of the resources and the overall losses in public welfare. In the case of marine resource, "de facto" open access conditions lead to the eventual decline in marine productivity, particularly fish catches in the municipal waters.

Designated Non-Attainment Areas - area that does not meet one or more of the National Ambient Air Quality Standards for the criteria pollutants designated in the Clean Air Act.

Dipterocarp Forest - a forest dominated by tree species with "two winged" seed that can reach a height of over 20 feet, such as red lawaan, tanguile, white lawaan, bagtikan, mayapis of Philippine mahogany group, apitong and yakal.

Distribution Utility - any electric cooperative, private corporation, government-owned utility or existing local government unit with franchise to operate a distribution system.

Ecosystem - an ecological community considered as a unit that consists of non-living factors and its environment.

Eco-Tourism - a form of sustainable tourism aimed to converse and promote the sustainable use of biological and cultural biodiversity, that facilitates income generation, provides job and business opportunities and shares its benefits equitably with local communities and indigenous people by obtaining their informed consent and full participation in planning and management of ecotourism in a protected area.

EIA System - a process which consists of identifying and predicting impacts of proposed projects and programs in the biophysical environment and on man's health and well being. (DAO 03-30)

Epidemic - a situation peculiar to a particular locality.

Endangered Species - threatened or vanishing species of flora and fauna.

Environmental Compliance Certificate (ECC) - a document issued by the DENR certifying that the project under consideration will not bring about an unacceptable environmental impact

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and that the proponent has complied with the requirements of the environmental impact statement system.

Environmental Guarantee Fund (EGF) - a fund to be set up by a project proponent which shall be readily accessible and disbursable for the immediate clean-up or rehabilitation of areas affected by damages in the environment and the resulting deterioration of environmental quality as a direct consequences of a project's construction, operation or abandonment. It shall likewise be used to compensate parties and communities affected by the negative impacts of the project, and to fund community-based environment related projects including, but not limited to, information, education and emergency preparedness programs. (DAO 03-30)

Environmental Impact Statement (EIS) - a document of studies on the environmental impacts of a project including the discussions 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 projects and the appropriate mitigating and enhancement measures. (RA 7942)

Environmentally Critical Area (ECA) - refers to an area that is environmentally sensitive and is listed under Presidential Proclamation No. 2146, series of 1981 as well as other areas which the President of the Philippines may proclaim as environmentally critical in accordance with Section 4 of Presidential Decree No. 1586.

Ex-Situ - referring to the study, maintenance or conservation of an organism away from its natural surroundings.

Food Security - ability of the individual, household and community to produce and/or access/acquire appropriate, abundant, nutritious and safe food on a regular basis using socially acceptable means;

Gene Seed Bank - a collection of seeds from potentially useful wild plants, which may be used in the future for breeding new varieties;

Genetic Engineering - shall be understood as the introduction of genes by laboratory techniques. (RA 9168 or the Philippine Plant Variety Protection Act of 2002)

Genetically Modified Organisms (GMO) - means an organism in which the genetic material (DNA) has been altered in a way that does not occur naturally. GMOs, then, are the resulting organisms the genetic materials of which are improved through modern biotechnology. Definition is given by The World Health Organization.

Hazardous Wastes - the combination of wastes which because of its quantity, concentration, or physical, chemical or infectious characteristics may pose a substantial or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise mismanaged.

Hospital/Clinics - a place of institution where the ill or the injured receive medical, surgical, dental or psychiatric treatment, nursing care, food and lodging, etc.

Illegal Logging - the cutting, removing, collecting, gathering, possessing and the transporting of forest products without license or permit issued by proper authorities. (PD 705)

Independent Power Producer (IPP) - an existing private power generating entity not owned by the National Power Corporation.

Kaingin - the clearing of a tract of land through the cutting/slashing/burning of trees, bushes and other plants, as in a forest, so that the area being cleared will be utilized for the planting of crops.

Marginalized Farmer - refers to an individual engaged in subsistence farming or fishing which shall be limited to the sale, barter or exchange of agricultural or marine products produced by himself and his immediate family (Local Government Code of 1992);

Mineral Resources - any concentration of metallic and non-metallic minerals/rocks.

Minerals - the naturally occurring inorganic substance in solid, gas, liquid or any intermediate state, including energy materials such as coal, petroleum, natural and radioactive materials and geothermal energy.

Mining Operation - the mining activities involving exploration, feasibility, development, utilization and processing.

Modern Biotechnology - means the application of in vitro nucleic acid techniques, including recombinant DNA technology that overcomes natural physiological reproductive or recombinant barriers. Definition is given by The Cartagena Protocol on Biosafety.

Naturally Growing Trees - any tree that grows naturally in any area (forest or private land) without human intervention.

Office - a building, room or series of rooms in which the affairs of a branch of a government or private firm is carried on.

Open Dumps - the disposal areas wherein the solid wastes are indiscriminately thrown or disposed of without due planning and consideration for environmental and health standards.

Open-Pit Mining - a surface mining operation in which blocks of earth are dug from the surface to extract the ore contained therein. Open-pit mining also refers to a method of extracting rock or minerals from the earth by their removal from an open pit or burrow. The term is used to differentiate this form of mining from extractive methods that require tunneling into the earth.

Organic - refers to the particular farming and processing system, described in the standards and not in the classical chemical sense. The term 'organic' is synonymous in other language to 'biological' or 'ecological'. It is also a labelling term that denotes products considered based on the Philippine National Standards for Organic Agriculture (Organic Agriculture Act of 2010);

Organic Agriculture - includes all agricultural system that promotes the ecologically sound, socially acceptable, economically viable and technically feasible production of food and fibers. Organic agriculture dramatically reduces external inputs by refraining from the use of chemical fertilizers, pesticides and pharmaceuticals. It also covers areas such as but not limited to soil fertility management, varietal breeding and selection under chemical and pesticide-free conditions, the use of biotechnology and other cultural practices that are consistent with the principles and policies of this Act, and enhance productivity without compromising the soil and water, and harming farmers, consumers and the environment as defined by the International Federation of Organic Movement (IFOAM): Provided, That the biotechnology herein referred to shall not include genetically modified organisms or GMOs (Organic Agriculture Act of 2010);

Ozone Depleting Substances - means those substances that significantly deplete or otherwise modify the ozone layer in a manner that is likely to result in adverse effects on human health and environment such as, but not limited to, chlorofluorocarbons, halons and the like.

Packaging - shall refer to the packaging, packing and wrapping of products for purposes of carrying the same in a convenient manner.

Plastic Bag - refers to a type of bag made of thin, flexible, plastic film that is designed to be provided or utilized at the point of sale for containing, carrying, holding and transporting goods.

Plastic Waste - refer to any plastic packaging material thrown as waste

Pollution - an addition of a chemical, physical or biological agent into the air, water or soil in an amount or rate that threatens human health, wildlife, plants or disrupt the orderly functioning of the environment; a contamination.

Precautionary Principle - the 1990 Bergen Declaration which declares: "in order to achieve sustainable development, politics must be based on the precautionary principle. Environmental measures must anticipate, prevent and attack the causes of environmental degradation. Where there are threats of serious and irreversible damage, lack of scientific certainty, should not be used as a reason for postponing measures to prevent environmental degradation".

Production forest - refers to forestlands designated as such for the sustainable production of timber and/or non-wood forest products. (DAO 99-53)

Prohibiting - limiting, forbidding

Protection Forest - refers to forestlands not the subject of commercial or industrial activities that include all areas under NIPAS and such other areas the DENR Secretary of may designate. (DAO 99-53)

Public conveyances - vehicles used to transport the riding public on land.

Quarry resources - any common rock or other mineral substances as the director of Mines and Geosciences Bureau may declare as quarry resources, such as, andesite, basalt, conglomerate, coral sand, diatomaceous earth, diorite, decorative stones, gabbro, granite, limestone, marble, marl, red burning clays for potteries and bricks, rhyolite, rock phosphate, sandstone, serpentine, shale, tuff, volcanic glass, Provided, that such quarry resources do not contain metals or metallic constituents and/or other valuable minerals in economically workable quantities. Non-metallic minerals such as kaolin, feldspar, bull quartz or silica, sand and pebbles, bentonite, talc, asbestos, barite, gypsum, bauxite, magnetite, dolomite, mica, precious and semiprecious stones and other non-metallic minerals that may later be discovered and which the director of mines declares the same to be or economically workable quantities shall not be classified under the category of a quarry resource.

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

Rationalization - refers to the action of an organization of a business or industry using scientific business management principles and simplified procedures to obtain greater efficiency of operation.

Recreation forest - a track of public lands, forested or non-forested, which may contain production and protection forests, developed for additional or for the primary purpose of providing non-destructive recreational pursuits.

Reusable bags - refers to a washable bags, a bayong or any shopping bag used for carrying and transporting goods, which bags are made of organic or non-organic materials that can be used several times.

RICH - rescue important conservation hotspots.

~~Sand~~ **Sand Bags** - refers to a type of plastic packaging with handles for the purpose of carrying, holding and/or transporting goods and other produce. This term shall likewise be defined as one and the same with the term "plastic bag".

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

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School - a place or institution for teaching and learning or establishment for education

Single Use - disposable or used for only one time

Small-Scale Mining - a single unit mining operation having an annual production not exceeding 50,000 metric tons of run-off-mine ore with the following requisites: (1) the working area is artisanal, either open cast or shallow underground mining, without the use of sophisticated mining equipment; (2) minimal investment on infrastructures and processing plant; and (3) heavy reliance on manual labor.

Smoking - drawing of smoke from lighted cigar, cigarette or rolled tobacco into and out of the mouth or lungs and usually repeatedly blown into the atmosphere.

Sewage - means water-borne human or animal wastes, excluding oil or oil wastes, removed from residences, buildings, institutions, industrial and commercial establishments together with such groundwater, surface water and storm water as maybe present including such waste from vessels, offshore structures, other receptacles intended to receive or retain wastes, or other places or the combination thereof. (RA 9275 - Phil. Clean Water Act of 2004)

Social acceptability - the acceptability of a project by affected communities based on timely and informed participation in the EIA process particularly with regard to environmental impacts that are of their concern. (DAO 03-30)

Solid Waste - means all discarded household, commercial waste, nonhazardous institutional and industrial waste, street sweepings, construction debris, agricultural waste, and, other non-hazardous/non-toxic solid waste.

Stakeholders - are individuals, groups or communities, institutions and entities who are directly or indirectly affected by any undertaking or activity.

Strict protection zone - an area possessing some outstanding ecosystem, features and/or species of flora and fauna of national scientific importance maintained to protect nature and maintain processes in an undisturbed state in order to have ecologically representative examples of natural environment available for scientific study, environmental monitoring, education, and for the maintenance of genetic resources in a dynamic and evolutionary state.

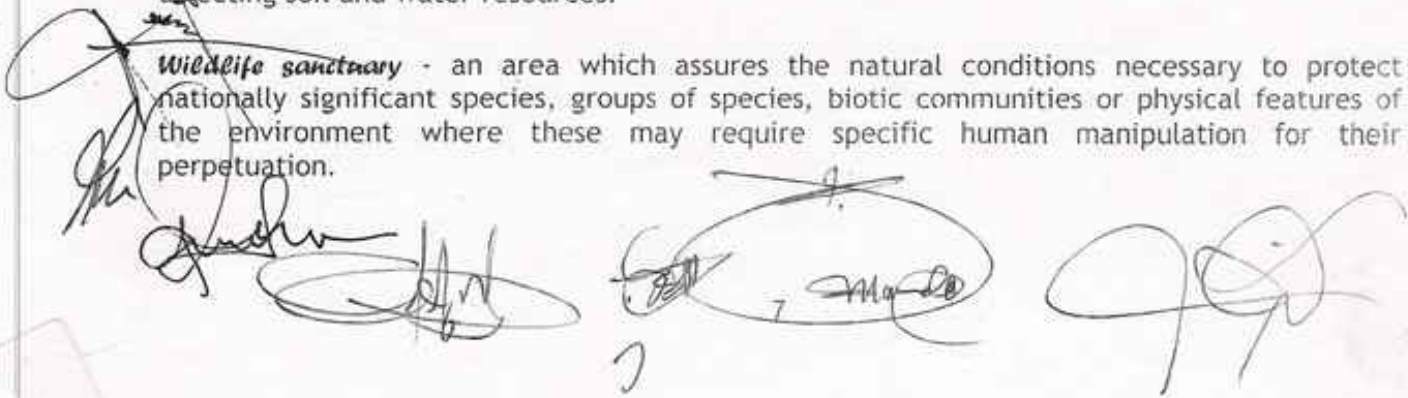
Sustainable development - the harmonious integration of sound and viable economy, responsible governance, social cohesion/harmony and ecological integrity to ensure that development is a life-enhancing process for human beings for the present and future generations.

Usufruct permit - gives a right to enjoy the property of another with the obligation of preserving its form and substance, unless the title constituting it or the law otherwise provides. (Civil Code)

Watershed - refers to a land area drained by a stream or a fixed body of water and its tributaries having common outlet for surface run-off which filters pollutants along the way and provide water to households, farms and industries. It also refers to the esoteric basin, barrel catching precipitation that falls on land and channeling the same to streams, rivers, aquifer and lakes. (Based on PD 705)

Watershed management - shall mean as the process of guiding and organizing the management of land and other resources used to provide desired goods and services, without adversely affecting soil and water resources.

Wildlife sanctuary - an area which assures the natural conditions necessary to protect nationally significant species, groups of species, biotic communities or physical features of the environment where these may require specific human manipulation for their perpetuation.

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Woven bags (a.k.a. bayong) - refer to biodegradable packaging material made of woven pandan or buri leaves and other similar materials

Article II - Mandate and Objectives

Section 5. MANDATE.

Pursuant to Section 16 of Republic Act No. 7160, otherwise known as the Local Government Code of 1991, the Municipal Government of Dumingag "shall exercise the powers expressly granted, those necessarily implied therefrom, as well as powers necessary, appropriate or incidental for its efficient and effective governance, and those which are essential to the promotion of the general welfare of its constituents as enshrined in the 1987 Constitution."

Within its territorial jurisdiction, the Municipal Government shall ensure and support among other things; programs, policies and measures geared towards the promotion of health and safety, the enhancement of the people's lives in a balanced ecology, the encouragement and development of appropriate environment-friendly technologies, improvement of public morals and social justice and the preservation of the comfort and convenience of its inhabitants.

Section 6. OBJECTIVES.

This Code is promulgated to provide the Municipal Government of Dumingag policy direction in the planning and execution of programs and strategies, that will:

- a. Ensure ecologically sound and sustainable development through collaborative efforts headed by the local government unit of Dumingag and actively participated by local environmental groups, local business community, the academe and all other local environmental advocates;
- b. Establish policies and mechanisms for the protection, preservation and management of the Municipality's natural resources and environment; and
- c. Ensure strict enforcement of environmental laws, regulations, policies and issuances; and consider socio-cultural interests and strengthen people's participation.

CHAPTER II NATURAL RESOURCES MANAGEMENT

Article I - Forest Resources

Section 7. SCOPE OF POWERS.

In the exercise of their respective mandates, the local government units shall:

A. Municipal Government of Dumingag through the Municipal Environment and Natural Resources Office (MENRO) shall:

1. Enforce forestry laws pertaining to illegal logging, unlawful occupation and destruction of forest lands;
2. Apprehend violators of forest laws, rules and regulations and assist in the preparation and filing of criminal complaint in the Office of the Prosecutor;
3. Assist in the confiscation, forfeiture and disposition of illegally cut and transported conveyed forest products, conveyances, equipment and other implements used in the commission of offenses penalized under existing laws;
4. Participate in the inventory of forest products and issue clearance for the establishment of wood processing and treatment plants prior to the approval of DENR for utilization and disposition;

5. Issue clearance and monitor activities inconsistent with laws, rules and regulations of wood processing and treatment plants, logs and lumber dealer permittees and furniture shops; and

6. Implement the following:

- Integrated social forestry programs and similar projects, pursuant to Section 17 of Republic Act No. 7160, except those located in protected areas and critical watersheds;
 - Regular reforestation projects, including those located in protected and critical watershed areas;
 - Community-based contract reforestation projects and other similar projects subject to policies and procedures prescribed by the Department of Environment and Natural Resources (DENR);
 - Forest Land Management Agreement and/or Community - Based Forest Management Agreement in accordance with the policies promulgated by the DENR; and
 - Rules and Regulations pursuant to Section 12 of Executive Order No. 263, and other DENR guidelines.
7. Establish and maintain communal forests with an area not exceeding fifty (50) square kilometers, pursuant to Section 17 of Republic Act No. 7160; provided, that the concerned local government unit shall endeavor to convert into a community based forestry projects;
8. Establish a locally-based forest management program considering the model established which is operationally known as the Barangay Forest Protection and Management Scheme, a project under the Municipal Co- Management Model;
9. Manage, protect, rehabilitate and maintain small watersheds which are sources of local water supply as identified or to be identified by the DENR and/or the LGU concerned;
10. Establish, protect and maintain tree parks, greenbelts, pursuant to Section 17 of Republic Act No. 7160 and other tourism related areas identified and delineated by the DENR and/or LGU, except those within protected areas, and collect fees for services rendered and the use of facilities established therein;
11. Regulate extraction, utilization and introduction of flora and fauna outside National Integrated Protected Areas (NIPAs), including industries and businesses engaged in their propagation and development, such as orchidaria and nurseries, as well as exportation and importation of the same; provided, that such businesses and industries are registered with the DENR for monitoring purposes;
12. Implement the Rehabilitation in Conservation Hotspots (RICH) and Conservation of Rare and Endangered Species (CRES) activities in areas identified and delineated by the DENR and/or by LGU concerned, except within the protected areas; and

13. Implement Soil Resource and Conservation Projects.

B. Barangay Government shall:

1. Protect and manage remaining forest pockets;
2. Establish community-based nurseries;
3. Create Barangay Forest Protection and Management Committee, (BFPMC) unit through a Barangay Resolution and a Memorandum of Agreement (MOA) headed by

the Barangay Chairman with the participation of People's Organization (PO), Indigenous People (IP) and religious sector;

4. Pass Ordinances on Barangay Forest Protection;
5. Implement and institutionalize tree planting activities;
6. Monitor projects on the ground.

Section 8. OPERATIVE PRINCIPLES.

The Forest Resources Management initiatives of this Code shall be consistent with the following:

- a. The right of the future generation to enjoy the benefits from forest resources shall be recognized and protected;
- b. The Barangay Council, with the participation of locally-based POs involved in environmental protection, shall establish its own BFPMC to directly protect, conserve and manage its local forest resources;
- c. The establishment and enforcement of a rational system of utilization and conservation of forest resources, wildlife and biodiversity to ensure sustainable productivity;
- d. Everyone shall have the right to information and education on forestry laws, rules and regulations;
- e. Through an integrated watershed management system a sustainable water supply to the municipality and barangay shall be ensured;
- f. The development of private tree farms and other forest products supportive of wood requirements of construction, wood processing, furniture, handicrafts and other wood industries shall be encouraged;
- g. The In-Place Management System of forest occupants through Community-Based Forestry Management Programs shall be adopted and implemented to enhance participation of the communities in activities involving forest development management and protection;
- h. Penalties, incentives and reward systems shall be the guiding policy in the implementation of forestry laws;
- i. A forest resource management information system shall be installed as an effective tool in planning, policy making and implementation;
- j. The participation of Indigenous Peoples (IPs) shall be tapped in the implementation of programs and projects; and
- k. A monitoring and evaluation system for forest resources shall be established to ensure proper compliance with existing policies, rules and regulations and effective implementation of programs and projects.

Section 9. FOREST RESOURCE MANAGEMENT FRAMEWORK.

In coordination with the Department of Environment and Natural Resources (DENR), other concerned national government agencies (NGAs), and non-government organizations (NGOs), the local government unit of Dumingag shall formulate the Forest Land-Use Plan (FLUP) which shall reflect a collaborative initiative on the conservation, protection and sustainable development of forest resources.

Section 10. DEVELOPMENT OF PRODUCTION FOREST.

In order to provide adequate raw materials to meet the demands of households, infrastructure, agriculture and industry for wood and other forest products, the following strategies and measures shall be implemented:

- a. *Operationalization of Production Forest and Related Management Functions.* The Municipal government shall promote and encourage the establishment and

operationalization of communal forests, community based-forestry projects and similar reforestation undertakings;

- b. **Management of Integrated Social Forestry (ISF).** The Municipal Government shall periodically conduct monitoring and evaluation of the performance of the ISF projects;
- c. **Establishment of Sustainable Agro-forestry and Other Income Generating Projects.** The Municipal government shall encourage agroforestry and other income generating support programs for the benefit of the ISF stakeholders and other Production Forest area beneficiaries; (E.O 263 Sec. 1 and 5)
- d. **Establishment of the Dumingag Tree Enterprise Development Program (DTEDD).** The DTEDD shall be established as a regular program of the Municipal government intended for the promotion of commercial tree farming, harvesting, furniture and handicraft making and wood processing enterprises;
- e. **Participation of Multi-Sectoral groups.** The participation of different multi-sectoral groups shall be encouraged in the promotion of but not limited to tree planting, watershed conservation, and etc.;
- f. **Application of Slopping Agricultural Land Technology (SALT) and forest varietal diversification.** The SALT shall be applied in the conservation of soil and water vital to the growth of trees. Introduction of different varieties of endemic and fruit trees in the locality shall be established as part of the regular forestation and reforestation of the municipality.
- g. **Forest Resource Information Management System (FRIMS).** Formulation and the Municipal Environment and Natural Resources Office (MENRO) shall establish and maintain a forest resource database which shall be the basis in policy decision-making, planning, monitoring and evaluating the forest resource management programs. Such information system may include the following data: thematic maps, timber inventory and other vital information;
- h. **Enforcement of Total Log Ban Policy for Naturally Grown Trees.** The Municipal government of Dumingag, in coordination with the DENR, shall formulate and enforce a Total Log Ban Policy for naturally growing trees within forest lands, alienable and disposable lands and private lands;
- i. **Establishment of Seed Production Area.** There shall be established in every barangay, especially in upland barangays, a Seedling Production Area of naturally growing rainforest trees and dipterocarps species, rainforestation and forest ornamental species which shall supplement the seedling requirements of public and private nurseries;
- j. **Rationalization of Community Sawmills Lumber Dealers and Wood- Processing Plants.** The establishment of community sawmills and wood processing plants shall be regulated to ensure that only planted species shall be processed. The Municipal government in coordination with the DENR shall establish a system for the issuances of licenses or business permits for the establishments and operations of community sawmills, lumber dealers and wood-processing plants. Appropriate guidelines for its regulation shall be promulgated thereof;
- k. **Registration and Monitoring on the Use of Chainsaw.** The Municipal Environment and Natural Resources Office (MENRO) shall issue clearance prior to registration of chainsaws by the DENR. In coordination with the Department of Environment and Natural Resources (DENR), it shall monitor the usage of chainsaws in the Municipality. All unlawful unregulated chainsaw operations shall be meted with appropriate penalties in accordance with the provisions of Republic Act No. 9175;

and

- l. *Information and Education Campaign* (IEC). The Municipal Government in coordination with the DENR, through the MENRO, FITS Center through Municipal Agriculture's Office, schools, barangay officials and other concerned offices and agencies shall periodically conduct IEC activities to promote awareness and involvement in forest and watershed protection and conservation activities by all sectors.

Section 11. MANAGEMENT OF PROTECTED FORESTS.

In the effective management of Protected Forests, the following strategies are hereby adopted:

- a. Design measures which will ensure shared responsibilities with the national government, particularly the DENR and the Protected Areas and Wildlife Bureau (PAWB) and the communities within the area as primary stakeholders, in securing the continuous existence of all endemic and endangered species of flora and fauna in the Municipality; and
- b. In partnership with all concerned agencies, the Municipal Government shall undertake programs and projects geared towards the effective management of the protection of forests for sustainable water supply, inland habitat protection, conservation of waterways, water basins and right-of-ways, forest based recreation, biodiversity conservation and scientific and educational advancement.

Section 12. WATERSHED MANAGEMENT AND PROTECTION.

The Municipal and Barangay Governments, in the proper management and protection of watersheds shall:

- a. Identify, delineate and declare their respective watersheds. The identification, delineation and declaration of particular areas shall be coordinated with the following government agencies:
 - The DENR for areas within public forest lands;
 - The DA and DAR for alienable and disposable lands;
 - The PAWB for watersheds within protected areas; and
 - The NCIP for areas covered by CADC, CADT and CALT.
- b. There shall be an identified and declared as indicated in the Forest Land-Use Plan (FLUP) which shall include the following:
 - a. Comprehensive Watershed Protection Plan;
 - b. Short, medium and long term Vegetative Rehabilitation Program which shall encourage the involvement of local communities within the area;
 - c. Conduct of immediate census of existing occupants in the identified watershed areas;
 - d. Establish Barangay Forest Protection Management Scheme, a scheme designed to involve local people to co-manage forest resources together with the concerned BLGU and MLGU, DENR, NCIP, among others;
 - e. Prohibition of the entry of new migrants in the area and limiting the area occupancy of existing forest occupants;
 - f. Introduction of sustainable alternative livelihood projects to existing watershed occupants;
 - g. Sound infrastructure planning and bio-engineering intervention on critically erodable areas;
 - h. Identification and delineation of key production area; adoption of appropriate bio-dynamic and organic farming technologies for sustainable agricultural production, with emphasis on soil conservation and protection; and

- i. The conduct of massive and sustained information-education and advocacy campaign.
- c. Identify critical watersheds and recommend appropriate strategies and measures for immediate rehabilitation of damaged areas.

Section 13. FOREST PROTECTION AND LAW ENFORCEMENT.

Inherent to their duties and responsibilities, the Mayor and the Punong Barangays shall provide effective leadership through:

- a. Creation, operationalization and strengthening of inter-agency, inter-municipality and multi-sectoral efforts for forest protection and law enforcement in close collaboration with the DENR and other law enforcement agencies;
- b. Capability building for all LGU officials and personnel relative to forestry laws, policies, rules and regulations, its implementation, enforcement and litigation;
- c. Coordination with the DENR for the periodic assessment of forestry laws implementation and formulation of schemes to improve enforcement;
- d. Establishment of a legal desk under the Office of the Municipal Environment and Natural Resources Office (MENRO) to assist in the preparation and filing of environment and natural resources cases; and
- e. Creation and operationalization of the Multi-Sectoral Forest Protection Committee (MFPC) in the municipality.

Section 14. DEVELOPMENT OF RECREATION FORESTS.

All barangay government units shall be encouraged to establish community-based forest recreation projects, such as, forest parks, botanical gardens and camping grounds.

Section 15. ROLE OF INDIGENOUS PEOPLE.

Cognizant of the inherent rights of the Indigenous People (IP) to enjoy to the fullest the benefits of their heritage as provided for by the Indigenous Peoples Rights Act (IPRA), the municipal and barangay units shall ensure full participation of IPs and that their indigenous knowledge, systems and practices are harmonized in the protection, conservation, rehabilitation, development and management of forest resources of their respective ancestral domains.

Article II - Mineral and Other Quarry Resources

Section 16. SCOPE OF POWERS.

In the exercise of their respective mandates, the local government units shall:

A. Municipal Government

1. Operationalize the Municipal Mining Regulatory Board;
2. Require the proponent to undertake Environmental Impact Assessment (EIA) and to submit EIS, IEE or Project Description as the case maybe;
3. Participate in the monitoring of any mining activity as a member of the Multipartite Monitoring Team referred to in Section 5 of DAO 96-40, as amended (Revised IRR of RA 7942);
4. Participate as a member of the Mine Rehabilitation Fund Committee as provided for in Sections 182 to 187 of DAO 96-40, as amended (Revised IRR of RA 7942); and

5. Intensify information and education campaign on the economic and environmental considerations of mineral resources utilization and exploration.

B. Barangay Government

1. Educate the community about their participation, roles and responsibilities in proposed projects or activities; and
2. Monitor the safety and environmental protection measures in mining and quarrying in its respective areas.

Section 17. OPERATIVE PRINCIPLE.

Development of resources shall be governed by the principle that the use of mineral wealth be based on real contributions to the economic growth and general welfare of the constituents of the Municipality, subject to the following terms:

- a. Social acceptability shall be the foremost consideration prior to any activity/operation; thus, prior consultation with the local government units concerned, civil society, IPs and other concerned stakeholders of the community shall be made and prior approval of the local sanggunian concerned shall be obtained to ensure maintenance of an acceptable and sound ecology;
- b. There shall be a system of utilization, exploration and extraction of mineral resources in accordance with environmental laws, rules and regulations; and
- c. Mining and after quarry activities must be accompanied by sound environmental management; and
- d. Revenues derived from mining activities shall be allocated to projects geared towards sustainable environmental development.

Section 18. MINING OPERATION.

Upon approval of this ordinance, mining operation within the territorial jurisdiction of the municipality of Dumingag shall be suspended for the period of five (5) years. No "authority to operate" shall be issued to all applicants for mining exploration and operation in any form (small-scale or large-scale) within this period.

Section 19. QUARRY OPERATION.

Quarry resources within the Municipality may be operated/utilized by public or private entities only through a permit issued exclusively by the Municipal Mayor upon the endorsement of the Municipal Mining Regulatory Board (PMRB). The permit will only be given to qualified persons; provided, all individuals, partnership, corporations or public entities engaged in the development and utilization of quarry resources for construction of infrastructure project, shall be required to restore or rehabilitate the subject areas thereof or those affected thereby.

Section 20. REGULATORY PROVISIONS.

Quarrying and extraction of quarry materials and mineral deposits shall be governed by the following provisions:

- a. No license, lease, agreement, and/or permit shall be issued by the Municipal Mayor without the prior area clearance and/or consent of the Municipal Sanggunian and concerned Barangay officials or Sanggunian;
- b. Mining and quarrying activities within the Municipality of Dumingag shall be subject to prior Environment Impact Assessment, as provided under the Philippine Environmental Impact Assessment System;
- c. Open-pit mining for metallic and non-metallic deposits shall not be allowed;

Section 21. MONITORING AND EVALUATION.

It shall be the responsibility of the Municipal Environment and Natural Resources Office (ENRO) in coordination with concerned agencies to monitor and evaluate the mining and quarrying activities in the Municipality, for the purpose of ensuring compliance of the permittees and/or licensees with the provisions stipulated in the permits and/or licenses issued, pursuant to existing laws, rules and regulations.

Section 22. REHABILITATION.

Environmentally damaged or degraded portions of areas subjected to quarrying and mining shall be immediately rehabilitated by the proponent during or upon completion of operations in accordance with the project rehabilitation plan; said rehabilitation plan shall be included in the program of work to be submitted while securing the permit for the operation.

Section 23. USER'S FEE.

There shall be a user's fee to be collected from quarrying and mining operators which shall be deposited as trust fund/revolving fund for environmental management programs.

Article III - Water Resources

Section 24. SCOPE OF POWERS.

In the exercise of the powers, functions and responsibilities to regulate and monitor the exploitation and utilization of the water resources of the Municipality of Dumingag, the Municipal Government shall:

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

Section 25. UNDERLYING PRINCIPLES OF WATER RESOURCES.

Pursuant to 1987 Constitution and Water Code of the Philippines, the underlying principles of water resources are as follows:

- All waters belong to the State;
- All waters that belong to the State cannot be subject to acquisitive prescription;
- The State may allow the use or development of waters by administrative concession;
- The utilization, exploitation, development, conservation and protection of water resources shall be subject to the control and regulation of the government through the Natural Water Resources Council;
- Preference in the use and development of waters shall consider current usages and be responsive to the changing needs of the country.

Section 26. OPERATIVE PRINCIPLES.

Water resources protection, conservation; management and utilization shall be guided by the following:

a. Water resources shall be managed:

- primarily, to meet the basic requirement for potable water of all residents and for sustained agricultural production;
- secondarily, to secure the availability of adequate supplies of water for the growing industrial, recreational and commercial development activities;

b. Effective institution of pollution control measures to ensure safe and potable water supply;

c. Sustainable water supply requires conservation and protection of forest and restoration of forest cover;

d. Adopt the principle of integrated water resources management; and

e. Non-destructive development of water resources

Section 27. DECLARATION OF POLICY.

Pursuant to the 1987 Philippine Constitution and Water Code of the Philippines that all waters are belong to the state, it is hereby declared the policy of the municipality of Dumingag that all water resources located within its territorial jurisdiction shall solely belong or owned by the municipality. Its utilization shall be subject for consultation with the people of Dumingag.

Section 28. BUFFER ZONES.

There shall be established peripheral buffer zones of identified water sources as provided for by law, to protect the same from activities that will result to direct or indirect damages.

Section 29. ESTABLISHMENT OF WATER RESOURCES TRUST FUND.

There is hereby created a Water Resources Trust Fund comprising all amounts dominated as "share of national wealth" generated from the operation of water utilities, corporate users, national government agencies and instrumentalities and Communal Irrigation Systems (CIS) which shall be managed and administered by the Municipal Government. It shall be used but not limited to the protection, conservation, management, maintenance, rehabilitation and livelihood project support program, subject to government accounting and auditing rules and regulations.

Section 30. SEWERAGE SYSTEM.

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

Section 31. LIQUID WASTE DISPOSAL.

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. Further, no person, entity or establishment shall discharge, wholly or partially, untreated or inadequately treated industrial effluents and toxic materials directly into bodies of water or through the use of bypass canals and/or pumps and other unauthorized means.

Section 32. HEALTH AND SANITATION MEASURES.

The Municipal Government of Dumingag shall adopt appropriate measures to assist barangay governments in improving environmental sanitation by promoting the use of sanitary toilets for waste disposal. Such assistance shall include direct investments in public health education and strict enforcement of the Building and Sanitation Code.

Section 33. SOIL AND WATER CONSERVATION.

The Municipal Government of Dumingag shall assist the barangay local government units to improve soil and water conservation techniques in agricultural and industrial activities.

Article IV – GMO-Free Municipality

Section 34. SCOPE OF POWERS.

The Municipal Government of Dumingag in the exercise of its powers, functions and responsibilities shall prescribe measures to safeguard its biodiversity and attain its status of a truly organic municipality, by declaring Dumingag as GMO-free and shall:

- Conserve, preserve and develop sustainable organic agriculture in the municipality embracing the principle that "GMO and sustainable organic agriculture never co-exist"; and
- Prohibit the entry, introduction and importation of genetically modified organisms in the territorial jurisdiction of the Municipality;

Section 35. OPERATIVE PRINCIPLES.

The initiatives of the Municipal Government of Dumingag in declaring itself as GMO-free shall be governed by the following principles:

- a. Encourage, provide assistance, and hasten the organization of all sectors engaged in sustainable organic agriculture; Encouragement of the agricultural sector to engage in seed development, seed saving of good quality organic seeds as well as the preservation, protection and conservation of endemic/indigenous species;
- b. Strengthening of sustainable organic agriculture as a preferred area of investment in the municipality; and
- c. Empowerment and capacity-building of small-holding farmers, by making available the access to and use of knowledge, training, and technology for the promotion for organic agriculture.

Section 36. COVERAGE.

This Ordinance covers the entry, introduction, planting, growing, selling and trading of:

- (a) Any organism which has been altered or produced through the use of modern biotechnology if the donor organism, host organism, or vector agent belongs to any of the genera or taxa classified by the Bureau of Plant Industry as meeting the definition of plant pest or is a medium for the introduction of noxious weeds; or
- (b) Any organism altered or produced through the use of modern biotechnology which may pose significant risks to human health and the environment based on available scientific and technical information.

This Ordinance shall cover all government and private institutions and/or organizations, agencies, production, manufacturing, processing, trading and other entities and individuals in the agricultural sector dealing with genetically modified organisms.

Section 37. EXCEPTIONS.

This Ordinance shall not apply to activities and products involving modern biotechnology and/or derived from Genetically Modified Organisms such as academic and scientific research in contained laboratories, pharmaceutical products, clothing and textile manufacturing and by-products that (a) are not released into the environment; and/or (b) do not co-mingle with the agricultural production and processing chain.

Section 38. PROHIBITED ACTS.

The following acts and the causing thereof are hereby prohibited:

- a. **Entry of GMOs.** No person shall introduce or bring into the area within the territorial jurisdiction of this Municipality genetically modified organisms.
- b. **Planting or Growing and Selling or Trading.** The planting, growing, selling and trading of GMOs within the territorial jurisdiction of the Municipality is likewise prohibited.

Section 39. COMPLIANCE.

Upon implementation of this Ordinance, the following must be complied with:

- a. **Duty to Declare.** All persons who seek to introduce or bring to the Municipality any organisms are hereby required to declare before the Municipality Agriculturist's Office (MAO) and the Municipality Veterinarian's Office (MVO) that the organisms sought to be introduced or brought into the Municipality are not GMOs. In case of a juridical entity, such declaration shall be executed by the head of the organization/entity and the officer directly responsible for such introduction/local importation.
- b. **Monitoring Stations.** For this purpose, the Municipality Government, through the MAO and MVO, shall set up monitoring stations in strategic locations. Additionally, Inspectors at monitoring stations are hereby authorized to conduct regular inspection of cargo of organisms.

The Municipal Government shall further establish designated checkpoints in close coordination with the proper agencies to stop, detain, inspect, examine, and in certain instances remove to some suitable place for inspection and examination any vehicle or vessel that is believed to bring or likely to be used for transport of GMOs.

- c. The Municipal Government will develop and fund a program of implementation to be executed within six (6) months along with the transition period for compliance of this ordinance which will include, but not limited to, the following components:

1. Acquisition and calibration of testing equipment;
2. Appointment and Capacity-building of Inspectors;
3. Information and education campaign; and
4. Creation and/or strengthening of linkages with, and establishment of accredited laboratories for enforcement purposes.

- d. **Transition Period for Compliance.** All organizations and entities subject to coverage by this Ordinance shall be given a transition period, during which time the following shall be complied with:

1. **Phase-Out of Raised GMOs.** All persons in the Municipality who have already raised GMOs, in whatever quantity or stage, at the time of the effectivity of this Ordinance, are hereby given the remaining growing period, which shall in no case exceed one hundred twenty (120) days from the date of effectivity of this Ordinance. Thereafter, any remaining GMOs must be disposed of or destroyed.
2. **Phase-Out of Selling or Trading of GMOs.** All persons in the Municipality who are engaged in the selling or trading of GMOs upon effectivity of this Ordinance are hereby given sixty (60) days to dispose or destroy their products.

- e. **Full Disclosure and Incentives.** All such persons covered by Subsections D (1) and (2) hereof are hereby required to make a full disclosure of such activity to the MAO and MVO within thirty (30) days from date of effectivity of this Ordinance. The MAO and MVO shall develop an incentive scheme to encourage full disclosure and voluntary turn-over of GMOs.

Section 40. ENFORCEMENT.

The Municipality, through the MAO and MVO, with the approval of the Mayor, through an executive order, shall appoint Inspectors as may be requisite and necessary, appearing to be qualified, for the purposes of ensuring compliance and enforcement of this ordinance.

- **Powers of Inspectors.** The Inspectors are hereby authorized to perform the following functions stated hereunder; *Provided*, That all inspections should be done only in plain view unless otherwise authorized in writing by the owner of the premises or by his/her duly authorized representative; *Provided further*, That any inspection of the premises

should be done in the presence of the owner of the premises or his duly authorized representative unless otherwise waived:

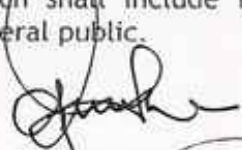
1. to enter premises, including but not limited to a facility, vehicle or property, which the inspector has reason to believe is necessary for him to enter and to take with him any person duly authorized by the MAO and/or MVO; and in case of such entry, to take with the inspector any equipment or materials required for any purpose for which the power of entry is being exercised.
2. to carry out such tests and inspection, and to make such recordings, as may in any circumstances be necessary;
3. to direct that any, or part of, premises, which he/she has the power to enter, or anything in such premises, shall be left undisturbed, whether generally or in particular, respects, for so long as it is reasonably necessary for the purpose of any test or inspection;
4. to take samples of organisms, articles or substances found in or on the premises which he has the power to enter;
5. in case of anything found in or on the premises which he/she has the power to enter, which appears to him/her to be or to contain or to have contained GMOs, to cause it to be subjected to any process or test;
6. in case of anything mentioned in subparagraph 5 above or anything found on premises which he has the power to enter which appears to be a GMO, to take possession of it and detain it for so long as is necessary for all or any of the following purposes:
 - to examine it and do to it anything which he has the power to do under that subparagraph;
 - to ensure that it is not tampered with before his examination is completed;
 - to ensure that it is available for use as evidence in any proceedings for an offense under this ordinance or any existing laws or regulations;
 - to require the production of, or where the information is recorded in computerized form, the furnishing of extracts from records which are necessary for him to see for the purposes of any test or inspection and to inspect, take copies of, or of any entry in, the records;
 - to require any person to afford him such facilities and assistance with respect to matters or things within that person's control or in relation to which that person has responsibilities as are necessary to enable the inspector to exercise any of the powers conferred on him by this Ordinance;
 - such other powers as may be necessary for the purposes mentioned in subparagraph 1 of this Section.



In case where organisms are seized by an inspector without reasonable cause, the aggrieved person may bring an action in any competent court for appropriate relief, including an order for the return of the goods seized.

Section 41. CAPACITY-BUILDING PROGRAM.

The Municipal Government, through the MAO and MVO, shall establish a capacity building program for the concerned implementors of this Ordinance as well as other stakeholders, which shall include information and education campaign of the affected sectors of the general public.



Section 42. ACCREDITATION OF LABORATORIES FOR ENFORCEMENT PURPOSES.

The Municipal Government shall undertake the creation and/or strengthening of linkages with, and establishment of, accredited laboratories, whether public or private, for purposes of regular and/or random testing of plants and animals brought into the territorial jurisdiction of the Municipality.

Section 43. CREATION OF THE MULTI-STAKEHOLDER OVERSIGHT COMMITTEE AND RESPONSIBILITIES.

A Multi-Stakeholder Oversight Committee is hereby created, which is tasked and empowered to monitor the implementation of this ordinance. The Committee shall likewise recommend such policies, regulations and measures towards better compliance and enforcement of the ordinance, as may be necessary and appropriate

Composition.

The regular members of the committee are the following:

- a. President/Chairman/Director of a non-government organization/people's organization, duly accredited by the Municipality, involved in sustainable organic agriculture or his/her authorized representative;
- b. Dean of College of Agriculture/ School Heads
- c. President/Chairman/Director of a business organization/ federation/chamber involved in organic manufacturing/ trade or his/her duly authorized representative;
- d. Municipal Agriculturist or his/her duly authorized representative.
- e. Municipal Veterinarian/Livestock Coordinator or his/her duly authorized representative.
- f. Sangguniang Bayan Committee Chairs of the following: (1) Environmental Protection, Natural Resources and Energy; (2) Agriculture; and (3) Trade, Commerce and Industry
- g. Representative from Religious Sectors

Appointment of Representatives from the Private Sector.

The members from the non-government organization/people's organization, academic, religious and business sectors shall be selected by the concerned sector at a meeting called for the purpose within thirty (30) days from the effectivity of this ordinance and the names of the representatives to be submitted to the Office of the Mayor for appointment. In case where such membership is not filled up by any interested and qualified applicant, the other members of the Committee shall recommend to the Mayor nominees to the committee membership.

Authorization.

All authorizations for the representatives of the members, if any, shall be made in writing and signed by the member himself/herself.

Organization.

The Mayor shall convene the identified members of the Committee within sixty (60) days from the effectivity of this Ordinance. Within the same period the Committee shall organize themselves and hold office at a place provided by the Municipal government.

Meetings.

The Committee shall hold meetings at least once in every quarter of the calendar year. The Committee may likewise hold special meetings, provided that, notice is properly given to all the members at least twenty-four (24) hours before the scheduled meeting.

Term of Office.

The members of the Committee shall serve for a term of three (3) years without prejudice to reappointment.

Vacancy of Office.

In cases of vacancy, the appointed successors shall serve only the unexpired portion of the term of his/her predecessor. The nomination procedures and the qualification of these successors shall be the same as in the above preceding Subsections.

Quorum.

Quorum shall be constituted by the presence of at least simple majority (50% plus 1) of the total number of the members of the Committee.

Section 44. PENAL PROVISIONS.

Any individual, corporation, group, firm, organization, partnership, association, entity violating any provision of the Ordinance upon conviction, be punished with a fine of Two Thousand Five Hundred Pesos (Php 2,500.00) and suspension of the business permit for six (6) months, at the discretion of the Court. Provided, that in case of second violation of this ordinance, business permit shall be revoked and there shall be non-issuance of related business permit.

In case of a corporation, group, firm, organization, partnership, association violating any provision of the Ordinance, the penalty of imprisonment shall be imposed upon the officer(s) who knowingly participated, abetted, or consented to the commission of such violation and to the person(s) directly liable for the violation.

In addition to the penalties imposed in the preceding sections, the violator shall be ordered to restore the status quo ante, including but not limited to the payment of costs of such scientific studies to evaluate the adverse effects of his/her acts and/or omissions subject of his/her violation.

Any GMO subject of such violation shall be seized, burned and destroyed at the expense of the violator.

Article V-

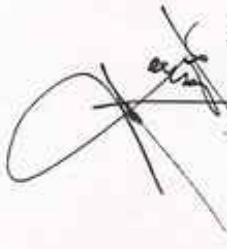
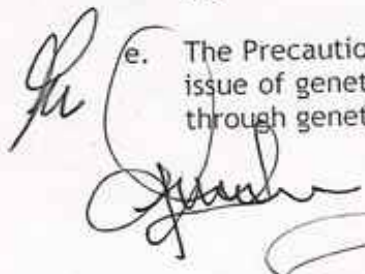
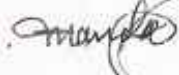
Wildlife, Genetic Resources And Biodiversity

Section 45. SCOPE OF POWERS.

The Municipal Government of Dumingag, in the exercise of its powers, functions and responsibilities, shall enforce biodiversity conservation for the protection of species of flora and fauna endemic to the Municipality.

Section 46. OPERATIVE PRINCIPLES.

Policies on wildlife, genetic resource and biodiversity conservation, protection and development in the Municipality of Dumingag shall be guided by the following operative principles:

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- a. The integrity and carrying capacity of resource base, especially genetic resources of both plant and animals shall not be degraded in the process of development;
 - b. Policies shall be based on studies of biological limits of natural resource capacity, resilience and renewability;
 - c. Environmental protection especially of wildlife habitat, niche and genetic biodiversity belts shall be viewed by all as a shared responsibility;
 - d. Biological diversity shall be conserved and protected through institutional support and direct involvement of local communities especially the Indigenous Peoples; and
 - e. The Precautionary Principle shall at all times be upheld in the face of contentious issue of genetic-based erosion and genetic pollution vis-à-vis transgenic organisms through genetic engineering.
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Section 47. RESOURCE PROFILING.

The Municipal Government in coordination with concerned government agencies and Civil Society Organizations (CSOs) shall conduct resource profiling of existing vegetative cover, endemic species of flora and fauna, particularly threatened and endangered species, as well as their important habitat, nesting and breeding sites.

Section 48. REGULATION OF PROSPECTING BIOLOGICAL AND GENETIC RESOURCES, THEIR BY-PRODUCTS AND DERIVATIVES FOR COMMERCIAL, SCIENTIFIC AND OTHER PURPOSES.

All individuals and business entities engaged in the prospecting of biological and genetic resources, their by-products and derivatives for scientific and other purposes shall be subject to existing rules and regulations for said purposes. The Municipal Government shall promote protection and conservation of endemic species and habitat diversity protection. Such policies shall give priority for the promotion of local capability and indigenous knowledge systems, science and technology.

Section 49. MUNICIPAL GENETIC RESOURCES BIODIVERSITY AND SEED BANK.

The Municipal Government of Dumingag, in collaboration with the DENR, local research centers, appropriate government research centers, concerned government agencies and civil society organizations shall establish, operate and manage community-based "in-situ" and "ex-situ" Municipal Genetic Resources Biodiversity and Seed Bank.

Section 50. PARTICIPATION OF THE INDIGENOUS PEOPLES IN BIODIVERSITY PROTECTION.

The Municipal Government of Dumingag, in recognition of the natural link of Indigenous Peoples to nature, shall harness their participation in the protection of genetic biodiversity resources from extinction and biopiracy.

Section 51. PENAL PROVISIONS.

Any individual, organizations, entity violating any provision of this Ordinance upon conviction, be punished with a fine of Two Thousand Pesos (Php2,000.00) and imprisonment of six (6) months, at the discretion of the Court.

In addition to the penalties imposed in the preceding sections, the violator shall be ordered for the return of the violated species of flora and fauna endemic to Dumingag, Zamboanga del Sur then to the DENR through the MENRO in coordination with Barangay Local Government Unit (BLGU).

CHAPTER III ENVIRONMENT MANAGEMENT

Article I - Ecological Solid Waste Management

Section 52. SCOPE OF POWERS.

Dumingag Municipal Government in the exercise of its respective mandate shall:

- a. The MENRO shall spearhead the enforcement of all environmental ordinances hand in hand with all local environmental groups, the academe, the civil society, and all environmental advocates;
- b. Establish a solid waste management system that promotes waste reduction, segregation, reusing, recycling, recovery and composting;
- c. Provide services and facilities related to general hygiene and sanitation, beautification, natural landscaping, household herbal gardening and solid waste collection particularly on compostable and recyclable wastes;
- d. Ensure the proper segregation, collection transport, storage, treatment, and disposal of solid waste through the formulation and adoption of the best environmental practices highlighting Dumingag success stories of implementation;

- e. Enforce pollution control laws and other laws for the protection of the environment in partnership with the local PNP, RHU (Sanitary Inspector), the Market Supervisor, the Slaughterhouse Manager and Environmental Task Forces.
- f. Continue to enforce existing solid waste management ordinances, namely: Ordinance No. 10, Series of 1998; Ordinance No. 9, Series of 2001; Ordinance No. 32, Series of 2001;

Section 53. OPERATIVE PRINCIPLES.

The initiatives of the Municipal Government of Dumingag on general hygiene and sanitation, environment protection and sustainable development shall be governed by the following principles:

- a. The people have the right to a balanced, beautiful and healthful environment;
- b. Efficient/effective management of solid waste shall be a shared responsibility of the populace and government;
- c. Sustainable ecological solid waste management shall be guided by the 4Rs: Reduce Reuse, Recycle and Recovery.

Section 54. RECOGNITION.

The Municipality of Dumingag shall acknowledge, document, and highlight for replication, all people's success stories in the implementation of household, purok, barangay solid waste management including income generating projects from waste materials. Recognition and incentives shall be given to individuals, cooperatives and entities who can demonstrate initiative and ventures, highlighting the use, reuse, recycling and reduction of solid waste materials.

Section 55. MUNICIPAL SOLID WASTE MANAGEMENT BOARD.

There shall be created a Municipal Solid Waste Management Board that shall perform the following functions:

- a. Development a Solid Waste Management Plan;
- b. Adopt measures to promote and ensure the viability and effective implementation of Solid Waste Management Programs in all barangays;
- c. Monitor the implementation of the Municipal Solid Waste Management Plan thru the barangays, and in cooperation with the private sector and non-government organizations;
- d. Adopt specific revenue-generating measures to promote the viability of the program;
- e. Convene regular meeting for purposes of planning and coordination of the solid waste management plan of barangays;
- f. Adopt a process of maximum consultation with all concerned sector and agencies to ensure that their needs, concerns, ideas are seriously considered in the formulation of the plans and programs;
- g. Oversee the implementation of the Municipal Solid Waste Management Plan;
- h. Review the Municipal Solid Waste Management Plan for purposes of ensuring sustainability, viability and effectiveness of its implementation;
- i. Develop specific mechanics and guidelines to implement the Municipal Solid Waste Management plan;
- j. Provide the necessary logistical and operational support to Solid Waste Management Program;

- k. Recommend measures and safeguards against pollution and the preservation of the natural ecosystem;
- l. Coordinate the efforts of the barangays in the implementation of the Municipal Solid Waste Management Plan; and
- m. Call on any agency or sector, as it may deem necessary, for support or other appropriate action.

Section 56. RECOGNITION, EVALUATION AND UPDATING.

The Municipal Government of Dumingag through the MENRO shall continue the effective and efficient implementation its comprehensive solid waste management ordinances and its amendments. Further, the Municipal Government of Dumingag shall regularly assess the solid waste management through periodic monitoring and evaluation of the ordinances implementation. Environmental groups and advocates shall be tapped together with the purok presidents, barangay captains, representative of civil society and the academe heads to ensure effective monitoring of all local environmental ordinances.

Section 57. CLOSING OF OPEN DUMPS AND GRADUAL PHASING OUT OF CONTROLLED DUMPS FOR SOLID WASTE.

The Municipal Government shall close open dumps and gradual phasing out of controlled dumps and start establishing sanitary landfill or Ecological Park.

Section 58. SUPPORT TO BARANGAY GOVERNMENT UNITS.

The Municipal Government of Dumingag shall provide environmental capacity formation, management skills and advocacy techniques to the barangay government units, to ensure proper waste segregation and collection while instilling people's participation for the environmental agenda.

Section 59. SUPPORT TO ECONOMIC ENTERPRISE.

The Municipal Government of Dumingag shall extend technical support to cooperatives, individuals and entities who shall engage in project/enterprise that will complement the efforts the Municipal Government of Dumingag in mitigating solid waste management problems, subject to reasonable guidelines.

Section 60. PENALTIES AND ADMINISTRATIVE SANCTIONS.

Imposition of penalties and administrative sanctions shall be in accordance with the existing penalty provisions of the solid waste management ordinances and its amendments.

Article II - Smoking-Free Environment

Section 61. SCOPE OF POWERS.

The Municipal Government of Dumingag in the exercise of its powers, functions and responsibilities shall prescribe measures to protect the health of the general public from the bad effects of the smoke from cigarettes and tobaccos, and the health and safety particularly the children and pregnant women from harm and danger of smoking.

Section 62. OPERATIVE PRINCIPLES.

The initiatives of the Municipal Government of Dumingag in declaring itself as smoking-free environment shall be governed by the following principles:

- a. It is the policy of the Municipal Government of Dumingag to protect its populace from hazardous products and promote the right and instill health consciousness among them;
- b. It is the main thrust of the Municipal Government of Dumingag to promote a healthful environment, inform the public of the health risks associated with cigarette smoking and tobacco use, ban all tobacco advertisement and sponsorship, protect the youth from being initiated to cigarette smoking and tobacco use by prohibiting the sale of tobacco products to

- c. Cigarettes and other products containing tobacco are highly engineered so as to create and maintain dependence; thus, efforts to reduce if not eradicate its ill-effects have to be initiated; and
- d. Sought to encourage people to quit smoking for health reasons and to protect people from exposure to secondhand smoke.

Section 63. COVERAGE.

This Ordinance covers the following:

- a. No person shall smoke inside government premises, buildings, offices, grounds of government agencies providing health, education and/or social welfare and development services such as hospitals, health centers, schools and colleges and other public places pursuant to CSC Memorandum No. 17 series 2009 and Tobacco Regulation Act of 2003;
- b. Smoking in puroks, kiosks, waiting sheds, barangay or municipal halls, session halls; convention/training/seminar centers; cinema houses; video centers; computer houses, stores/shopping centers; eateries such as but not limited to restaurants, cafeterias, carenderias, bakeshops, cafes, and other public places frequented by people is hereby prohibited;
- c. Smoking is prohibited in all public conveyances. Smoking inside a private vehicle in a public place is still a violation of this ordinance;
- d. Smoking is likewise prohibited on roads and roads shoulders, highways, streets, alleys, walkways, and sidewalks as well as lobby, corridors and hallways outside an office or building;
- e. Sari-sari stores in all barangays established within or outside of the residence or private premises are considered public place, therefore smoking is prohibited;
- f. This ordinance is not applicable in private residences.

Section 64. NO SMOKING SIGN.

All owners of business establishment, operators of public conveyances, in the municipality are hereby mandated and required to display and/or post a poster or sticker or billboard in a conspicuous area where the business is conducted containing the following words of warning "NO SMOKING" or "GIDILI ANG PAGTABAKO" and "THANK YOU FOR NOT SMOKING". The LGU of Dumingag shall post a warning signs in schools and in all government building and offices.

Section 65. BANNING OF TOBACCO ADVERTISEMENT.

The Municipal Government of Dumingag found it imperative to ban the advertisement of tobacco products in every establishment including outside point of sale within the territorial jurisdiction of the Municipality of Dumingag comprehending that the same will, to a certain extent, help in abating tobacco smoking.

Section 66. DIRECTING ALL REGULAR GOVERNMENT EMPLOYEES TO QUIT SMOKING.

The Municipal Government of Dumingag finds it imperative for government workers to be healthy by adopting a healthy lifestyle starting with avoiding cigarette and tobacco smoke in order to deliver services effectively and efficiently.

Section 67. CLIENTELE'S OBSERVANCE OF NO-SMOKING POLICY.

Only non-smokers can be beneficiary of LGU Assistance program. Smokers are automatically disqualified to avail any grant or assistance coming from the government.

Section 68. REGULATING THE SELLING OF CIGARETTES TO MINORS (BELOW 18 YEARS OLD).

No person or persons, storeowners selling cigarettes in the Municipality of Dumingag shall sell cigarettes to minors below 18 years old whether by stick/pack of cigarettes.

Section 69. RESTRICTION TO PARENTS WITH MINOR CHILDREN.

No parent or parents shall let or allow their minor children below 18 years old to buy cigarettes in stores of Dumingag to protect them from the vices of smoking.

Section 70. PROHIBITION OF SELLING 100 METERS RADIUS AWAY FROM SCHOOL PERIMETER.

All stores established within 100 meters radius from school perimeters are hereby prohibited to sell cigarettes and other tobacco products.

Section 71. GRANTING OF MONETARY INCENTIVES.

Any civilian who can inform, and testify and/or apprehend any violator/s of the smoke-free environment ordinance of Municipality of Dumingag shall be entitled and authorized to receive an incentive consisting of one-half (1/2) of the fine imposed to the violators.

The Municipal Treasurer's Office shall be responsible for the collection of the fine imposed and thereafter issue appropriate receipts thereof and the granting of the incentive to the civilian entitled to receive the same after signing the necessary acknowledgement receipt.

In cases of implementation in the barangay level, the Barangay Treasurer shall be authorized to receive the fine and issue receipts thereof and to grant the incentive to the civilian entitled to receive the same, provided, that Fifty (50%) percent of the fine collected by the government shall accrue to the barangay concerned.

Section 72. MUNICIPAL ANTI-SMOKING COUNCIL.

The Municipal Anti-Smoking Council of the Municipality of Dumingag is hereby created to continue in the enforcement and strengthen public awareness.; The council is task to lead the non-smoking campaign, initiate related activities and programs, and shall recommend legislations for the advancement of the campaign. Stipulated roles and functions, and the composition of the Municipal Anti-Smoking Council in the Executive Order No. 26, series of 2010 remained to be valid and binding.

Section 73. MUNICIPAL ANTI-SMOKING COUNCIL SECRETARIAT.

The Municipal Anti-Smoking Council Secretariat of the Municipality of Dumingag is hereby created which will work directly under the office of the Municipal Mayor and shall work with the Municipal Anti-Smoking Council. Stipulated roles and functions, and the composition of the Municipal Anti-Smoking Council in the Executive Order No. 27, series of 2010 remained to be valid and binding.

Section 74. MUNICIPAL ANTI-SMOKING TASK FORCE.

The Municipal Anti-Smoking Task Force of the Municipality of Dumingag is hereby created in order to aid the implementation, enforcement and monitoring of the smoke-free environment ordinance and to protect the Municipality of Dumingag from tobacco industry interference at all times, as well as to conduct educational awareness campaigns, information dissemination program, and capacity-building programs, that will inform the constituents and train enforcement officers. Stipulated roles and functions, and the composition of the Municipal Anti-Smoking Task Force in the Executive Order No. 1, series of 2012 remained to be valid and binding.

Section 75. CIVILIAN PARTICIPATION IN ENFORCEMENT.

The Office of the Municipal Mayor shall designate one or more civil society organization to discharge the duties and responsibilities.

Section 76. PENAL PROVISIONS.

Any individual violating any section or provision of this ordinance shall be meted with the following:

OFFENSES	PENALTY
First offense	P 1,000.00 OR Four (4) days community service
Second offense	P1,500.00 OR six (6) days community service
Third offense and subsequent offenses	P2,000.00 OR one (1) week community service
If the smoking violation will occur in the business establishments or public utility vehicles, the owner/proprietor or driver shall be fined in the amount of P500 in every violation.	

Directive/instruction for the community work/service to be rendered by the violator shall derive from the MENRO/Clean Watch.

Section 77. PROCEEDS FROM FINES.

Funds to be collected in the strict implementation of the smoke-free environment will be utilized for anti-smoking related activities subject to usual accounting and auditing rules and procedures.

Article III – Plastic Bag Regulation

Section 78. SCOPE OF POWERS.

The Municipal Government of Dumingag in the exercise of its powers, functions and responsibilities shall minimize if not eliminate activities, products and services that generate residual waste and promote practices that will support avoidance or reduction of residual waste generation.

Section 79. OPERATIVE PRINCIPLES.

The initiatives of the Municipal Government of Dumingag in banning the use of plastic bags as bagging materials in the entire municipality regardless of its composition, either regular or degradable bags shall be governed by the following principles:

- a. It is the policy of the Municipal Government of Dumingag to protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature;
- b. The Municipal Government of Dumingag takes full responsibility in the management and maintenance of ecological balance within its territorial jurisdiction;
- c. It is the main thrust of the Municipal Government of Dumingag to protect the environment and impose appropriate penalties for acts which endanger the environment including activities which result in pollution, acceleration or eutrophication of rivers and lakes or ecological imbalance;
- d. The indiscriminate dumping of plastic bags and packaging materials into the environment and the eventual burning of the same in open dumps coupled with an apathetic behavior of the population are exacerbating air pollution, deteriorating water quality, contributing to the shallowing of rivers, creeks, streams and canals and as such constitute a serious threat to public health and the integrity of the ecosystem; thus, efforts to reduce if not eradicate such practices have to be initiated; and
- e. The banning of the use and distribution of thin film, single use, carry out plastic bags will greatly contribute to a reduction in the volume of solid wastes generated by local communities that end up in canals, waterways, rivers, creeks and streams and eventually in the bay.

Section 80. PROHIBITION ON THE USE OF PLASTIC BAG.

No commercial establishment shall utilize all types, either regular or degradable, of thin film, single use, or carry out plastic bags at the point of sale for the purpose of carrying away goods.

Commercial establishment shall include among others the groceries, sari-sari stores, all sectors in the public market, restaurants, fast foods, bakeries/bread houses, department stores, retails stores, ambulant vendors, food kiosk, and other similar establishments.

Section 81. PROHIBITION ON SELLING PLASTIC BAGS.

No commercial establishment, ambulant vendors, peddlers and/or individual shall offer or sell plastic bags to be used as packaging materials.

Section 82. PLASTIC WASTE NOT TO BE COLLECTED.

Plastic bag or other similar plastic waste materials discarded will not be included in the collection of biodegradable wastes. These materials must be cleaned and dried prior to

submission to their respective barangay MRFs and/or household MRF for proper collection and disposal.

Section 83. ALTERNATIVE PACKAGING MATERIALS.

The use of recyclable, reusable and/or biodegradable alternative packaging materials should be encouraged, promoted and practiced, such as reusable bags, woven bags (bayong), cloth bags, baskets, shopping bags made from recycled waste paper and other bags made out of biodegradable materials

(.e.g. banana leaves, water lily, corn stalk, etc.) shall be utilized as an alternative packaging material. The use of cellophane is discouraged. All business establishments are encouraged to adopt the "Balik-Bayong, Balik-Basket Program."

Section 84. INCENTIVE FOR USING REUSABLE BAGS.

To promote the use of reusable bags, stores are hereby encouraged to implement the Balik-Bayong, Balik-Basket (4B) program and to formulate appropriate incentives to consumers, which may include, but not limited to the following:

- a. **Point System Scheme** - For stores implementing the point system scheme to their regular customers, additional points may be given to those who are using reusable shopping bags or are participating in the 4B Program;
- b. **Green Lane** - All stores are encouraged to provide special counters or express lane to be called as green Lane to cater to customers who bring their own bags or use reusable bags.

Section 85. PENAL PROVISIONS.

All individuals, business establishment, sari-sari stores, ambulant vendors, food kiosk, groceries, all sectors in the public market, restaurants, fast foods, bakeries/bread houses, department stores, retails stores and the like who violated any provision of this no plastic regulation shall be fined and punished through imposition of the following penalties:

First Offense : Five Hundred Pesos (Php 500.00) fine and confiscation of the plastic bags or shall render one (1 day) community service.

Second Offense : One Thousand Pesos (PHp 1,000.00) fine or imprisonment of not less than five (5) days but not more than ten (10) days or both at the discretion of the court.

Third & Succeeding Offenses: Two Thousand Pesos (PHp 2,000.00) fine and imprisonment of not less than ten (10) days at the discretion of the court.

Section 86. PROCEEDS FROM FINES.

Funds to be collected in the strict implementation of the no plastic regulation will be utilized to finance 4B programs.

Article IV -

Climate Change and Disaster Risk Reduction

Section 87. SCOPE OF POWERS.

In the exercise of their respective mandates, the:

Municipal Government of Dumingag shall:

1. Give due importance to climate change adaptation and mitigation as one of their regular functions, in solidarity with the rest of the global struggles and advocacies to offset and/or mitigate the effects of climate change;
2. Formulate and implement their respective climate change action plans consistent with the National Climate Change Action Plan;

3. Formulate and implement, through the Municipal climate change action plans which shall include, but not limited to, the following components:

- a. Vulnerability Audit which includes assessment of the municipal impact of climate change, identification of the most vulnerable communities/areas including ecosystems; and the assessment and management of risk; and
- b. Develop and update a Municipal Climate Change Risk and Vulnerability Reduction Action Agenda, which includes the identification of options for risk reduction; and prioritization of appropriate mitigating and adaptation measures as joint projects of the municipal government, NGOs, POs and other private entities.

Through the Municipal Disaster Risk Reduction Management Council (MDRRMC), plans shall be formulated and institutionalized.

Plans shall include a Municipal Climate Change Action Plans, Municipal Risk Reduction Management Plan and other plans which may offset future climate change hazard and other forms of disaster.

4. Through the Climate Change Consultative Council, conduct awareness campaigns especially to school children and the rest of the academe, and the general public on the effects of climate change and energy-saving solutions to mitigate these on the effects, and initiatives, through educational and training programs and micro-credit schemes, especially for women in rural areas;
5. Dumingag LGU through the, MCCCC shall develop the capacity and capability of implementors and the communities especially vulnerable and disaster prone areas. This will include community-based training and public information on the importance of disaster risk reduction and management concepts; issuance of timely warning on impending threat of hazard; and strengthening of the LGU capabilities on disaster risk management;
6. Regularly update their respective action plan to reflect changing social, economic and environmental conditions and emerging issues;
7. Furnish the Climate Change Commission established under RA 9729 with copies of its action plans and all subsequent amendments, modifications and revisions thereof, within one (1) month from its adoption;
8. Mobilize and allocate necessary personnel, resources and logistics to effectively implement its action plans on climate change; and
9. Coordinate with the national government agencies concerned in technical and financial assistance to LGUs, in accomplishing Local Climate Change Actions Plans.

Barangay Government shall:

1. Be directly involved with the municipal governments in prioritizing climate change issues (and in identifying and implementing best practices and other solutions; and
2. Mobilize and allocate necessary personnel, resources and logistics to effectively implement its climate change action plans.

Section 88. OPERATIVE PRINCIPLES.

Cognizant of its share in the country's participation to the UN Framework Convention on Climate Change (UNFCC), the Municipal government of Dumingag adopts the following:

- a. The ultimate objective of stabilizing greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system;

- b. Precautionary principle shall be the guide of all decision-making in climate risk management;
- c. Climate change and disaster risk reduction are closely interrelated and effective disaster risk reduction will enhance climate change adaptive capacity; and
- d. The concept of climate change shall be systematically integrated to the teaching instruction of different education formalities of Dumingag, especially to the school children, to various phases of local policy formulation, development plans, poverty reduction strategies and other development tools and techniques by all LGUs.
- e. Dumingag's Sustainable Organic Agriculture efforts shall be one of the local contribution to lessen the harmful effects of destructive agricultural practices towards the environment and the global climate in general.

Section 89. LOCAL CLIMATE CHANGE ACTION PLAN.

The local government unit of Dumingag shall be the frontline agency in the formulation, planning and implementation of climate change action plans in their respective areas consistent with the provisions of the Local Government Code, the United Nation Framework on Climate Change, and the National Climate Change Action Plan. (Section 14, RA 9729). In the development and implementation of the Local Climate Change Action Plans, the LGU shall coordinate with the national government agencies, local disaster coordinating councils, non-government organizations (NGOs), civic organizations, academe, people's organizations, the private and corporate sectors and other concerned stakeholder groups.

Section 90. FRAMEWORK STRATEGY AND PROGRAM ON CLIMATE CHANGE AND DISASTER RISK REDUCTION.

Consistent with the National Framework Strategy, the LGU shall formulate Local Plan and Program on Climate Change and Disaster Risk Reduction as basis for planning, research and development, extension and monitoring of activities to protect vulnerable communities. The Plan shall be formulated based on climate change and disaster vulnerabilities, specific adaptation needs and mitigation potentials. (Sec. 14, RA 9729)

Section 91. FUNDING ALLOCATION FOR CLIMATE CHANGE AND DISASTER RISK REDUCTION.

- a. Dumingag Local Government Unit(LGU) shall appropriate and use the amount from its Internal Revenue Allotment necessary to effectively implement the local plan on climate change, any provision in the Local Government Code to the contrary notwithstanding.

CHAPTER IV - ECO- AGRO, ENERGY AND ENVIRONMENTAL IMPACT ASSESSMENT

Article I -Eco-Agro Tourism

Section 92. SCOPE OF POWERS.

In the exercise of its inherent powers, the local government unit of Dumingag shall develop and promote programs on eco-agro tourism industry and regulate and/or supervise tourism-related business concessions and their operation in accordance with existing applicable laws and issuances.

Section 93. OPERATIVE PRINCIPLES.

The pursuit of ecological tourism shall be guided by the following operative principles:

Eco-agro tourism is a strategy for:

1. The promotion of the natural and man-made attractions of the Municipality as a tourist destination;
2. The preservation of the indigenous/LUMAD traditions and cultural heritage;

3. The creation of employment opportunities for local residents and ground (multi-sectoral) stakeholders;
4. The generation of revenues for the local government units and the communities; and
5. The conservation of biological diversity in the forest and farms.

The prior consultation and consent of the affected community in an assembly called for the purpose shall be the primary consideration in the operation and/or utilization of eco-agro tourism sites.

Section 94. COMMUNITY-BASED ECO-AGRO TOURISM.

The Municipal Government of Dumingag hereby adopts community-based eco-agro tourism to promote sustainable organic agriculture, alternative medicine, community entrepreneurship and biodiversity conservation subject to guidelines which may hereinafter be promulgated.

Section 95. SELECTION OF ECO-AGRO TOURISM SITES.

The Municipal Government of Dumingag, in collaboration with the Department of Tourism, DENR, Department of Agriculture, concerned Barangay Government Unit and other stakeholders shall determine, authorize and prescribe parameters for eco-agro tourism sites visitation and development.

Section 96. PREPARATION OF MUNICIPAL ECOLOGICAL TOURISM FRAMEWORK PLAN.

In the interest of environmental conservation, the Municipal Mayor shall direct the development of a Municipal Eco-Agro Tourism Framework Plan based on the ecological tourism and sustainable organic agriculture standards and guidelines for the development of sustainable eco-agro tourism.

No eco-agro tourism sites shall be authorized for commercial visitation, development or operation without a duly approved municipal eco-agro tourism plan.

Section 97. MUNICIPAL ECO-AGRO TOURISM COUNCIL (MEATC).

The Municipal Eco-Agro Tourism Council shall be created to identify and recommend for development of potential sites and review plans and proposals.

Section 98. MUNICIPAL ECO-AGRO TOURISM PLAN REVIEW.

The Municipal Eco-Agro Tourism Council (MEATC) shall review the proposed individual eco-agro tourism plans taking into consideration the following:

A. Prioritization of existing and potential eco-agro tourism sites for development on the basis of the following factors:

1. market potential;
2. infrastructure investment requirement;
3. economic viability;
4. strategic position for tourism expansion;
5. community participation;
6. biodiversity conservation;
7. environmental rehabilitation advantage; and
8. institutional arrangement with LGUs, NGAs and CSOs

B. Determination of appropriate type of development and management for each prioritized and potential sites.

C. Registration and control of the eco-agro tourism activities.

Section 99. ACCREDITATION SYSTEM.

The Municipal Government of Dumingag through the Municipal Eco-Agro Tourism Council (MEATC) shall institute a system for accreditation of tourist guides, drivers, escorts,

promoters, service providers and coaches and conveyances including the rules and regulations governing the issuance and renewal of licenses and the related fees and charges thereof.

Article II - Environmental Impact Assessment

Section 100. SCOPE OF POWERS.

In the exercise of their inherent powers, duties and functions, the Mayor of Dumingag shall ensure appropriate preventive and mitigating measures to safeguard the environment in the implementation of projects or undertakings.

Section 101. OPERATIVE PRINCIPLES.

The Municipal Government of Dumingag recognizes the need of an effective instrument for ensuring environmental soundness of all development projects to achieve a balance between economic growth and community development and ecosystem in the Municipality. As such, the Municipality adopts the following:

- b. The Environmental Impact Assessment (EIA) system shall be strictly required in the preparation, identification and implementation of all development projects covered by the system;
- c. The right of people to a healthy soil, safe water and clean air shall be given paramount consideration in the identification and implementation of development projects; and
- d. The need for free-prior informed-consent (FPIC) of affected communities by the proposed development programs shall be secured aside from the Environmental Compliance Certificate (ECC). FPIC is the approval from 50% + 1 of the total voting population of the last election in consonance with the Local Government Code of the Philippines.

Section 102. VALIDATION OF SCOPING SESSIONS.

The Mayor, through the Municipal Environment and Natural Resources Office (MENRO) shall participate in the scoping sessions and assist EIA preparers in identifying and validating the stakeholders.

Section 103. CONSISTENCY OF THE PROPOSED ENVIRONMENTAL IMPACT STATEMENT (EIS) DOCUMENT TO THE MUNICIPAL POLICIES AND PLANS.

The Mayor, through the Municipal Environment and Natural Resources Office (MENRO), shall ensure that the proposed project or undertaking shall adhere to the over-all policies and plans of the Municipal Government of Dumingag relative to the environmental conservation and protection. This shall be undertaken in the early stage of the EIA process particularly during the conduct of scoping.

Section 104. SOCIAL ACCEPTABILITY.

The acceptability of the environmental impact of a project or undertaking can only be fully determined through meaningful public participation and a transparent EIS process. In determining social acceptability, the Municipal government of Dumingag shall consider, among others, the following factors:

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

Section 105. ENDORSEMENT OF PROJECTS OR UNDERTAKINGS.

Projects or undertakings requiring EIA shall secure an endorsement through a Sangguniang Bayan resolution.

Section 106. REVIEW OF THE IEE OR EIS DOCUMENT.

When public interest so dictates or for other compelling reasons, the Municipal Mayor, through the Municipal Environment and Natural Resources Office (MENRO), shall convene the Municipal EIA Review Committee (MEIARC) to validate the EIS through appropriate methods such as ocular inspection/site visits and technical studies conducted by experts and relevant institutions prior to endorsing the project or undertaking through a resolution to the Department of Environment and Natural Resources - Environment Management Bureau (DENR-EMB).

Section 107. COMPOSITION OF THE MUNICIPAL EIA REVIEW COMMITTEE (MEIARC).

There is hereby created an interdisciplinary and multi-sectoral Municipal EIA Review Committee (MEIARC) which shall be responsible for undertaking the substantive review of the EIS submitted by the proponent. However, only accredited reviewer can be a member of the MEIARC.

Section 108. LAW ENFORCEMENT.

The Mayor, through the EIA Multi-Sectoral Monitoring Team, and in coordination with the DENR, shall ensure the strict enforcement of existing environmental laws, rules and regulations and mitigating measures provided in the EIS.

Section 109.

COMPLIANCE FOR PROJECTS COVERED BY THE EIA SYSTEM.

The DENR, through its EMB, shall furnish the Mayor list of projects and establishments covered by the EIA system.

Section 110. ENVIRONMENTALLY CRITICAL AREAS.

The Municipal Government of Dumingag, in close collaboration with the DENR - EMB and other government agencies, shall identify the location of Environmentally Critical Areas (ECAs) for the integration of the identified ECAs in the Comprehensive Land-Use Plan (CLUP).

Section 111. ENVIRONMENTAL GUARANTEE FUND (EGF).

The Municipal Government of Dumingag, through the Municipal Environment and Natural Resources Office (MENRO), shall participate in the negotiation and review of the Memorandum of Agreement (MOA) by and between the project developer and concerned parties for the establishment of an Environmental Guarantee Fund (EGF) for projects posing significant risks to answer for damage to life, health, property and the environment caused by such risk, or for those requiring rehabilitation or restoration measures.

Article III - Energy

Section 112. SCOPE OF POWERS.

In the exercise of their powers, duties and functions, the Municipal Mayor, and Punong Barangays shall adopt measures to safeguard and conserve the environment in general. Local government unit of Dumingag shall adopt measures for the protection of the environment, utilization in relation to the development and generation of electric power from indigenous and renewable resources such as geothermal, solar, hydro, wind power and other natural sources.

Section 113. OPERATIVE PRINCIPLES.

The Municipal Government of Dumingag recognizes the fact that it has varied renewable energy sources such as geothermal, solar, hydroelectric, wind power and other natural sources, and that unless appropriate proactive measures are put in place, energy development in the Municipality will have irreparable damage to the environment and to the socio cultural well-being of the people. Thus, energy utilization and management in the Municipality of Dumingag shall be guided by the following:

- a. The free and prior-informed consent of the people and the prior endorsement through a Sanggunian resolution from the LGUs at all levels shall be the paramount consideration in carrying out all energy development initiatives in the Municipality of Dumingag.
- b. All national agencies or government-owned or controlled corporations authorizing or those involved in the planning and implementation of any project or program shall be required to consult with the local government unit of Dumingag, civil society organizations and other sectors concerned and explain the goals and objectives of the project or program, its impact upon the people and the community in terms of environmental or ecological balance, and the measures that will be undertaken to prevent or minimize the adverse effects thereof pursuant to Section 26 of Republic Act No. 7160;
- c. Environmental laws, rules and regulations shall always govern the generation, distribution and transmission activities of power producers in the Municipality;
- d. Host communities shall enjoy the right to an equitable share from the wealth generated from the utilization of the Municipality's energy resources; and
- e. The primary consideration of the Municipality in entering into agreements with power developers shall be the comparative cost advantage which the end-users of the Municipality shall enjoy over those outside the Municipality.

Section 114. RESOURCE UTILIZATION.

Cognizant of the vital role of electric power in economic development, the Municipal Government of Dumingag shall encourage the development and utilization of indigenous and renewable energy sources such as solar, natural gas, biomass and hydropower, and wind power for immediate and future applications.

Section 115. MANAGEMENT ZONE.

Power producers are required to establish, protect, maintain and develop management zones.

Section 116. BENEFITS TO HOSTS.

- a. **Communities.** Power generation facilities and/or energy resources development projects shall provide the inhabitants of host communities financial benefits and lower electricity cost either through subsidy and/or non-subsidy schemes.
- b. **Barangay Government Units.** Host barangay government units shall be entitled to an equitable and just share of the proceeds derived from the development and utilization of the national wealth.
- c. **Municipality.** The Municipal Government hereby adopts the "One Municipality, One Electric Cooperative" policy. Further, it shall enter into agreement with power generation companies and/or energy resource developers to commit funds to be managed by the Municipal Government for:
 1. Research and Development;
 2. Consumer Welfare;
 3. Monitoring and Evaluation; and
 4. Fund for affected communities.

Section 117.

As in case of no interested power developers/investors, the Municipality of Dumingag shall develop and utilize indigenous and renewable energy sources such as solar, natural gas, biomass, hydropower, and wind power for immediate and future consumption.

Section 118. EDUCATION AND PROTECTION.

The Municipal Government of Dumingag, in coordination with concerned national agencies, local government units, service utilities, academe, tri - media, civil societies and consumer groups or associations, shall undertake continuing education, information and consumer welfare and protection programs for energy sector consumers.

CHAPTER V

Article I - Final Provisions

Section 119. FUNDING/APPROPRIATION.

The Municipal Government of Dumingag shall appropriate funds to ensure effective enforcement of this Code.

Section 120. IMPLEMENTING RULES AND REGULATIONS.

Within one hundred twenty (120) days after the approval of this Ordinance, the Mayor through a Technical Working Group, shall formulate the Implementing Rules and Regulations (IRR) necessary to carry out the provisions of this Ordinance. Provided, that failure to issue rules and regulations shall not in any manner affect the executory nature of the provisions of this Ordinance.

Section 121. PRIOR CONSENT OF SANGGUNIAN.

Private entities, government agencies and its instrumentalities are hereby required to secure prior consent of the concerned Sanggunians in the implementation and development of investment programs or projects affecting the environment.

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

Section 122. APPLICABILITY CLAUSE.

All other matters not covered by this Code shall be governed by pertinent laws, rules and regulations.

Section 123. CONFLICTING PROVISIONS OF CHAPTERS.

If the provisions of different Chapters are in conflict with each other, the provision of each Chapter shall prevail as to specified matters and questions involved therein.

Section 124. CONFLICTING PROVISIONS OF SECTIONS.

If the provisions of the different Chapters are in conflict with each other, the provisions of the Section which is the last in point of sequence shall prevail.

Section 125. IMPLEMENTING RULES AND REGULATIONS.

Within one hundred twenty (120) days after the approval of this Code, the Mayor through a Technical Working Group, shall formulate the Implementing Rules and Regulations necessary to carry out the provisions of this Code. Provided, that failure to issue rules and regulations shall not in any manner affect the executory nature of the provisions of this Code.

Section 126. SEPARABILITY CLAUSE.

If for any reason, any provision of this Code is declared invalid or unconstitutional, all other provisions hereof not affected thereby shall continue to be in full force and effect.

Section 127. SPECIAL PROVISION.

The Mayor through a Technical Working Group (TWG), shall provide for the mandatory review of this Code after five (5) years of its effectivity and shall proposed for the amendment of the same to be submitted to the Sangguniang Bayan and for the august Body to legislate amendatory provisions as the need arises.

Section 128. REPEALING CLAUSE.

All ordinances, executive orders, resolutions and other Municipal memoranda or rules inconsistent with the provisions of this Code are hereby repealed or modified accordingly.

Section 129. EFFECTIVITY CLAUSE.

This Code shall take effect fifteen (15) days following the posting requirements and after its full publication compliance for three (3) consecutive issues in a local newspaper of general circulation within the Municipality of Dumingag, whichever occurs later.

Enacted: May 20, 2014


JESSYL B. PALON
Secretary to the Sanggunian

ATTESTED AND CERTIFIED
TO BE DULY ADOPTED


FRANCISCO D. GUMBAN
SB Member/Presiding Officer

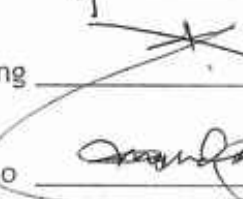
NOTED:


MICHAEL F. MORPOS
Municipal Vice Mayor

APPROVED:

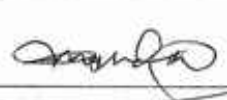
Hon. Francisco Gumban 

Hon. Agustin Adapon, Sr. 

Hon. Reynante Borling 

Hon. Roger Pacalioga

on leave

Hon. Corazon Mandao 

Hon. Lars Christian Tangalin 

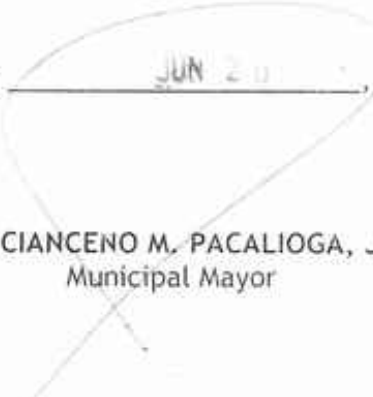
Hon. Bernaldo Degenion 

Hon. Nilo Ledesma

absent

Hon. Jerson Cabahug 

APPROVED: JUN 20, 2014


NACIANCENO M. PACALIOGA, JR.
Municipal Mayor

not valid without Sanggunian seal