

Office of the SB Secretary

EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE SANGGUNIANG BAYAN OF DUMINGAG, ZAMBOANGA DEL SUR, HELD AT THE MUNICIPAL SESSION HALL ON NOVEMBER 13, 1995.

- C a l l -

PRESENT:

Hon. Edgardo G. Jamero,	Vice Mayor, Presiding
Hon. Nacianceno M. Pacalioga, Jr.,	Sangguniang Bayan Member
Hon. Zacarias P. Tangalin,	-do-
Hon. Felipe Q. Robles,	-do-
Hon. Jovencio Bono,	-do-
Hon. Eddie Bueno,	-do-
Hon. Edman Ambil,	-do-
Hon. Wellie Geographia,	-do-
Hon. Inocencio Faunillan,	-do-
Hon. Allan Anggaos,	-do-
Hon. Jenelyn L. Yu,	-do-

ABSENT:

NONE

ORDINANCE NO. 9, S. 1995

AN ORDINANCE PRESCRIBING LOCAL ENVIRONMENTAL PROTECTION MEASURES AND DIRECTIONS AND PENALIZING ANY VIOLATIONS THEREOF. AUTHOR HONORABLE JUN PACALIOGA, CO-AUTHOR HONORABLE FELIPE ROBLES.

Be it ordained by the Sangguniang Bayan of Dumingag, Zamboanga del Sur in Session Assembled:

SECTION 1 - TITLE - This ordinance shall be called "An Ordinance Prescribing Local Environmental Protection Measures and Directions and Penalizing Any Violations Thereof". Pursuant to Section 16 of the Local Government Code, it will be one of the prime duties and responsibilities of every LGU, the Chief Executive and the Sangguniang concerned, to exercise powers and functions and to pass resolutions and enact ordinances ensuring the proper implementation of several measures protecting our environment.

SECTION 2 - PURPOSE - It shall be the duties and responsibilities also, not only by the government but to all individuals, groups or organizations to participate in waging an intensive campaign to have a safe environment more equitable and more sustainable future. And so, therefore, the purpose of this ordinance is to unite all our concerted efforts to adopt a common environmental policy, common direction and interpretation that is acceptable to all sectors in our municipality.

SECTION 3 - LOCAL ENVIRONMENTAL PROTECTION MEASURES - Our Local Environmental protection measures Outlines as follows:

3.1 Forest Protection such as banning of illegal logging and smuggling of logs, restrictions of cutting natural forest trees for the purpose of producing linakasi and other lumber species for commercial purposes, picking orchids or birds nest and woodbarks for hut roofs, traditional farming like kaingin method (slash and burn farming), careless or thoughtless burning of dry or decayed substances that cause forest to burn and other similar doings that can badly destroy our forest.

3.2 Reforestation by planting primarily the naturally

Yakal, Tangile and others for forest restoration and expansion of our forest reserves and secondly, the planting of cash crop trees such as Gemilina, Acasia Aurie, Acasia Mangium, Mahogany and different fruits trees for commercial purposes.

- 3.3 Protecting our wildlife resources in our forest land such as the prohibition of hunting, killing, or taking beautiful birds and other friendly wildlife animals, obstruction of plants and flowers, taking and shifting rattans for commercial purposes, destroying birds nest or eggs especially the protected birds.
- 3.4 Planting trees beside rivers or creeks banks preferably bamboos for soil preservation.
- 3.5 Introducing contour farming type of planting trees to prevent soil erosion.
- 3.6 Prohibition of poisoning the rivers, creeks, and streams for the purpose of catching fish.
- 3.7 Prohibition of panning gold by using metallic poisonous mercury process.
- 3.8 Enacting an ordinance prohibiting the dumping of waste materials to the rivers, creeks and streams and other restricted public areas.
- 3.9 Promotions and information dissemination about environmental management and programs.

SECTION 4 - LOCAL ENVIRONMENTAL DIRECTIONS - Our Local Environmental Directions aims to have our share in restoring ecological balance and preserving our remaining environmental reserves as enumerated as follows:

- 4.1 Our goal is to "Make Dumingag Green".
 - 4.1.1. Provide favorable climate for the farmers to plant natural grown and agroforest trees.
 - 4.1.2. Distribution of "free ready to plant seedlings"
 - 4.1.3. Promote environmental awareness to the people
 - 4.1.4. Providing fair market for the trees farmers for their agro-forest production thru cooperatives.
- 4.2 Establish multi-nurseries for seedlings generation.
- 4.3 Establish ~~KKM~~ and PO's to participate in planning and implementing the environmental program as partner.
- 4.4 Prepare a comprehensive program and an action plan for a genuine reforestation that aims to conserve our human and ecological security (HES task).
- 4.5 Continuous education and information dissemination to our people about the importance of a balance world for us humans to live.
- 4.6 Arousing and mobilizing the subanen people to participate in programs and implementation of environmental protection.

SECTION 5 - KAINGIN FARMING (slash and burn farming) - Kaingin Farming is one of the most disastrous act made by man to our environment. This can merely destroy our forest. The areas damaged done by the Kaingineros can be divided into two kinds:

- 5.1 Kaingin over a virgin forest, residual forest or a logged-over areas, and,
- 5.2 Kaingin over the brushland or the Lumads commonly called it as Anot areas.

Second growth species is called Anot. This is once a virgin forest or a logged-over areas that was tilled by our inhabitant thru kaingin farming. When the area restored it passes the process named Anot.

Categorically, this can be divided into three parts - The Matured Anot, The Intermediary and the Young Anot.

- 5.2.1 The Matured Anot - the eldest among the Anots and is near to be a forest. Loggers called this as Bud Forest. The size of the trunk of the natural grown forest trees at breast height or above the buttress measured ranging from 25 to 40 centimeters in diameter.
- 5.2.2 The Intermediary Anot - categorically younger than the matured anot. The size of the trunk of the natural grown forest trees at breast height or above the buttress measured ranging from 10 to 30 centimeters in diameter.
- 5.2.3 The Young Anot - the youngest of the anots and the size of the trunk of the natural grown forest trees at breast height or above the buttress is 5 to 10 centimeters in diameter.

SECTION 6 - PENAL PROVISIONS - It shall be unlawful to any persons or person violating these local Environmental Protection Ordinance.

- 6.1 Any person engaging an illegal logging and smuggling or logs shall be punishable under our national special laws of Section 68 of PD No. 705 otherwise known as the FORESTRY LAW.
- 6.2 Any person violating the measures of restricting the cutting of naturally grown forest trees for the purpose of producing linakei, picking orchids and bird's nest, woodbarks for hut roofs and other purposes shall have a punishment of imprisonment of not less than three (3) months and not more than six (6) months and a fine not less than P500.00 but not more than P1,000.00 for the first offense. And if in case of continuous offense, the penalties are two degrees higher than those stated above, or upon discretion of the court.
- 6.3 It shall be unlawful to any person violating the strict prohibition on Kaingin Method of Farming specifically the virgin forest, residual forest, degraded residual forest or a logged-over forest and any person found guilty of violating these provision shall have a punishment under our national special laws of Section 69 of PD 705 otherwise known as UNLAWFUL OCCUPATION OR DESTRUCTION OF FOREST OR KAINGIN.
- 6.4 Kaingin Farming over the Matured and Intermediary Anot is likewise also prohibited and therefore any person violating these provision thereof shall have a punishment of imprisonment of not less than 6 months but not more than one (1) year and a fine of not less than P500.00 but not more than one thousand pesos (P1,000.00) for the first offense, and, if in case of continuous offense, the penalties are four degrees higher than those stated above, or upon the discretion of the court.

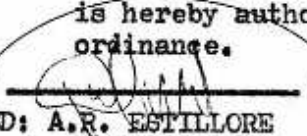
- 6.5 Under these ordinance, only the young who shall the Rainforest be granted to cultivate or tilled provided that there grows no hardwood or naturally grown forest trees, but if there is, it is likewise strictly prohibited and therefore any person violating these shall be punished by an imprisonment and a fine stated in the next preceding paragraph.
- 6.6 Any person found guilty of violating the provisions protecting our wildlife resources in our forest land such as the prohibition of hunting, killing or taking beautiful birds, and other friendly wildlife animals, destroying bird's nest or eggs, obstructing of plants, orchids or other flowers, and taking or transporting rattans inside our protected forest land for commercial furniture shall be punished by a penalties similar to subsection 6.2 of the penal Provisions of these ordinance.
- 6.7 Careless or thoughtless burning of dry or decayed substances that cause damage to our forest is therefore punishable under these ordinance and any person found guilty of violating this provision shall be punished by an imprisonment and a fine stated in the next preceding paragraph.
- 6.8 Any person violating the provision of prohibition of poisoning the rivers, creeks and streams for fishing purposes shall have a punishment of not less than one month but not more than six (6) months and a fine of not less than P200.00 but not more than one thousand (1,000.00).
- 6.9 Violation of careless waste disposal to the rivers, creeks and streams, restricted public areas or any other not in the right dumping place is punishable under ordinance No. 7 ss, of 1995 enacted by the Sangguniang Bayan of Dumingag, Zamboanga del Sur.
- 6.10 Any person violating the provision restricting the use of metallic poisonous mercury for processing gold shall be punished by an imprisonment of not less than two months but not more than one year and a fine of not less than P400.00 but not more than P2,000.00, or upon the discretion of the court.

SECTION 7 - IMPLEMENTING RULES AND GUIDELINES - The Municipal Government of Dumingag headed by the Chief Executive and its key officials must be at the frontline of seeking ways and means for the proper implementation of the program. This is with proper coordination of different concerned government agencies such as the environmental Management Division of the Provincial Governor's Office with his implementing arm, the Environmental Aide and the Forest Guard which is assigned in our municipality, the Department of Environment and Natural Resources (DENR), the Department of Education, Culture and Sports (DECS) for awareness and educational purposes, the Philippines National Police (PNP) and the Barangay Government.

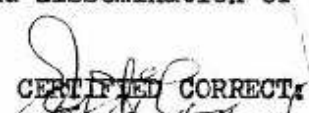
The Municipal Mayor, thru the authority of the Sangguniang Bayan, may choose the present environmental friendly NGO's or PO's in our municipality as partners for the implementation of the environmental protection program.

SECTION 8 - SEPARABILITY CLAUSE - Any part of provision of this ordinance which maybe held invalid, or inconsistent to our national special laws, the other parts of the provisions thereof not affected thereby, shall continue to be in full force and effect.

SECTION 9 - EFFECTIVITY - This ordinance shall be enforceable fifteen days (15) after its publication and upon the approval of the Sangguniang Panlalawigan and the amount of three thousand pesos (P3,000.00) is hereby authorized for the translation and dissemination of this ordinance.

ENACTED  session, November 13, 1995.

ATTESTED: A.R. ESTILLORE
SB SECRETARY

CERTIFIED CORRECT

EDGARDO G. JAMERO