



REPUBLIC OF THE PHILIPPINES
PROVINCE OF MASBATE
Tel./Fax (56) 333-2125

OFFICE OF THE SANGGUNIANG PANLALAWIGAN

THE MASBATE PROVINCIAL ENVIRONMENT CODE
2000



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EXCERPTS FROM THE MINUTES OF THE SPECIAL SESSION OF THE
SANGGUNIANG PANLALAWIGAN OF THE PROVINCE OF MASBATE HELD ON
FRIDAY, DECEMBER 29, 2000 AT THE S.P SESSION HALL, CAPITOL BUILDING,
CITY OF MASBATE.

Present: Presiding Officer: Hon. Mario K. Espinosa – Vice Governor

Members:

1st District: Hon. Narciso R. Bravo, Jr.

Hon Erusto A. Alforte

Hon. Arturo B. Revil

2nd District: Hon. Herminio L. Valdemoro

Hon. Edgar O. Legaspi

Hon. Antonio L. Pigon

3rd District: Hon. Jose M. Abenir, Jr.

Hon. Regino B. Tambago, Sr.

Hon. Julius M. Tuason – PCL Federation President

Ex-Officio: Hon. Socrates M. Tuason – LIGA President

Hon. Albert Vincent A. Chu – SK Federation Presiden

Hon. Merlene B. Fernandez

Absent:

Hon. Alex G. Almario

RESOLUTION NO. 177-2000

***A RESOLUTION ENACTING THE MASBATE PROVINCIAL ENVIRONMENT CODE OF
2000***

WHEREAS, presented for consideration before the August Body is An Ordinance Enacting The Masbate Provincial Environment Code of 2000;

WHEREAS, Section 16 of RA 7160 known as the General Welfare Clause provides that every local government unit shall exercise the powers expressly granted, those necessarily implied therefrom, for its efficient and effective governance, and shall ensure and support, among other things, the preservation and enrichment of culture, promote health and safety and enhance the right of the

people to a balanced ecology;

WHEREAS, enshrined under Section 468, Paragraph (1), Sub-Paragraph (VI) also of RA 7160, the Sangguniang Panlalawigan is mandated to protect the environment and impose appropriate penalties for acts which endanger the environment, such as dynamite fishing and other forms of destructive fishing, illegal logging and smuggling of logs, smuggling of natural resources products and of endangered species of flora and fauna, slash and burn farming and such other activities which result in pollution, acceleration of eutrophication of rivers and lakes or of ecological imbalance;

WHEREAS, environmental management is one of the crucial keys towards the attainment of socio-economic progress for the Province of Masbate;

WHEREAS, the municipal government units of the Province of Masbate have manifested their earnest and candid concern for the environment by passing several municipal resolutions and ordinances addressing environmental management issues;

WHEREAS, in order to integrate these initiatives of the municipal government units, the provincial government invited some representatives from the national, provincial and municipal offices and other line agencies as well as the private sectors in several conferences and had formed a core group to formulate policies that would protect our natural resources from indiscriminate exploitation;

WHEREAS, the core group believes that such policies can best be carried out through the enactment of the Environment Code of the Province of Masbate;

NOW THEREFORE, on motion of Hon. Herminio L. Valdemoro duly seconded by Hon. Erusto A. Alforte and concurred in by all Members present, BE IT

RESOLVED, as it is hereby resolved, to approve the foregoing Resolution and to enact the following Ordinance of the Masbate Provincial Environment Code 2000, to wit:

PROVINCIAL ORDINANCE NO. 003-2000
AN ORDINANCE ADOPTING THE ENVIRONMENT CODE
OF THE PROVINCE OF MASBATE

BE IT ORDAINED by the Sangguniang Panlalawigan of the Province of Masbate in session assembled that:

Article I
GENERAL PROVISIONS

SECTION 1. *Title.* This Ordinance shall be known as the “Masbate Provincial Environment Code of 2000”.

SECTION 2. *Declaration of Policy.* It is hereby declared the policy of the Province in partnership with municipal/city government units, national government line agencies and the private sector to enhance the quality of life of every Masbateño consistent with the principles of sustainable development and responsible stewardship of God’s Gift of Nature; and, thus, to this end, the purpose of this Code shall be to provide a framework of norms, standards and requirements to:

- a) preserve the resilience of nature. The use, development and protection of natural resources should be managed in a way, and at a rate, that will foster human dignity and enable people to provide for their economic, social and physical well-being.
- b) sustain the potential of natural and physical resources to meet the reasonably foreseeable needs of future generations.

- c) safeguard the life-supporting capacity of air, water, land and ecosystem.
- d) prevent, reduce, minimize and, where practicable, eliminate harm to the environment by:
 - i) implementing programs to encourage and assist action by industry, government authorities, and the community aimed at pollution prevention, clean production and technology; reduction, re-use and recycling of materials and natural resources; and waste minimization.
 - ii) regulating in an integrated, systematic and cost-effective manner activities, products, substances and services that through pollution or production of waste, can cause environmental harm;
 - iii) regulating the generation, storage, transportation, treatment and disposal of waste.
- e) coordinate activities, policies and programs necessary to prevent, reduce, minimize or eliminate environmental harm to ensure effective environmental protection, restoration and enhancement.
- f) facilitate the adoption and implementation of environment protection measures agreed on by the national government and local government units in the province under inter-LGU arrangements for greater uniformity and effectiveness in environmental protection.
- g) apply a precautionary approach to the assessment of risk of environmental harm. Where there are threats of serious or irreversible damage, lack of full scientific certainty should not be used as a reason for postponing cost-effective measures to prevent environment degradation.
- h) require persons natural or juridical engaged in polluting activities to progressively make environmental improvements including reduction of pollution and waste at source as such improvements become practicable through technological and economic developments.
- i) allocate the costs of environmental protection and restoration equitably and in a manner that encourages responsible use of and reduced harm to the environment with polluters bearing an appropriate share of the costs that arise from their activities, products, substances and services.
- j) provide for periodic monitoring and reporting on the state of the environment.
- k) promote community education to stimulate public participation in decisions affecting the environment and disclosure of and public access to information about significant environment issues, incidents and hazards.

SECTION 3. *Operative Principles.* This Code is based on the following underlying principles:

- a) In its pursuit of human development, the Province upholds equity to ensure fair access to opportunities and resources for present and future generations, and to give due respect to the past. In this sense, equity has the following components:
 - i) *Inter-class equity.* This implies the reduction of mass poverty considering that a principal cause of environmental degradation is that many of us have to make a cruel choice between our own immediate survival and a better life for our descendants.
 - ii) *Gender equity* ensures women's access to opportunities, resources and services to achieve a better life.
 - iii) *Cross-generational equity* means that the present generation is able to meet its own needs and attain its aspirations while preserving the integrity of its heritage and safeguarding the potentials and opportunities of future generations to meet their needs and aspirations.
- b) The Province recognizes the vital role of public participation in the decision-making process. A clean and healthy environment is for the good of all and should therefore be the concern of

all. All development activities should always give importance to and respect for the indigenous culture and practices of Masbateños. Gender and population concerns should be addressed in a manner reflecting ecological principles as well as the values and faith of the people. Institution-building for environmental management should arise from among the people, should provide the simplest solution to a felt need of the people, and the need should be felt strongly enough for the people to make most of the effort to organize themselves. If there is no definite felt need, no institution should be formed.

SECTION 4. *Definitions.* As used in this Code, the words, terms and phrases enumerated in Annex "A" hereof shall have the meaning or definition correspondingly provided therein.

Article II

PROVINCIAL OFFICE ON ENVIRONMENT AND NATURAL RESOURCE MANAGEMENT

SECTION 1. *Creation of the Provincial Office on Environment and Natural Resource Management.* There is hereby created a Provincial Office on Environment and Natural Resource Management (POENRM) under the Office of the Governor, as a result of the merging of the Environment and Natural Resources Office (ENRO) and the Department of Fisheries and Aquatic Resources (DFAR), which will oversee the implementation of this Code and shall coordinate the implementation of programs and projects, and the rules and regulations on environment and natural resource management in the province.

SECTION 2. There shall be created one (1) position of Provincial Government Department Head and two (2) positions of Provincial Government Assistant Department Head.

SECTION 3. *Jurisdiction of the Provincial Office on Environment and Natural Resource Management.* The Office shall have jurisdiction and authority over the environment and natural resources in the province, subject to the provisions of the Local Government Code of 1991 and other pertinent national laws, rules and regulations.

SECTION 4. *Powers and Functions of the Provincial Office on Environment and Natural Resource Management.* The Office, as the lead implementing and coordinating office in the province, shall:

- a) formulate and implement comprehensive plan on environment and natural resources in the province, pursuant to the provisions of this Code and national laws, rules and regulations. The plan shall contain programs, strategies, activities and policy guidelines on the sustainable management of forest resources, fisheries (inland and marine) and aquatic resources, water resources, mineral resources, ecological tourism, waste management, land use management, and pollution control and mitigation;
- b) provide assistance to the municipalities, city, barangays, and other government and private organizations in the implementation of their respective programs and projects such as, but not limited to, the protection, conservation and management of forest resources, fisheries (inland and marine) and aquatic resources, water resources and mineral resources, ecological tourism, waste management, land use management, and pollution control and mitigation;
- c) implement programs on information, education and communication, community organization, and capability-building and training and provide assistance to municipalities, city, barangays, and other government and private organizations in the implementation of similar activities in their respective areas;
- d) recommend to the Sanggunian concerned and advise the Governor and the Mayors, as the case may be, on matters relative to the protection, conservation and utilization of the environment and natural resources;

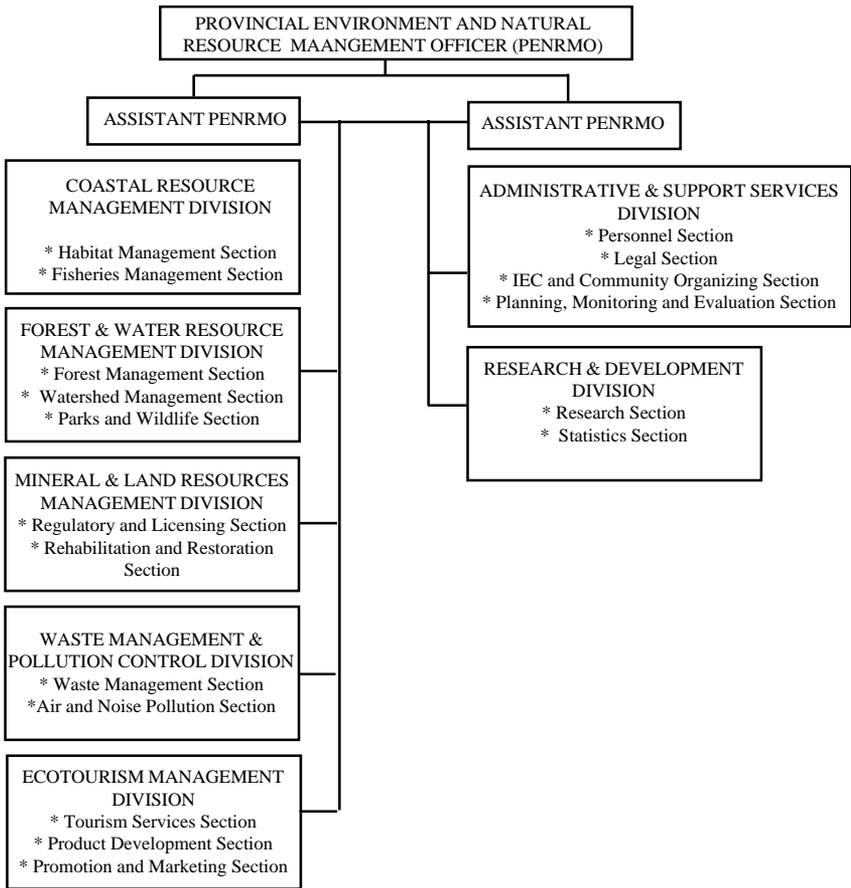
- e) maintain an information center that will serve as a venue for showcasing excellence on environment and natural resources management practices;
- f) maintain and update resource management databases such as, but not limited to, the Municipal Coastal Database, for planning, monitoring and evaluation purposes;
- g) coordinate with other provincial government offices in the implementation of its mandate;
- h) enforce pertinent environment and natural resource laws, rules and regulations and provide assistance to the municipalities, city and barangays in the implementation of such laws, rules and regulations. The Office shall also encourage clustering of municipalities and city in addressing law enforcement and other related concerns such as, but not limited to, the management of fishing area contiguous to two or more municipalities, protection of watershed and riverine system and pollution control and mitigation;
- i) establish linkage with local and international organizations for purposes of fund-sourcing, network-building, research, information and data-banking, policy advocacy and livelihood development. The Office shall also assist the municipalities and city in establishing linkages with other local and international organizations;
- j) cause and initiate the convening of the Provincial Environment Summit to be held in July of every year;
- k) install and maintain a one-stop-shop and quick response desk that will be manned by a multi-sectoral and inter-agency team tasked to facilitate calls for fact-finding mission and monitoring, control and surveillance;
- l) coordinate with the national government agencies such as, but not limited to, the Department of Environment and Natural Resources, Department of Agriculture, Department of the Interior and Local Government, Philippine National Police, Philippine Coast Guard, Department of Trade and Industry, Department of Tourism, Philippine Tourism Authority, Department of Transportation and Communication, and Department of Justice, in the implementation of its mandate as provided in this Code; and,
- m) perform such other functions that are necessary in the implementation of this Code as may be delegated by the Governor or the Sangguniang Panlalawigan.

SECTION 5. *Department Head.* The Provincial Office on Environment and Natural Resource Management (POENRM) shall be headed by the Provincial Officer who shall be appointed by the Governor. No person shall be appointed as POEM Officer unless he/she is a Filipino citizen, a resident of the Province of Masbate, of good moral character, a holder of Masters or Bachelors degree preferably in the field of environment, forestry, fishery, agriculture, or any other relevant discipline from a recognized college or university, has at least five (5) years of professional work experience relevant to the job, and is a first grade civil service eligible or its equivalent.

The Provincial Officer shall receive a minimum compensation corresponding to salary grade twenty-six (26) as prescribed under RA 6758.

SECTION 6. *Functional Divisions of the Office.* There is hereby created functional divisions under the Office to ensure effective and efficient implementation of this Code, to wit:

- a. Administrative and Support Services Division;
- b. Research and Development Division
- c. Coastal Resources Management Division;
- d. Forest and Water Resources Management Division;
- e. Mineral and Land Resources Management Division;
- f. Ecotourism Management Division, and
- g. Waste Management and Pollution Control Division.



SECTION 7. *Supervision and Control.* The Governor shall have operational and direct supervision over the Office.

SECTION 8. *Review and Appeal.* All actions and decisions of the Office are subject to the review of the Governor. Any aggrieved party may appeal the decision of the Office to the Governor. The decision of the Governor, however, shall be final and executory.

Article III LAND USE

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

- a) meets food self-sufficiency and food security in the long run;
- b) promotes rational population distribution and settlements development;
- c) ensures orderly economic growth, balanced and dispersed agri-industrial and ecotourism

- development;
- d) encourages the sustainable use of natural resources;
- e) maintains and preserves environmental stability and integrity;
- f) reduces vulnerability to natural and man-made disasters, and
- g) harmonizes the rights and the varied interests of every Masbateño through public participation.

SECTION 2. *Provincial Land Use Committee (PLUC).* For purposes of carrying out the provisions of this Code, the Governor, within one (1) month after the appointment of the Provincial Environment and Natural Resource Management Officer (POENRMO), shall issue an Executive Order modifying the composition of the PLUC to include the Provincial Officer of POEM, thus:

- a) The Provincial Planning and Development Coordinator as chairman;
- b) The Provincial Agriculturist, as member;
- c) A representative of non-governmental organizations (NGOs) that are represented in the Provincial Development Council (PDC), as member;
- d) The Provincial Office on Environment and Natural Resource Management Officer, as member; and
- e) Representatives from the following national government agencies (NGAs), as members:
 - i) Department of Environment and Natural Resources;
 - ii) Department of Agrarian Reform;
 - iii) Department of Trade and Industry;
 - iv) Department of Public Works and Highways;
 - v) Department of Tourism, and
 - vi) Department of the Interior and Local Government.

As PLUC member, the Provincial Officer of POEM shall be entitled to honorarium and remuneration as maybe legally provided.

SECTION 3. The PLUC shall exercise the following powers and functions:

- a) formulate policies, plans, standards and guidelines on land use in accordance with this Code and pursuant to the provisions of:
 - i) Letter of Instruction (LOI) 1350 (August 2, 1983), providing for the Institutional Framework for National Physical Planning which seeks to synchronize and coordinate efforts towards the optimum utilization of the country's land and other related resources.
 - ii) Proclamation No. 65 providing for the approval and adoption of the National Physical Framework Plan, 1993-2002.
 - iii) Republic Act (RA) 7160 (Local Government Code of 1991), requiring LGUs to formulate their Physical Framework Plans/Comprehensive Land Use Plans.
 - iv) Executive Order No. 72, series of 1993, providing for the preparation and implementation of Physical Framework Plans/Comprehensive Land Use Plans of LGUs in accordance with the National Standards and Guidelines.
 - v) DILG Circular No. 92-05 (February 26, 1992), providing for the adoption of the Guidelines for the Formulation of Provincial Physical Framework Plan (PPFP).
 - vi) Provincial Executive Order No. 8 series of 1995, requiring all agencies tasked with the implementation of public works and infrastructure projects to consult with the provincial government before launching their projects.
 - vii) Sangguniang Panlalawigan Resolution No. 235-97 dated 10 November 1997, approving the Provincial Physical Framework Plan of Masbate.
 - viii) Housing and Land Use Regulatory Board Resolution No. 647 dated 09 June 1999 and promulgated under Memorandum Circular No. 21 dated 09 June 1999, approving the

Provincial Physical Framework Plan (1993-2002) of the Province of Masbate.

- ix) National Building Code (PD 1096).
 - x) Revised Rules and Standards for Economic and Socialized Housing Projects implementing Batas Pambansa Blg. 220.
 - xi) Other pertinent laws recommended in Section 4 of this Article.
- b) issue and promulgate rules and regulations to implement the provisions of this Article and ensure compliance with policies, plans, standards and guidelines formulated under Section 3 par. (a) of this Article.
- c) evaluate, review and recommend for approval to the Sangguniang Panlalawigan or return to origin for revision the following plans:
- i) *Municipal Comprehensive Land Use Plan.* Prior to submission to the Sangguniang Panlalawigan for approval, all municipal governments are required to submit their Comprehensive Land Use Plans (CLUP) to the Provincial Land Use Committee for review. Changes in the approved CLUPs will likewise be subject to review by the PLUC based on the following reasons/situations:
 - (1) Change of local development plans.
 - (2) Introduction of projects of national significance. In addition, the PLUC is hereby tasked to ensure that when a project in the province is declared by the NEDA Board as a project of national significance, the HLURB shall consult the affected community before issuing locational clearance.
 - (3) Petition for rezoning.
 - (4) Other reasons appropriate for consideration.
 - ii) *Development Plans* of all government and non-government agencies. The PLUC is hereby tasked to ensure that the implementation of all projects in the province, regardless of funding source, is in accordance with the Provincial Physical Framework Plan (PPFP).
- d) pursuant to the provisions of EO 72, the PLUC shall review these plans to:
- i) ensure that land use plans of component cities and municipalities are consistent with the PPFP;
 - ii) recommend solutions to settle disputes among component units over alternative uses of land resources;
 - iii) promote the community-based program for sustainable development, and
 - iv) ensure that such plans are supportive of the objectives set forth in the Urban and Housing Development Act of 1992.
- e) design and implement a Provincial Monitoring, Evaluation and Adjustment System (PMEAS) to evaluate the implementation of this Code.

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

- a) formulate and update the PPFP at ten-year intervals;
- b) review the PPFP at five-year intervals;

- c) assist municipalities in the formulation of their CLUPs;
- d) facilitate inter-municipal policy discussion, agreement, and effort-pooling to address the following issues:
 - i) sharing of facilities and expertise for ambient air quality control;
 - ii) sharing of sanitary land fills for waste disposal;
 - iii) joint control/monitoring efforts against trafficking of flora and fauna and illegal logging;
 - iv) cooperative efforts in the preservation of subterranean waters;
 - v) sharing of recycling or waste treatment plants;
 - vi) application of “polluter pay principle” for source pollutants that emanate from one municipality but affects the other;
 - vii) sharing of waterworks projects as provided in Article VI Section 4 (g) of this Code; and,
 - viii) sharing of manpower, facilities and expertise in coastal resource management.
- e) integrate the results of inter-municipal agreements in the PFP and ensure their integration in the CLUPs;
- f) incorporate coastal resource management into the PFP as recommended in Section 5 of this Article, and
- g) ensure that coastal resource management is incorporated in the Municipal Comprehensive Land Use Plan.

SECTION 5. Coastal Zoning and Management Guidelines. The PLUC shall formulate provincial coastal zoning and management planning guidelines to be incorporated into the PFP. The guidelines shall be based on co-management approach where the municipal government shall work with resource users and build upon existing laws, particularly in the institutionalization of the Fisheries and Aquatic Resource Management Councils (FARMCs) pursuant to FAO No. 196, series of 2000.

- a) *Zoning.* Municipal waters shall be classified according to four (4) zones, namely: strict protection zones, recreation and ecotourism zones, rehabilitation of core zones, and sustainable production use zones for the following purposes:
 - i) Provide basis for the provision of tenure to qualified coastal zone residents as a means to prevent incidence of squatting and/or unplanned settlements;
 - ii) Allocate, delineate and set aside appropriate areas for industries to secure the environmental requirements for the growth and development of coastal communities, such as, but not limited to the identification of areas for settlements, agriculture, institutions, infrastructure, commerce, recreation, tourism, natural reservations and sanctuaries and areas of cultural and historical significance;
 - iii) Delineate areas as sanctuaries, no-fishing zones, fishing gear restriction zones, and critical breeding and feeding areas of ecologically and economically important organisms;
 - iv) Delineate natural areas for the exclusive use of specific groups such as, but not limited to, areas for recreation, tourism, research and education;
 - v) Delineate mangrove areas to be covered under stewardship agreements and other applicable tenurial instruments, and
 - vi) Delineate areas where construction is prohibited pursuant to Presidential Decree No. 1067 and DENR Administrative Order No. 97-05.
- b) *Management Guideline.* To be holistic, the management guideline shall:

- i) provide community participation in the assessment of the type, status, quality and quantity of coastal resources;
- ii) develop a community-based coastal resource management (CB-CRM) approach for each municipality and provide active and continuing support to CRM activities at the barangay and household levels;
- iii) develop clear resource protection strategies and active law enforcement activities as provided in RA 8550 and other existing policies;
- iv) create territorial use rights in fisheries and devolve these to organized resource users for management;
- v) develop sources of alternative and/or supplemental livelihood particularly micro-enterprise development while technical and financial support is obtained for plan implementation;
- vi) conduct information and education campaign to build awareness on CRM-related issues, government regulations on coastal resources and inculcate environmentally-sound resource extraction practices among coastal communities;
- vii) develop a research framework and install provincial and municipal database for coastal resources;
- viii) develop community-based ecotourism enterprises and biodiversity conservation measures acceptable to the local communities;
- ix) undertake community organizing and social preparation measures in implementing CRM activities;
- x) provide procedures in identifying resource “hotspots” and areas with unique characteristics, unspoiled natural state, resources, or requiring immediate protection to maintain its economic, cultural, historical, social and ecological importance, and
- xi) provide a workable institutional arrangement to rationalize the authorities and activities of various government and non-government organization involved in coastal management.

The provincial government shall coordinate with the Department of Education, Culture and Sports (DECS) and the Technical Education and Skills Development Authority (TESDA), and any other appropriate institution to undertake skills inventory of coastal barangays and implement a province-wide non-formal education (NFE) and skills training program among the deserving members of the fishing households to increase their employment potential in non-fishing but gainful occupations.

SECTION 6. The Province hereby adopts the following national standards and requirements:

- a) *Easement.* Pursuant to the provisions of the Water Code: the banks of rivers and streams and the shores of seas and lakes throughout their entire length and within a zone of three (3) meters in urban areas; twenty (20) meters in agricultural areas and forty (40) meters in forest areas, along their margins, are subject to easement of public use in the interest of recreation, navigation, floatage, fishing and salvage. No person shall be allowed to build structures of any kind or to stay in this zone longer than what is necessary for recreation, navigation, floatage, fishing or salvage.
- b) Mandatory five-meter easement on both sides of the Philippine Fault Zone and other active fault lines identified by PHIVOLCS shall be strictly enforced. No person shall be allowed to build structures of any kind in this zone.
- c) *Buffer Zone.*

i) Pursuant to LOI 917, the New Forestry Code of the Philippines, and MNR Administrative Order 42 series of 1986, and in order to effectively fortify the protective capability of our mangrove forests in storm surge and typhoon prone areas, mangrove forest belt areas of 50 meters are expanded to 100 meters strip inward along shoreline fronting seas, oceans and other water bodies in the province of Masbate. The 20 meters strip river bank protection mangrove areas are also extended to 50 meters on both sides of the river. Such buffer strip should not be encroached upon by any structure or development activity. In cases where the prescribed mangrove forest belt areas are already classified as A&D or zonified for fishpond development, and have already been converted into fishponds and other land uses, the fishpond operators, lessees, permittees or licensees shall be required and obliged to afforest the tidal flats fronting their respective areas or the nearby available mangrove areas to at least 50 meters strip whenever applicable in consideration of such areas' topography, elevation and water depth.

ii) Greenbelt areas, to be designated as parks, should be situated between industrial or commercial areas and human settlements in order to serve as a buffer zone and as noise breaker.

d) The *road setback requirement* of DPWH as adopted under this Code starts from the edge of the road right-of-way. For major thoroughfares and roads with established grade, a 5-meter setback for residential areas is allowed. The following road setback regulations shall be applied:

Zoning Classification	Major Thoroughfare 30m and above	Major Thoroughfare 30m and above	Major Thoroughfare 30m and above
Residential	10m	10m	3m
Commercial	20m	20m	7m
Industrial	30m	25m	10m
Agriculture	20m	20m	7m
Agro-Industrial	30m	25m	10m
Institutional	20m	20m	10m

e) The provisions of Section 105 of the National Building Code (PD 1096) and the rules and regulations of the Bureau of Air Transportation (BAT) Air Regulation as adopted under this Code, shall govern the construction of buildings/structures within approach/departure zones of runways of airports (*see also Annex D*).

i) *Height Regulation.* Building height must conform to the height restrictions and requirements of the Air Transportation Office (ATO) as well as the requirements of the National Building Code, the Structural Code as well as all laws, ordinances, design standards, rules and regulations related to land development and building construction and the various safety codes. The following considerations shall also be considered:

- (1) traffic situation in the immediate vicinity or district where the building is located, and;
- (2) capacity of utility system (water, power, etc.) to support structure requirements.

ii) A height clearance certificate shall first be secured from the Bureau of Air Transportation before a building permit may be issued or before buildings/structures may be constructed/ located:

- (1) within 500 meters measured normal to the centerline of the runway of an airport regardless of height;
- (2) from 500 meters up to 24.5 kilometers measured normal to the centerline of the runway of an airport and exceeding 45 meters in height above the elevation of the

runway;

- (3) within the approach/departure zone of an airport at a distance of 2,250 meters measured from the inner edge, regardless of height, and
- (4) within the approach/departure zone of an airport beyond 2,250 meters from the inner edge up to 15 kilometers and exceeding 45 meters in height above the elevation of the runway.

f) Pursuant to the provisions of Amendments to the Rules and Regulations for Memorial Parks/Cemeteries (promulgated under Resolution No. R-414, dated 19 July 1988), cemeteries or memorial parks shall conform with the land use plan or zoning ordinance of the locality having jurisdiction over the project site, the pertinent provisions of the Sanitation Code, Water Code, applicable laws and rules affecting related services and the following design standards:

- i) Cemeteries and memorial parks shall be located on the periphery of the town center or in areas sparsely inhabited and where little hazard to human life or health could result;
- ii) Cemeteries and memorial parks may be allowed in areas zoned as agricultural provided that the site is not tenanted and not covered by Operation Land Transfer and Comprehensive Agrarian Reform Program (CARP) as certified by the Department of Agrarian Reform, not prime agricultural land (NPAA/NAAD) as certified by the Office of the Provincial Agriculturist (OPA), and not irrigated as certified by the National Irrigation Administration (NIA);
- iii) Cemeteries/memorial parks shall not be allowed in environmentally critical areas as defined in Annex "A" (12) of this Code;
- iv) Cemeteries/memorial parks must be located on ground where the water table is not higher than four and twenty-five (4.25) meters below the ground surface as certified by the National Water Resources Board (NWRB) or its deputized agency;
- v) The site must be served by a road with a minimum width or a right-of-way of not less than eight (8) meters; road right-of-way shall be increased as project size increases;
- vi) Suitable areas shall be allocated for the planting of trees, shrubs, plants and for other functional and decorative elements such as monuments, sculptures, fountains and benches;
- vii) For memorial parks, at least fifty (50) percent of the saleable area shall be utilized for underground interment in order to retain the park-like character of project;
- viii) For memorial parks/cemeteries which are located along national primary and secondary roads, as defined by EO 113, as amended, and identified as such by the Department of Public Works and Highways, a distance of at least twenty five (25) meters from the edge of the road right of way shall be imposed where no burial shall be allowed, provided that it shall conform with the pertinent provisions of this Code, the Sanitation Code, and Water Code. The area may be utilized for parking purposes, or as space for the administration building, church or other facilities or for planting of trees and shrubs, or other related use; a service road may be allowed within this buffer;
- ix) The cemetery shall be totally enclosed by a perimeter fence of strong material, and all gates provided with a strong door and lock. Perimeter wall shall not exceed 3.00 meters in height. Where a cemetery is enclosed by a solid reinforced concrete wall at least 2 meters high, but not exceeding 3.00 meters, it is allowed to construct tombs, vaults, mausoleums or other types of sepulchers for the dead up to the walls. Otherwise, a clearance of 5 meters shall be maintained between the perimeter fence and the nearest interment plot.

- g) Urban forests shall be established exactly within the center of the commercial district. The exact area to be designated as open space should be in conformity with existing laws on the matter as prescribed in the National Building Code and the Urban Development and Housing Act of 1992.
- h) Provisions for parks and playgrounds shall comply with the requirements of Presidential Decree No. 1216 and its implementing rules based on CPR No. R-347 dated 08 October 1986, thus
 - (1) for Economic and Socialized Housing,

Required Area for Park/Playground According to Density for both Economic (above P150,000-P375,000/lot) and Socialized Housing (P150,000 and below/lot)	
DENSITY <i>No. of lots/or living are every hectare</i>	AREAS FORPARK/PLAYGROUND <i>% of gross area of subdivision</i>
150 and below	3.5%
151-160	4.0%
161-175	5.0%
176-200	6.0%
201-225	7.0%
Above 225	9.0%
An additional of 1% increment for every 10 units of fraction thereof beyond 225	
In no case shall the area be less than 100 square meters	

- (2) Land for Open Market, 30% of gross area of subdivision.
- i) Street islands, as well as both shoulders of all roads or streets in built-up areas, its barangays, in subdivisions, compounds, and condominiums shall be planted with shade or ornamental trees in a manner that is scientifically and agriculturally acceptable, or at intervals sufficient to provide the healthy growth of such flora and create adequate shade. No development permit shall be issued by the local executive for subdivisions or condominium projects unless there are provisions for the planting of trees in development plans.
- j) The following industries shall be located at safe distances, as determined by competent authorities or as prescribed by pertinent national laws mentioned in other articles of this Code, from bodies of water, coastal zones, parks/recreational areas, watersheds, schools and residential areas:
 - (1) Pollutive/Non-hazardous Industries as enumerated in Annex "A" (26) (A) of this Code;
 - (2) Pollutive/Hazardous Industries, Annex "A" (26) (B);
 - (3) Highly Pollutive/Non-Hazardous Industries, Annex "A" (26) (C);
 - (4) Highly Pollutive/Hazardous Industries, Annex "A" (26) (D);
 - (5) Highly Pollutive/Extremely Hazardous Industries, Annex "A" (26) (E);
 - (6) Pollutive/Extremely Hazardous Industries, Annex "A" (26) (F), and;
 - (7) Non-Pollutive/Extremely Hazardous Industries, Annex "A" (26) (G).

SECTION 7. As applicable, plans submitted to the PLUC for evaluation and review shall be returned to its origin for revision if found deficient in provisions:

- a) limiting reclassification of lands to the following percentage of total agricultural land area at

the time of the passage of the ordinance enacting the plan

- i) for SAFDZ (Strategic Agricultural and Fishery Development Zone) area, five percent (5%); and
 - ii) for non-SAFDZ, ten percent (10%).
- b) establishing fire limits or zones, particularly in populous centers and regulating the construction, repair or modification of buildings within said fire limits or zones in accordance with the provisions of the Fire Code.
 - c) requiring all owners/developers to secure locational clearance from municipal/city government units PRIOR to conducting any activity or construction on their property/land. Upon issuance of a locational clearance, the grantee thereof shall have one (1) year within which to commence or undertake the use, activity or development covered by such clearance on his property. Non-use of said clearance within said period shall result in its automatic expiration, cancellation and the grantee shall not proceed with his project without applying for a new clearance.
 - d) freezing all activities leading and related to development projects (from planning to implementation) from the period of formulation to adoption of the Comprehensive Land Use Plan, to ensure that they conform to the provisions of the CLUP.
 - e) providing for expropriation of suitable land for socialized housing, relocation and resettlement sites, solid and liquid waste disposal sites, public cemeteries, public parks and other similar land use in accordance with the provisions of this Code.
 - f) requiring owners or operators of projects not conforming to approved CLUPs to apply for Certificate of Non-Conformance within six (6) months from the ratification of CLUPs by the Sangguniang Panlalawigan. Failure on the part of the owner to register/apply for a Certificate of Non-Conformance shall be considered in violation of the CLUP and is subject to fines/penalties.
 - g) requiring, upon approval of CLUP, owners of known existing non-conforming use to apply for a Certificate of Non-Conformance. The lawful uses of any building, structure or land at the time of adoption or amendment of the CLUP may be continued; PROVIDED, that the owner of a non-conforming use shall program the phase-out and relocation of the non-conforming use within ten (10) years from the effectivity of the ordinance adopting the CLUP.
 - h) ensuring the implementation of building codes with specifications and standards for structures in an environmentally critical area.
 - i) redirecting expansion of human settlements away from coastal areas.
 - j) ensuring that all projects covered by the Philippine EIS System, as defined under PD 1586, and its implementing rules and regulations, as well as those defined under Presidential Proclamation 2146 shall secure an Environmental Compliance Certificate from the DENR prior to implementation.

SECTION 8. *The PPDC.* As a permanent member of the Protected Areas Management Board, the Provincial Planning and Development Coordinator (PPDC) is hereby tasked to initiate efforts within the Board to address issues/concerns affecting protected areas in the province as enumerated in Annex "C". In addition, the PPDC shall:

- a) study, devise, determine and prescribe the guidelines and methods for the maintenance of a land-use information and monitoring system in the province.
- b) identify areas, in consultation with affected communities and local government units, not covered in Annex "C" but which are deemed of high environmental value such as, but not

limited to, Ubo Falls (in Barangay Interior, San Jacinto), Maglihi Falls (in Uson), Lake Calero (in Uson), Matalangtalang Underground River and Lanang River (both in Aroroy) and prescribe management guidelines for their use, protection, restoration and enhancement.

- c) establish mechanism for bio-diversity inventory and mapping in the province.
- d) compile "Masbate Provincial Red Data Book" periodically and prescribe guidelines to protect, conserve and propagate endemic/indigenous flora and fauna species subsequently identified.
- e) identify, in collaboration with the DENR and PHIVOLCS, the location of environmentally critical areas (ECA), as defined in DENR Administrative Order 37-96 and other national laws for the purpose of integrating the identified ECA in the provincial physical framework plan.

SECTION 9. *The POEM.* The Provincial Officer is hereby tasked to ensure the effective implementation of the Cave Management and Conservation Program as provided in DENR Administrative Order No. 04 series of 1994. In addition, the POEM shall:

- a) make necessary representation with the appropriate agencies for the protection of, but not limited to, Kalanay, Bat-ongan, Boca-Engaño, and Bagumbayan caves;
- b) tap the services of responsible residents of nearby communities as conservation wardens and community-based curators of archaeological and historical sites to help preserve the historic and cultural resources of the province such as sites, structures, artifacts, documents, objects, memorials and priceless trees;
- c) facilitate the replication of artifacts excavated from Masbate's archaeological sites for public display, and;
- d) coordinate closely with the academe, National Museum and National Historical Institute for the maintenance of the historical and archaeological sites.

SECTION 10. *The Provincial Agriculturist.* The Provincial Agriculturist is hereby tasked to implement the Agricultural Intensification, Expansion and Diversification Program in the province. In addition, the Provincial Agriculturist shall:

- a) promote sustainable agri-development through Low-External-Input and Sustainable Agriculture (LEISA) by:
 - i) encouraging people to plant cover crops and hedges to prevent soil erosion;
 - ii) implementing enrichment planting of fuelwood and non-timber crops between trees in reforested areas, and
 - iii) regulating the use of approved pesticides/fertilizers and promoting organic farming, integrated pest management and integrated nutrient management.
- b) coordinate with appropriate government agencies to utilize all available vacant areas of all school sites and government-owned lots in the province for tree planting and food production.
- c) coordinate with DECS to require every high school student to plant and grow one tree annually.
- d) issue and promulgate rules and regulations to implement the provisions of this section and ensure compliance thereof.

SECTION 11. *Sanctions.* Violation of the provisions of Section 6(h) shall be subject to the fines and penalties as provided under PDs 957, 1216, 1096 and 1185. Offenders of Section 6(e) shall suffer the penalties provided by the laws of the land. Administrative fines of not more than ten thousand pesos (P10,000) shall be imposed to those who engage in business without valid license and registration certificate from the Housing and Land Use Regulatory Board (HLURB) or its deputized agency. Any person who violates any of the provisions of this Article shall, upon

conviction, be punished by a fine not exceeding two thousand five hundred pesos (P2,500, for municipalities), and not exceeding five thousand pesos (P5,000, for cities) or an imprisonment for a period not exceeding six (6) months (for municipalities) and not exceeding one (1) year (for cities) or both at the discretion of the Court. In case of violation by a corporation, partnership or association, the penalty shall be imposed upon the erring officers thereof. Pertinent administrative charges shall be filed against government officials/employees for negligence of duty as provided in this Article.

Article IV FOREST RESOURCES

SECTION 1. *Scope of Powers.* Pursuant to the provisions of the Local Government Code of 1991 (RA 7160) and the General Manual of Operations for Devolved Functions from the DENR to the LGUs,

- a) the Province is tasked to:
 - i) enforce forestry laws in community-based forestry projects, small watershed areas and communal forests such as, but not limited to, the following:
 - (1) prevention of forest fires, illegal cutting of trees and making of *kaingins*;
 - (2) apprehension of violators of forest laws, rules and regulations;
 - (3) apprehension of forest products illegally extracted from the community-based forestry project areas, small watersheds and communal forests;
 - (4) apprehension of conveyances, equipment and other implements used in the commission of offenses in the community-based project areas, small watershed areas and communal forests which are penalized under PD 705, as amended by EO 277 s 1987 and other forestry laws, rules and regulations, and
 - (5) implementation of Community-Based Forest Management Projects which are funded out of regular appropriations; PROVIDED, that subject to the attainment of certain requisites and standards such as technical and financial capability, the province and the municipalities will enter into policy and administrative arrangements leading to the eventual transfer of management of these projects to the municipalities and component cities; PROVIDED FURTHER, that subject to the attainment of certain requisites and standards such as technical and financial capability, the province and municipalities and component city may enter into policy and administrative arrangement that will lead to the sharing of responsibilities for the enforcement of forestry laws, rules and regulations in community-based forestry project areas, small watershed areas and communal forests;
 - ii) provide extension services to beneficiaries of forest development projects and render technical, financial and infrastructure assistance for natural resource-related conservation and utilization activities consistent with ecological balance;
 - iii) manage and maintain seed banks and produce seedlings for forest and tree parks, and
 - iv) seek CENRO assistance in formulating plans and programs on devolved functions and projects pertaining to forest management and protected areas and wildlife.
- b) The Municipalities shall be responsible for the following:
 - i) implementation of the following community-based forestry projects pursuant to the provisions of DAO 30 series of 1992 Section 3.1, to wit:
 - (1) establishment of new regular reforestation projects, except those projects located in

- protected areas and critical watersheds;
- (2) completed family- and community-based contract reforestation projects, subject to the policies and procedures established by the DENR;
 - (3) Forest Land Management Agreement, in accordance with DENR Administrative Order No. 71, series of 1990 and other guidelines that the DENR may adopt; and,
 - (4) Community Forestry Projects, subject to the concurrence of the funding institution, if foreign-assisted;
 - ii) management and control of communal forests with an area not exceeding fifty (50) square kilometers or five thousand (5,000) hectares but not less than 10 hectares, as explained in Annex A(7), pursuant to Section 17(b)(2)(ii) of RA 7160; PROVIDED, that the concerned LGU shall endeavor to convert these communal forests into community forestry projects, pursuant to Section 3.1(c), DAO 30, series of 1992;
 - iii) management, protection, rehabilitation and maintenance of small watershed areas which are sources of local water supply as identified or to be identified by the DENR, pursuant to Section 3.1(c), DAO 30, series of 1992;
 - iv) establishment, maintenance, protection and preservation of communal forests, watersheds, tree parks, mangroves, greenbelts, industrial tree farms, agro-forestry projects and tourist attractions in areas identified and delineated by DENR, except those covered by the Integrated Protected Areas System, as defined by law; and the collection of fees for their services and the use of facilities therein, pursuant to Section 3.2(a), DAO 30, series of 1992, and
 - v) implementation of the Rehabilitation In Conservation Hotspots (RICH) project and the Conservation of Rare and Endangered Species (CARE) project in areas identified and delineated by the DENR, pursuant to Section 3.2(c), DAO 30, series of 1992.
- c) All the functions, services and facilities provided by the municipal and provincial governments are also to be provided by a city government.
 - d) The Punong Barangay is tasked to enforce laws and regulations relating to pollution control and protection of the environment, and, as applicable, to maintain at least one (1) hectare of communal forest in every barangay.

SECTION 2. The Province hereby supports and promotes forest management that fosters administrative and planning autonomy, establishes collaborative management and decentralized forest management and pursues joint management systems rather than transfer all forest rights; and to this end, shall coordinate with the Department of Environment and Natural Resources to:

- a) provide technical assistance to communities in developing new methods to administer their forest lands.
- b) establish a framework of consultation and dialogue with local communities to discuss management issues and reach a consensus regarding forest management practices.
- c) formalize and empower women roles in forest management.
- d) ensure that forest resources will be equitably and sustainably managed.

SECTION 3. *Development of Production Forests.* In order to provide adequate raw material stocks to meet increasing household, infrastructural, agricultural, and industrial demand for timber, fuelwood, and minor forest products of commercial value, the Provincial Tree Enterprise Program (PTEP) is hereby established as a regular program of the provincial government and, as such, integrated into the regular budgeting process; PROVIDED, that PTEP funds shall be intended for

the provision of assistance to city and municipal governments in the promotion of commercial tree farming, harvesting, and artisanal and industrial wood processing enterprises through the provision of conducive policy, technical assistance, information flows, capacity building, law enforcement, loan assistance, and tenurial security services; PROVIDED FURTHER, that the program shall be implemented in close collaboration with the DENR and that tree farming, harvesting, wood processing, and marketing activities are conducted in accordance with pertinent forest laws and regulations; PROVIDED FURTHER, that the provincial government may invest and operate its own tree enterprise and related facilities for commercial purposes and for developing suitable working models; PROVIDED FINALLY, that issuances of tenurial instruments and usufruct permits shall remain under the jurisdiction of the DENR in accordance with law.

SECTION 4. *Retention of Timber Stand within Production Forests for Protection Purposes.* All trees situated on slopes over fifty percent (50%), including those within twenty (20) meters from both sides of rivers and within ten (10) meters from both sides of roads and highways shall be retained for protection purposes. The Governor shall provide assistance to city/municipal Sanggunians in the formulation of appropriate implementing ordinances for the implementation of this provision.

SECTION 5. *Management of Protection Forests.* Pursuant to the provision of Article III (Section 8) of this Code, all measures shall be adopted to actively share responsibility with the national government, particularly the DENR, in securing the perpetual existence of all native plants and animals in the province.

SECTION 6. *Development of Recreation Forests.* The provincial government shall establish revenue-generating community-based forest recreation projects, such as, but not limited to, forest and marine parks, zoological and botanical gardens, outdoor museums, and camping grounds.

SECTION 7. *PLUC Review.* Pursuant to Article III (Section 3) (c) (ii) of this Code, all government and non-government agencies are hereby required to submit to the Provincial Land Use Committee prior to submission to the Sangguniang Panlalawigan for approval, all development and investment plans, programs and proposals affecting forest resources. Henceforth, no forest resource management, development, utilization or processing projects, lease, license, agreement or usufruct permit shall be issued by national government agencies without prior consultation and consent of the local government unit.

SECTION 8. *Annual Investment Plans.* Upon effectivity of this Code, the municipal and provincial budget allocations for forest resources management shall be included in the annual investment plans; PROVIDED, that such investments are in accordance with the Provincial Physical Framework Plan.

SECTION 9. *The POEM.* As provided in Article II (6), there is hereby created a Forest and Water Resource Management Division under the Provincial Office on Environment and Natural Resource Management. The Forest and Water Resource Management Division shall coordinate with the DENR to perform the following:

- a) ensure the maintenance of 40 meters easement along the outer perimeter line of all NIPAS and non-NIPAS areas.
- b) ensure that lands 18% in slope or over which have already been declared as A&D shall be recommended for reclassification as forestlands to form part of the forest resources, unless they are already covered by existing titles or approved public land application. But when equity considerations so require, lands 18% in slope or over already covered by existing titles or approved public land application shall be recommended for reversion.
- c) establish seed banks and nurseries, conduct collect-a-seed campaign and involve small land-owners in maintaining nurseries.

- d) preserve/rehabilitate endangered and important habitats of wildlife.
- e) implement development and rehabilitation of the province's forest and watershed areas.
- f) promote comprehensive community-based, multi-media educational program on resource conservation and management to raise people's awareness and shore up participation.
- g) organize tree conservation and barangay fire wardens including forest fire brigades.
- h) encourage agro-forestry activities in rural areas.
- i) ensure that no development, use, or activity shall be allowed in forest zones unless consistent with the DENR's development regulations for forest zones and a permit, lease or license is issued by the DENR for the following:
 - i) Forest Land Management Agreement (FLMA);
 - ii) Commercial Tree Plantation and Industrial Forest Plantation (ITP/IFP);
 - iii) Industrial Forest Management Agreement;
 - iv) Socialized/Industrial Forest Management Agreement;
 - v) Community-Based Forest Management;
 - vi) Reforestation compliance by Pasture Lease Agreement/Forestland Grazing Management Agreement Holder, and
 - vii) Ecological Revolution Programs (ECOREV).
- j) identify forest lands which cannot be sub-classified as grazing lands pursuant to the provisions of DENR Administrative Order No. 99-36 but are presently devoted to grazing under a pasture lease agreement or permit. These may continuously be used, if so warranted after an evaluation thereof, PROVIDED, that the leaseholder shall program a phase-out of grazing activities and a phase-in of reforestation activities until the expiration of pasture lease agreement or permit.
- k) ensure the implementation of DENR Administrative Order 2000-23 which provides that all cancelled and expired pasture leased areas which have not been renewed and there is no new applicant shall be automatically reverted to forest tree production including the production of non-wood forest products.
- l) evaluate requests for opening of rights-of-way. The DENR reserves the right to permit, if public interest so requires, the opening of such portions of the agreement area for rights-of-way which shall not be more than ten (10) meters wide; PROVIDED, that person or entity granted the rights-of-way shall pay the agreement holder a reasonable compensation for any damages caused on the improvement therein, if any, as provided for in DENR DAO 99-36.
- m) ensure that fishing activities within the forest zone (zonified mangrove areas) shall be undertaken pursuant to the provisions of the Fisheries Code and its implementing rules and regulations and the Revised Forestry Code of the Philippines as amended.
- n) ensure that infrastructure development and resettlement undertaken within forest zones shall be consistent with the provisions of the Revised Forestry Code of the Philippines, as amended, and subject to an Environment Impact Assessment, prior to the approval of such projects in order to determine their environmental impacts and social acceptability.
- o) encourage effective reproduction and harvesting techniques for wild plants that produce products with high economic value such as, but not limited to, batuhan, Cabitan nito, libas, bago, tawa-tawa, banate, lumbang, tagpo, dao, marobo, kalomangog, kurut *Dioscorea hispida* Linn.

SECTION 10. *Prohibited Acts* shall include, but not be limited to, the following:

- a) slash-and-burn farming or *kaingin*.
- b) taking, cutting, catching, possessing, taming, selling, killing and transporting of ecologically important flora and fauna in the Province of Masbate such as, but not limited to: *Sonneratia ovata* (Kalong-kalong), White Breasted Sea Eagle (Manaul), Hawk (Banog/Tekwe), Heron (Turak/Lapay), Wild Chicken (Ilahas), Green Colored Parrot (Pikoy), White Colored Parrot (Abucay), Monkey, Wild Cat (Garung/Miro), Crow (Uwak), Wild Dove (Balud), Kingfisher, Wild Ducks, Wild Pigs (Baboy Damo), Python (Mabkal), Reptiles (Halo/Ibid), Deer (Usa), Owl (Bukaw), (Pakpak Lawin), (Tabun), (Kusi), Coconut Crab (Tatus), (Iling), (Martinez), (Ingiw), *Penelopides panini ticaensis* (Tariktik) etc. except those used for scientific and/or propagation purposes PROVIDED that gathering of samples shall be done with the affirmation of the DENR and in consultation with affected communities.
- c) indiscriminate cutting of trees in both private and public lands.
- d) hunting by means of airguns, traps, slingshots and other hunting paraphernalia in the entire province of Masbate.

SECTION 11. *Sanctions* Persons caught violating Sections 10(a) and 10(c) of this Article shall be penalized and be fined an amount of not less than One Thousand Pesos (P1,000) but not to exceed Five Thousand Pesos (P5,000) or an imprisonment of not less than Ten (10) days but not to exceed One (1) year or both fine and imprisonment at the discretion of the Court.

Persons caught violating Section 10(b) of this Article shall be penalized and be fined an amount of not less than One Thousand Five Hundred Pesos (P1,500) but not more than Five Thousand Pesos (P5,000) or an imprisonment of not less than Thirty (30) days but not to exceed One (1) year or both fine and imprisonment at the discretion of the Court.

Persons caught violating Section 10(d) of this Article shall be penalized accordingly:

First Offense - Fine of not less than One Thousand Pesos;

Second Offense - Fine of not less than One Thousand Five Hundred Pesos, and

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

Article V MINERAL RESOURCES

SECTION 1. *Scope of Powers.* In addition to the powers, duties and functions of the Municipal Mayor, City Mayor, and Provincial Governor to adopt adequate measures to safeguard and conserve land, mineral, marine, forest and other resources, as provided under Sections 389(b)(9), 444(b)(3)(vii), 455(b)(3)(v), and 465(b)(3)(v), respectively, the powers of municipal governments in respect to the management of mineral resources are provided under Section 26 and Section 27, RA 7160 (consultations and prior consent required), in addition to the powers of the City and Provincial Government as provided in Section 17(b)(3)(iii) and Section 138, RA 7160 and Section 43, RA 7942 (Philippine Mining Act of 1995).

Through this Code the Province shall:

- a) Strictly enforce Republic Act Number 7076 (Small Scale Mining Law) and Presidential Decree Number 1899 (Individual Application for Small Scale Mining).
- b) Enforce Batas Pambansa 265 and Section 92 of RA 8550 banning the quarrying of beach sands especially in all small islands, atolls, reefs and other similar areas in all water bodies within the province of Masbate;
- i) The Province hereby reiterates that Batas Pambansa 265 and Section 92 of RA 8550 also ban

the quarrying of beach sands even for construction projects classified as Item: Special by the DPWH Blue Book;

- c) Issue permit for guano collection pursuant to Section 3.4(b), DAO 30, series of 1992 and quarry resources extraction on privately owned lands and/or public lands for building and construction materials pursuant to Section 43, RA 7942 and Section 138, RA 7160;
- d) Verify and adjudicate conflicts and collect fees and charges for guano collection and quarry resources extraction; and,
- e) Promote the use of renewable sources of energy.

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

- a) Republic Act 6969, the Toxic Chemicals and Hazardous and Nuclear Waste Control Act of 1990;
- b) Republic Act No. 7160 (Local Government Code of 1991);
- c) Republic Act No. 7942 (Philippine Mining Act of 1995);
- d) Republic Act No. 7076 (Small-Scale Mining Law);
- e) PD 984, the 1976 National Pollution Control Decree;
- f) PD 1586, the Philippine EIS System;
- g) PD 1899 (Individual Application for small Scale Mining); and,
- h) DENR Administrative Order No. 23, series of 1995, as amended by DAO 40, series of 1996 entitled "Implementing Rules and Regulations of the Mining Act of 1995".

SECTION 3. *Operative Principles.* The revenue generation and livelihood functions of mineral resources notwithstanding, but because of the increasing domestic and external demands for the utilization of minerals for infrastructure development and industrial raw materials, and the losses in public welfare associated with unregulated mining and quarrying particularly from the adverse effects of soil erosion, water pollution, destruction of heritage items and unique landscapes, diminution of biological diversity, and deterioration of coastal fisheries, the regulatory power of the Provincial Mining Regulatory Board is hereby adopted and reaffirmed.

SECTION 4. *Regulatory Provisions.* It shall be unlawful for any person, natural and juridical, to undertake quarrying and mining of minerals without a permit or license duly issued by the Governor or appropriate agency having authority and jurisdiction thereof, PROVIDED that:

- a) no license, lease, agreement, and/or permit shall be issued by other government agencies or the Governor without the prior area clearance and/or consent of the concerned barangay and municipal officials, as the case may be, pursuant to Section 99a, DAO 23, Series of 1995;
- b) such prior clearance shall not apply to a private land owner who cannot be forced by government or by law, except by eminent domain, to permit entry and quarrying over his/her land, save those declared by laws as protected areas;
- c) that mining and quarrying activities within the Province shall be subject to prior Environmental Impact Assessment, as provided under the Philippine Environmental Impact Assessment System;
- d) no extraction or removal of materials shall be allowed within a distance of one (1) kilometer from the boundaries of reservoirs established for public water supply, archaeological and historical sites and any public or private works or structures, unless prior area clearance of the agency or owner is obtained;

- e) no extraction or removal of materials shall likewise be allowed in offshore areas within five hundred (500) meters distance from the coast and two hundred (200) meters from the mean low tide level along the beach, pursuant to Section 101, DAO 23, series of 1995;
- f) collection/extraction of shellfish and other living organisms such as, but not limited to, *agi-is*, which involves substrate extraction shall be regulated as quarrying activity;
- g) prior to extraction, all permittees shall be required to secure business permits from concerned municipalities;
- h) the provincial government may enter into a Memorandum of Agreement with concerned local government unit providing for direct remittance of the share due the municipality or barangay. Likewise, an excise tax on mineral products as provided for in RA 7729 shall be paid upon removal thereof to the provincial government through the Bureau of Interval Revenue;
- i) extraction of quarry resources shall only be permitted in identified production rivers that shall be certified by the Provincial Office on Environment and Natural Resource Management (POEM), DENR and DPWH in accordance with technical and environmental considerations; and
- j) no extraction of quarry resources shall be permitted in Bayombon, Biyong and Bañadero Rivers pursuant to SP Res. Nos. 079-97 and 006 series of 1999.

SECTION 5. *Quarrying Operations.* The POEM, through its Mineral and Land Resources Management Division, shall regulate all extractive activities in the province to ensure that they do not in any way affect or hamper the productivity of adjoining areas. In addition, it shall:

- a) facilitate the designation of one operation site for mineral processing in consultation with concerned government units and communities;
- b) facilitate the establishment of mercury processing facilities, and
- c) ensure that operators of tailings ponds shall assume full responsibility for the installation of facilities that will completely contain hazardous chemicals and prevent the contamination of the immediate surrounding ecosystem.

SECTION 6. *Reversion/rehabilitation of mined-out lands and quarry areas.* All individuals, partnerships or corporations engaged in exploration, development and exploitation of natural resources or in the construction of infrastructure projects shall be required to restore or rehabilitate areas subject thereof or affected thereby, to their original condition, pursuant to PD No. 1198.

SECTION 7. *PMRB Authorization.* The PMRB in addition to its existing authority under RA 7249 shall be authorized to regulate the transport of mines tailings for purposes of custom milling.

SECTION 8. *Monitoring of Mining and Quarrying Operations.*

- a) A Provincial Multi-partite Monitoring Team for mining projects shall be created to be composed of one (1) representative each from the following: Provincial Government, Municipal LGU, Large-Scale Mining Operators, EMB, MGB, Small-scale Mining Operators and NGO. The Governor shall serve as Team Chairman.
- b) Barangay officials are hereby mandated to monitor small-scale mining and quarrying operations in their respective areas and shall report directly to the Provincial Office on Environment and Natural Resource Management (POEM). Copies of the report shall also be submitted to the Mayor/s concerned and the DENR.

SECTION 9. *Sanctions.* Violation of Sections 1(b) and 1(b)(i) of this Article is punishable under the provisions of Section 92 of RA 8550, viz: two (2) years to ten (10) years imprisonment and a fine of not less than One Hundred Thousand Pesos (P100,000) to Five Hundred Thousand

Pesos (P500,000) or both fine and imprisonment, at the discretion of the court. The substance taken from its marine habitat shall be confiscated.

Commission of acts prohibited in this Article shall be punished by a fine of P5,000.00 or one (1) year imprisonment or both at the discretion of a court of competent jurisdiction, including the revocation of permits for private business entity/ies involved.

Article VI WATER RESOURCES

SECTION 1. *Scope of Powers.*

- a) The Province. The provincial government, upon approval of its request for deputation by the National Water Resources Board (NWRB) to perform specific functions of the latter, shall collaborate in the administration and enforcement of the provisions of Presidential Decree No. 1067 otherwise known as the "Water Code of the Philippines";
- b) The City/Municipalities. The municipal governments shall issue locational clearance in addition to the requirements under PD 1067 before construction of any water resources projects in their municipalities;
- c) The Barangays. The existing BWSA in each barangay shall assess their water resources, monitor its use and report to the NWRB, through the provincial government, data needed by the latter in its continuing program for data collection resource and manpower development needed for the appropriation, utilization, exploitation, conservation, and protection of the water resources of the barangay.

In the absence of BWSA, existing irrigators' associations and other water users associations in the barangay shall be utilized to perform the provisions of this section. In cases where both or all are existing in the barangay, irrigators' association members and other water association members shall automatically acquire membership to the BWSA for the purpose and intention of this section.

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

- a) Section 16, Article II and Section I, Article I of the 1987 Philippine Constitution as to the declared state policy and principles on the protection and advancement of its constituents to a balanced and healthy ecology;
- b) Article XIV, Section 8 of the 1987 Philippines Constitution providing, *inter alia*, that all waters of the Philippines belong to the State;
- c) Presidential Decree No. 1067 otherwise known as the Water Code of the Philippines, and
- d) Other applicable laws and administrative issuances consistent with the purposes and intent of this Code.

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

The objectives laid out under the Water Code of the Philippines (PD 1067), the definition of waters, scope of ownership of waters, its appropriation, utilization, control and conservation including the protection of waters and watersheds and related land resources, shall be the guiding principles in the utilization of water resources within the province. Issues and conflicts regarding the use and control of waters shall be immediately resolved by adhering to explicit provisions of PD

SECTION 4. *Utilization of Waters.* The following shall constitute as guidelines for proper utilization of water in the Province of Masbate:

- a) In addition to the provisions of the Water Code of the Philippines, utilization of the water resources for domestic and industrial use shall be allowed PROVIDED it is in consonance with the development policies of DENR, the Revised Forestry Code of the Philippines, as amended, and the National Pollution Control Decree of 1976 (PD984) and PROVIDED FURTHER, that it is subjected to an environmental impact assessment laid out under PD 1586.
- b) Other uses such as recreation, fishing and related activities, floatage/transportation and mining (e.g. off shore oil exploration) shall also be allowed PROVIDED it is subject to the regulations as above.
- c) Concerned LGUs shall maintain/rehabilitate lands along the edge of the normal high waterline of rivers and streams. Maintenance and/or rehabilitation should be at least 20 meters inland on both banks of waterways with at least 5 meters width.
- d) Clearance from concerned government agencies should be secured in the utilization of the buffer zone as specified in Article III Section 6 (c) (i). For the Province of Masbate, at least 50 meters buffer zone shall be maintained for the purpose of this section.
- e) Water peddlers and commercial surface and/or groundwater permittees in the province should maintain the safety and quality of their drinking waters passed on to their customers. Prior clearance should be secured from DOH for this purpose.
- f) Rainwater collection and harvesting for domestic purposes shall be promoted in the province.
- g) To rationalize the exploitation of all water resources, joint venture schemes in all waterworks projects is encouraged.
- h) Conservation of fish and wildlife shall also be considered and coordinated with other features of water resources development programs to ensure that fish and wildlife values receive equal attention with other project purposes.
- i) Possible inclusion of water conservation facilities/structures in the design and/or construction of building and dwellings in urban areas should be considered in the issuance of building permits.
- j) Watershed conservation and management (i.e., reforestation, soil and water conservation) should be integrated in all developmental projects utilizing water resources as its major component.
- k) Watershed area of Lanang River located in Aroroy, Masbate shall be recommended by the province as critical watershed in addition to previously proclaimed critical watersheds in accordance with the provisions of RA 7586 or the National Integrated Protected Areas System (NIPAS) Act of 1992.
- l) Watersheds of existing private or government-owned irrigation systems with service areas of more than ten (10) hectares shall also be recommended by the Province as critical watersheds in accordance with the provisions of RA 7586 or the NIPAS Act of 1992.
- m) IECs on proper conservation of water, integrated pest management and adverse effects on water resources by the use and application of agriculture fertilizers, detergents and washing agents shall be the duty of the Provincial Information Office and Office of the Provincial Agriculturist.
- n) Water Resource Guarantee Fund shall be established in the barangay, municipality and province. Funds for this shall come from the permits and fees levied on the use of all water re-

sources in the province outside of the fees required by the NWRB. Fifty percent (50%) of the guarantee fund shall accrue to the barangay where the project is located, twenty percent (20%) shall accrue to the municipality where the barangay is located and the remaining thirty percent (30%) shall accrue to the province. Coordinates of the water resources shall be used in defining its location and not the coverage of the water resources project.

SECTION 5. *Dams, Storage Reservoirs and Weirs.* The province recognizes that dams and reservoir projects improve water supply for irrigation and households, provide power, control floods and reduce fossil-fuel depletion and the environmental effect of fossil fuel burning. To minimize its adverse effects, the following shall be observed in the planning, design, construction and operation of these projects:

- a) Design of investment programs for supplying water or energy should consider demand management as well as supply options such as conservation of water or energy efficiency improvements and system integration.
- b) Multiple use of proposed dams and reservoirs shall be encouraged; communal access shall be promoted.
- c) Vector control, environmental modifications, education of residents around the reservoirs shall be a component of the proposed dam/SWIP (Small Water Impounding Project).
- d) Suitability of water quality for drinking, irrigation, fisheries or other uses, both within reservoirs and downstream shall be addressed. This shall include saline intrusions, water retention time (i.e. flow/volume), loss of flushing, increased nutrients in reservoir, pollution, raising or contamination of water table and salinization.
- e) Multiple-level outlets design in the dams shall be encouraged to avoid the discharge of anaerobic water. Likewise, conversion of forest to timber before reservoir filling shall be advocated to reduce project contribution to greenhouse gases.
- f) Floating weeds (e.g. water hyacinth) and water lettuce should be eliminated in reservoirs; use of weeds for compost, biogas or fodder should be encouraged.
- g) Downstream water releases should be properly managed by partially replicating natural flooding regimes to minimize changes in downstream hydrology which ultimately impair ecosystems dependent on seasonal flooding, including areas that may be important for fisheries (e.g. flood plains, lagoons, marshes, mangroves) or for traditional flood recession agriculture.
- h) Local government units shall be encouraged to maintain at least one SWIP/municipality and initiate reforestation activities on watershed affecting it.
- i) NIA and OPA strategies in water distribution shall be strengthened and enforced in areas where there are existing irrigation systems.

SECTION 6. *Prohibitions.* In addition to the prohibited acts enumerated under the Water Code of the Philippines, the following are also prohibited and penalized under this Code:

- a) No person shall, without prior permission from the EMB, perform any act which may produce dangerous or noxious substances and/or may result in the introduction of sewage, industrial waste, or any pollutant into any body of water;
- b) No septic tank shall be constructed within a radius of 25 meters from any existing open or closed wells being utilized for drinking purposes;
- c) No cemetery should be constructed nor a cadaver be buried within a 50 meter radius from existing and proposed closed and open wells being utilized or to be constructed for drinking purposes, and
- d) Tailings from mining operations and sediments from placer mining shall not be dumped into

rivers and waterways without prior permission from the Board upon recommendation of the EMB.

SECTION 7. *Sanctions.* Violations of the provisions under the Water Code of the Philippines is punishable by the sanctions enumerated in the said Code while commission of acts prohibited under Section 6 shall be punished by a fine of P5,000.00 or one (1) year imprisonment or both at the discretion of a court of competent jurisdiction, including the revocation of permits for private business entity/ies.

Article VII COASTAL RESOURCES

SECTION 1. *Scope of Powers.* In addition to the powers, duties and functions of the Municipal Mayor, City Mayor, and Provincial Governor to adopt adequate measures to safeguard and conserve land, mineral, marine, forest and other resources, as provided under Sections 389(b)(9), 444(b)(3)(vii), 455(b)(3)(v), and 465(b)(3)(v), respectively, the local government, subject to applicable provisions of RA 8550 and implementing rules and regulations, shall also provide the following coastal resource management services and facilities:

- a) For the Province, pursuant to RA 7160:
 - i) assistance to FARMCs, fishermen's cooperatives and other collective organizations as well as the transfer of technology pursuant to Section 17(b)(3)(i) and Article II of RA 8550.
 - ii) enforcement of community-based (mangrove) forest management laws and other laws on the protection of the environment pursuant to Section 17(b)(3)(iii).
 - iii) coastal tourism development and promotion programs pursuant to Section 17(b)(3)(xii); of DAO 30, series of 1992.
 - iv) enforcement of pollution control and environmental laws and regulations.
 - v) apprehension and testing of smoke-belching vehicles and collection of appropriate fees and charges pursuant to Section 3.3(a)(iii).
 - vi) abatement of noise and other forms of nuisance pursuant to Section 3.3(c).
 - vii) enforcement of Cease and Desist Orders issued by the Pollution Adjudication Board pursuant to Section 3.3(d).
 - viii) enforcement of the small-scale mining law (RA 7076) pursuant to Section 3.4(a).
 - ix) enforcement of forestry laws limited to community-based forestry projects particularly in municipal/city communal forests, community-based forest management projects, and small watersheds, such as, but not limited to, prevention of forest fire, illegal cutting and *kaingin*; apprehension of violators of forest laws, rules and regulations and other unlawful activities; apprehension of illegally extracted forest products on site; apprehension of conveyance, equipment and other implements used in the commission of offenses penalized under Presidential Decree No. 705, as amended by Executive Order No. 277, series of 1987, and other forestry laws, rules and regulations pursuant to Section 3.1(d) thereof.
- b) For the municipalities, pursuant to RA 7160:
 - i) enforcement of fishery laws in municipal waters, whether local and national promulgation, including the conservation of mangroves, extension and on-site research services and facilities related to fishery activities which include dispersal of fingerlings and other seeding materials for aquaculture pursuant to Section 17(b)(2)(ii).
 - ii) provision of fish ports, seawalls, dikes, drainage and sewerage, and flood control services pursuant to Section 17(b)(2)(viii).

- iii) coastal/marine tourism facilities and other marine/coastal tourist attractions, including the acquisition of equipment, regulation and supervision of business concessions, and security services for such facilities pursuant to Section 17(b)(2)(xi) and pursuant to DENR Administrative Order No. 30, series of 1992.
 - iv) implementation of community-based forestry projects such as CBFM, establishment of new regular reforestation projects, except those located in protected areas (e.g. marine parks, mangrove forest reserves) and critical watersheds, completed family- and community-based contract reforestation projects, subject to policies and procedures prescribed by the DENR, Forest Land Management Agreements, in accordance with Section DAO 71, series of 1990 and other guidelines that the DENR may adopt, and Community Forestry Projects, subject to concurrence of financing institutions, if foreign assisted, pursuant to Section 3.1(a).
 - v) management and control of communal forests with an area not exceeding 5,000 hectares, provided that the concerned coastal municipality shall endeavor to convert said areas into community forestry projects pursuant to Section 3.1(b).
 - vi) establishment and maintenance of tree parks, greenbelts and other tourist attractions in areas identified and delineated by the DENR, except those in protected areas, and the collection of fees for their services and the use of facilities therein pursuant to Section 3.2(a).
 - vii) except for import and export, regulation of flora outside protected areas including industries and businesses engaged in their propagation and development, such as orchidaria and nurseries; provided that such businesses and industries are registered with the DENR for monitoring purposes pursuant to Section 3.2(b).
 - viii) implementation of the Rehabilitation in Conservation Hotspots (RICH) and the Conservation of Rare and Endangered Species (CARE) activities in areas identified and delineated by the DENR pursuant to Section 3.2(c).
 - ix) implementation of waste disposal and other environmental management systems and services related to general hygiene and sanitation, such as sewage and household waste disposal.
- c) For a city, all services and facilities of the municipalities and province, pursuant to Section 17(b)(4), RA 7160.

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

- a) RA 7160 (Local Government Code of 1991);
- b) RA 8550 otherwise known as the Philippine Fisheries Code of 1998 with its implementing rules and regulations;
- c) Presidential Decree No. 705 (Forestry Decree of 1975), as amended;
- d) Presidential Decree 601 (tasking the Philippine Coast Guard in marine environmental protection);
- e) PD 984, the 1976 National Pollution Control Decree;
- f) Republic Act 8749, the Clean Air Act;
- g) Republic Act 6975 (Local Government Act of 1990, creating the PNP-MARICOM under the DILG);
- h) Republic Act 5173 (Philippine Coast Guard Act of 1957), and

- i) EO 247 series of 1995 entitled “Prescribing guidelines and establishing a regulatory framework for the prospecting of biological and genetic resources, their by-products and derivatives for scientific and commercial purposes, and for other purposes”.

SECTION 3. *Operative Principles.* The Province recognizes that the municipal waters in the Province of Masbate, which contains valuable productive habitats wherein two-thirds of Masbateños are directly dependent for livelihood, income and nutrition, is presently under “de facto” open access conditions which threaten the food security, long-term livelihood, use and enjoyment of our fishing population in particular and the whole province in general. The Province also hereby affirms the provisions of Article XIII, Section 7 of the Philippine Constitution, which provide that the State, through the component coastal municipalities, shall protect the rights of subsistence fishermen, especially of local communities, to the preferential use of communal marine and fishing resources, both inland and offshore. It shall also protect its marine wealth and exclusive economic zone, and reserve its use and enjoyment exclusively for the Filipino citizens.

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

SECTION 4. *Provincial Coastal Resource Management Framework.* In consideration of the trans-boundary character of the issues, challenges, and problems confronting the municipal waters and pursuant to the general welfare clause of RA 7160, the Governor shall establish a Provincial Coastal Resource Management Framework (CRMF) for eventual integration into the Provincial Physical Framework Plan as provided in Article III (Sections 4f, 4g and 5) of this Code, to serve as guide for coastal municipalities in undertaking, among others, the delineation, establishment, management, and maintenance and protection of their municipal waters.

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

- a) **Habitat Rehabilitation and Fisheries Management**
 - i) Establishment and management of marine sanctuary
 - ii) Management of mangroves
 - iii) Designation of closed season and closed areas
 - iv) Delineation of zones for specific uses
 - v) Sustainable coastal aquaculture
 - vi) Fisheries monitoring
 - vii) Management of seagrass beds
- b) **Legal, Institutional and Fiscal Arrangements**
 - i) Legislation of comprehensive coastal and fishery management ordinance
 - ii) Formulation of CRM Plan and Annual CRM Investment Programs
 - iii) Creation of CRM Office
 - iv) Inter-LGU collaboration
 - v) Allocation of budget for CRM implementation
- c) **Enterprise and Livelihood Development**
 - i) Identification of land- and sea-based livelihood/enterprise projects
 - ii) Development of value-added products
 - iii) Fund-sourcing
 - iv) Coastal ecotourism development
 - v) Market development, linking and networking

- d) Investment Promotion and Revenue Generation
 - i) Feasibility studies and project proposal development
 - ii) Networking and linkaging with local, national foreign institutions
 - iii) Budget allocation
- e) Shoreline Protection and Development
 - i) Maintenance of setbacks
 - ii) Pollution control and mitigation
 - iii) Port and harbor management
 - iv) Solid waste management
 - v) Coastal land-use planning management
 - vi) Sand and quarry regulation
 - vii) Human settlements
 - f) Coastal Law Enforcement
 - i) Delineation of municipal waters boundaries
 - ii) Licensing and permitting system
 - iii) Strengthening of community-based law enforcement groups
 - iv) Inter-agency and -LGU collaboration
 - v) Monitoring, Control and Surveillance
 - vi) Prosecution
- g) Research, Extension and Information Management
 - i) Participatory Coastal Resource Assessment
 - ii) Hydro-biological study
 - iii) Fisheries and habitat monitoring and evaluation
 - iv) Geographic Information System and Mapping
 - v) Information, Education and Communication
 - vi) Community Organizing and Training
 - vii) Municipal Coastal Database

SECTION 5. *Delineation of Municipal Waters.* The Governor shall adopt all measures to encourage the Municipal Mayors, coastal inhabitants, FARMCs and concerned national government agencies to complete the delineation, establishment, management and protection of their municipal waters pursuant to Section 131(r) of RA 7160.

It shall be incumbent upon the concerned Municipal Mayor or City Mayor, as the case may be, to measure, delineate, demarcate, zonify, and produce maps of their respective territorial boundaries, employing in the process a certified engineer; PROVIDED, that the delineation of municipal waters shall be undertaken jointly by contiguous municipalities to avoid future controversies in boundary lines; PROVIDED FURTHER, that the amicable settlement of boundary disputes between municipal waters shall be governed by Section 118 and Section 119, RA 7160; PROVIDED FINALLY, that upon effectivity of this Code, no fishery privileges shall be issued, pursuant to Section 149, RA 7160, until the measurement, delineation, demarcation, zonification and mapping of municipal water has been duly completed. The Governor is hereby authorized to issue the appropriate implementing rules and regulations, circulars, directives and memoranda, including sanctions for the purpose of implementing the provisions of this Section.

SECTION 6. *Use of Municipal Waters.* The provincial government shall ensure the adoption of a municipal zonation plan that complements land use plan. The use and exploitation of municipal waters shall be reserved exclusively to resident fishermen of the municipality and with preference to registered subsistence fishermen. Such preferential use, however, should not exceed the limits of optimum sustainable yields as determined by continuing resource accounting and valuation activities. However, fishermen from other Masbate LGUs may fish in said municipal water PROVIDED they comply with the existing municipal ordinance of the concerned municipality.

PROVIDED FURTHER, that fishermen from other provinces, whether subsistence or commercial, will not be allowed to fish in all municipal waters in the province.

SECTION 7. *Fish Peddlers.* No fish peddlers shall be allowed to enjoy business privileges in any municipality without securing Mayor's permit and submit an approved copy of the same to the local PNP Command.

SECTION 8. *Foreshore/Mudflats surrounding Masbate Province.* The Provincial Government, through the Sangguniang Panlalawigan, shall continue to lobby to the RED-DENR Region V to stop the survey of foreshore/mudflats surrounding Masbate Province for any use of individual, corporation, cooperatives, or any people's organizations.

SECTION 9. The provisions on non-conforming use under Article III, 7 (f) and (g) of this Code will apply to illegally occupied mangroves. Developers of illegally occupied mangroves must apply for Certificate of Non-Conformance within six (6) months from the ratification of CLUPs by the Sangguniang Panlalawigan. Failure on the part of the developer to register/apply for a Certificate of Non-Conformance shall be considered in violation of the CLUP and is subject to fines/penalties.

The illegal occupant shall program the phase-out of the non-conforming use and the phase-in of the mangrove rehabilitation within ten (10) years from the effectivity of the ordinance adopting the CLUP.

SECTION 10. *Community Participation and Integration of National Government Agencies.* Management of our coastal resources and municipal waters shall be undertaken by communities in close collaboration with their municipal government and barangay councils, FARMCs, national government agencies and instrumentalities, people's organizations, non-government organizations and the private sector in general in order to engage their active participation. In particular, the Governor shall adopt adequate measures to directly engage the Philippine Coast Guard (PCG) pursuant to RA 5173 and Presidential Decree 601 (PCG Act of 1957 and tasking the PCG in marine environmental protection, respectively), Maritime Command (MARICOM) of the Philippine National Police pursuant to Section 24, RA 6975 (Local Government Act of 1990, creating the PNP under the DILG), Maritime Industry Authority (MARINA) and the Philippine Ports Authority of the Department of Transportation and Communications pursuant to Executive Order 125, the Department of Agriculture through the Provincial Agriculture Office and Municipal Agriculture Offices, the Bureau of Fisheries and Aquatic Resources (BFAR), Department of Science and Technology, Department of Education, Culture and Sports, Department of Public Works and Highways, and the DENR-EMB V in the implementation of CRM laws, programs and/or projects in the province.

SECTION 11. *Environmental Impact Assessment.* The coastal zoning and management plans shall be subject to an Environmental Impact Assessment (EIA) without which the Sangguniang Panlalawigan shall not authorize appropriation of public funds for this purpose.

SECTION 12. *Designation of Closed Season.* The Local Chief Executive (LCE) upon recommendation of the FARMC and concerned agencies through municipal ordinance may designate closed season harvesting of commercially and ecologically important species of fish such as, but not limited to, *Decapterus sp.*, *Rastrillegar sp.*, *Sardinella sp.*, Siganidae, *Epinephelus sp.*, *Mugil sp.*, *Scomberomorus sp.*

The concerned LGU, FARMC or special agencies shall, through appropriate municipal ordinance or resolution, cease to issue licenses/permits for fisheries activities in municipal waters and bays in closed season areas.

SECTION 13. *Marine Sanctuary and Fishery Reserves.* The LCE in consultation with FARMC and concerned agencies shall establish marine sanctuary and fishery reserves of at least

25% but not more than 40% of their municipal water to be co-managed by the LGU, FARMC and accredited POs within the area.

SECTION 14. *Registry of Municipal Fisherfolks.* The LGU shall maintain a registry of municipal fisherfolks as embodied in Section 19, Art. I of RA 8550.

SECTION 15. *Strict Implementation of Laws, Rules and Regulations for Endangered and Threatened Aquatic Species.* The POEM Provincial Officer shall coordinate with appropriate agencies in protecting endangered and threatened aquatic species such as, but not limited to: sea turtle, sea catfish, species of dolphins and whale family upon the effectivity of this Code.

SECTION 16. *Authorizing the Provincial Governor through SP Resolutions.* The Provincial Governor, by virtue of approved SP resolutions, may authorize the following conducts:

- a) order the setting up of police checkpoints in all entry points in the province to prevent the transport of endangered flora and fauna, shipment of fish suspected to have been caught by explosives and poisonous substances; and prevent the entrance of nitrates and cyanide from Lucena and other sources;
- b) establish a provincial environmental quality monitoring and evaluation system; the provincial inter-agency CRM Technical Working Group shall assist in resource assessment, monitoring and evaluation;
- c) establish a One Stop Action Center called the Provincial Hot Line for the strict enforcement of laws related to coastal environment and conduct of IEC; and,
- d) appropriate funds for the improvement of existing laboratory at the Provincial Agriculture Compound and provide laboratory equipment for water quality and cyanide testing and scientific examination of dynamited fish.

SECTION 17. The Local Chief Executives, through the Sangguniang Panlungsod/Sangguniang Bayan, FARMC and other concerned agencies, shall pursue the enactment of pertinent ordinances/orders to:

- a) regulate the gathering of natural stock of seaweeds/seagrasses, shells and other aquatic invertebrates such as, but not limited to, sea cucumber, sea anemone, sea snakes and sea urchin, and other fishery products;
- b) regulate fishing in areas with existing artificial reefs;
- c) ban the use of compressors for fishing in all municipal waters in the province;
- d) ban commercial fishing and use of active fishing gears to wit: purse seine, trawl fishing, Danish seine, *muro-ami*, and bagnets within municipal waters;
- e) require all sea vessels to provide on-board waste management facilities in addition to other requirements already prescribed by any licensing office;
- f) urge the filing of pertinent charges against government officials/employees, FARMCs, police officers and other law enforcement agents for failing and neglecting the arrest/apprehension of fisherfolks flagrantly caught fishing in municipal waters using purse seine, trawl, Danish seine, *muro-ami* and bagnet. Likewise, conniving with and inducing the operator/fishermen shall not be exempted in this provision. PROVIDED, that this provision does not contradict the provisions of Section 18 of RA 8550;
- g) ban shipment of prawn spawners and spawners of other fish species like, but not limited to, *lapu-lapu*, mudcrab, sea bass, red snapper and siganid from the municipalities of the Province of Masbate;
- h) prohibit the construction of corral (fence) at all piers and ports of Masbate province and

providing other regulations and penalties for violation thereof;

- i) urge the LCE to initiate implementation of Masbate Fishery Development Program as embodied in Res. 172-97;
- j) provide financial and technical assistance in terms of institutional building resource management and development; set aside revenue from coastal management to barangays for trainings, IEC and other related activities;
- k) automatic appropriation of funds for coastal resource management;
- l) create CRM Offices in 21 municipalities, and
- m) discourage people from buying aquatic products caught illegally, egg-bearing or juvenile fish, live fish and endangered sea animals.

SECTION 18. *Prohibitions and Penalties.* The Sangguniang Panlalawigan shall, within one year upon effectivity of this Code, develop model fishery ordinance for the municipalities and city for the purpose of adopting the provisions of Chapter VI, Section 86 to Section 106 of RA 8550 as sanctions for acts in violation of the fishery provisions of this Code.

Article VIII ECOTOURISM MANAGEMENT

SECTION 1. *Scope of Powers.* In addition to the powers, duties and functions of the Sangguniang Bayan/Panglungsod and the Sangguniang Panlalawigan to adopt adequate measures to safeguard and conserve land, mineral, marine, forest and other resources, as provided for under the pertinent provisions of R.A. 7160 otherwise known as the Local Government Code of 1991, the local governments shall also perform the following ecotourism-related duties and powers:

- a) For the province, formulate plans relating to tourism development and promotion programs and undertake activities relative thereto;
- b) For a municipality/city, regulate tourism facilities and other tourist attractions as well as holding of tourism activities, including the acquisition of equipment, regulation and supervision of business concession, and security for such services, and
- c) For the barangay, endorse tourism projects or tourism-related activities for approval by the Sangguniang Bayan/Panglungsod concerned, subject to other requirements and regulations imposed by this Code and by other relevant national laws and local ordinances.

SECTION 2. *Governing Laws.* The provisions under this Article shall be governed by, but not be limited to, the following national laws:

- a) Section 16, Article II and Section I, Article I of the 1987 Philippine Constitution as to the declaration of State policy and principles for the protection and advancement of the people to a balanced and healthful ecology;
- b) Republic Act No. 7160 (Local Government Code of 1991) as applicable to the functions and powers of each local government unit in terms of ecotourism management;
- c) Presidential Executive No. 120 as to the formulation of strategies for biological diversity;
- d) Executive Order No. 111 as to the adoption of ecotourism as the developmental model for sensitive natural and cultural areas;
- e) Executive Order No. 247, Series of 1995, entitled "Prescribing guidelines and establishing a regulatory framework for the protection of biological and genetic resources, their by-products and derivatives for scientific and commercial purposes and for other purposes";
- f) Presidential Decree No. 1152, as to wildlife and forestry protection and soil conservation, and

- g) Other applicable laws and administrative orders that are promulgated or will be promulgated as necessary and relevant to proper ecotourism management purposes.

SECTION 3. *Operative Principles.* Pursuant to the mandate of the national laws governing this Article, the Provincial Government, in coordination with the municipal/city governments, shall adopt and pursue ecological and sustainable tourism as a major strategy for the conservation of biological diversity and preservation of unique natural and cultural heritage of the Masbateños, creation of local employment opportunities and generation of hard currencies. It shall be the priority of the Provincial Government to ensure equitable distribution of benefits from the utilization of our heritage and, as such, there is hereby established a system of local community entrepreneurship in the operation and management of tourism sites.

All aspects of tourism development in the Province of Masbate shall be conceptualized and/or done within the purview of sustainable ecotourism.

SECTION 4. *Ecotourism Development Plan.* Within one (1) year from the effectivity of this Code, the Provincial Governor, together with the Sangguniang Panlalawigan, and in coordination with the Municipal/City Mayors, national government agencies/offices, non-governmental organizations and private sector representatives, shall formulate the Provincial Ecotourism Development Framework to:

- a) regulate and control the growth of ecotourism activities in the Province through the formulation and implementation of framework plans;
- b) identify and prioritize tourism zones and areas for development in consideration of the ecology, market potential, infrastructure investment requirement, economic viability, strategic position for expansion, and community participation. Determination of such areas shall be subject to the recommendation of the Sangguniang Bayan concerned, after consultation with the affected barangay, and approval of the Governor, who, in turn, shall issue directive for the purpose;
- c) preserve places, sites or areas of archaeological, cultural and/or historical value or importance;
- d) develop, rehabilitate, conserve and monitor operations of beaches, coastal forests and sanctuary parks for fish and migratory and/or indigenous birds, including the native flora and fauna;
- e) elicit people and community participation in the tourism industry through conduct of public hearing/consultation prior to approval of any tourism-related facility and activity;
- f) establish a government-friendly tourism business atmosphere in order to further encourage tourism investments such as, but not limited to, granting of fiscal incentives, awards for delivery of excellent hospitality services, and encouragement or subsidy for small-scale enterprises in support of ecotourism;
- g) encourage educational awareness as to the importance of ecology and sustainable development vis-à-vis tourism development and undertakings through information drive, study tours and in-bound and out-bound tourism mission; provided, that in the case of the out-bound tourism mission, said activity shall be subject to the recommendation of the Tourism Division of the Provincial Office on Environment and Natural Resource Management (POEM) and approval by the Sangguniang Panlalawigan;
- h) establish and maintain Visitors Information and Assistance Center(s);
- i) establish and maintain a Masbate Provincial Display Center to showcase locally-produced products;
- j) encourage holding of tourism activities such as Rodeo Masbateño, packaged ranch life and Island Adventure Project and similar activities, provided that said activities shall be environ-

ment-friendly and economically sustainable, and

- k) encourage use of indigenous materials and Philippine architectural design to harmonize design of exterior buildings or edifices with the architectural style of site and to enhance natural asset and ambiance;

PROVIDED, that the Ecotourism Development Framework shall be integrated into the PPF in consonance with the provisions of this Code.

SECTION 5. *Community-based and Ecologically-sound Tourism.* The Provincial Governor and the Municipal/City Mayors shall adopt adequate measures to ensure that local communities within tourism zones are not deprived of opportunities for gainful and sustainable livelihood, generation of municipal revenues and job opportunities. For this purpose, the Municipal Council shall enact appropriate legislation, such as, but not limited to, the following:

- a) determination of carrying capacity for every tourism area;
- b) inventory of physical, biological, social and tourism resources such as existing and potential tourism sites as the baseline data for environmental and socio-cultural assessments and management in tourism measures;
- c) regulation and control of number of visitors and frequency of visits;
- d) on-site pollution control mechanisms;
- e) mechanics for people's initiative and community participation in tourism development and projects to foster multi-stakeholders participatory ecotourism enterprise;
- f) provisions for adequate setbacks to let natural processes grow uninterrupted and, at the same time, to allow visual access to tourism sites, and
- g) provisions for strict law enforcement.

SECTION 6. *Monitoring and Evaluation Mechanism.* The Provincial Government, in coordination with local government unit concerned, other government agencies and non-governmental organizations, shall conduct regular monitoring and evaluation activities to ensure that tourism facilities and activities conform and/or adhere to the provisions of this Code, and shall recommend appropriate measures relative to the results of the monitoring and evaluation conducted.

SECTION 7. *Provision for Accreditation.* For purposes of establishing and maintaining a higher degree of professionalism in the delivery of tourism services and hospitality, the Sangguniang Panlalawigan shall formulate, within one (1) year after the effectivity of this Code, a system of accreditation of tourist guides, drivers, escorts, promoters, service providers, coaches and conveyance used in tourism-related enterprises, including a system of rules and regulations governing issuance of appropriate licenses, and the related fees and charges therefor; provided that said fees shall be imposed without prejudice to those imposed or will be imposed by the Municipality/City for the purpose.

After one (1) year from the effectivity of this Code, unaccredited/unlicensed guides, drivers, escorts, promoters, service providers, coaches and conveyances in tourism-related enterprises shall be subject to prosecution for violation of this Code.

SECTION 8. *Provisions for Peace and Order.* The Provincial Government in coordination with the Philippine National Police and other concerned agencies shall maintain the highest level of peace and order in the province in order to ensure the safety of local and foreign tourists.

SECTION 9. *Prohibited Acts.* In addition to acts punishable by other articles of this Code and by other relevant national laws, acts prohibited and penalized under this Article as applicable to tourism shall include, but not be limited to, the following:

- a) Developing streams, marshland, lake, pond and river for tourism/recreational purposes without prior permit from the National Water Resource Board (NWRB) or its deputized agency and the municipality/ies concerned, in addition to an Environmental Compliance Certificate (ECC) and endorsement from the barangay/s where the project is to be implemented;
- b) Dumping or disposing of any waste or garbage within tourist zones except in designated place/areas;
- c) Mutilating, defacing or destroying objects of natural beauty, or burial grounds, objects belonging to religious and cultural groups, as well as monuments, landmarks and other objects or artifacts of archaeological importance;
- d) Construction/expansion of facilities and infrastructures and holding of activities in non-designated or preserved areas that will destroy, alter or expose fragile habitats to human encroachment.
- e) Entering and/or visiting preserved areas or those to which access is prohibited, except for access/activities which are conducted in pursuance of scientific or legal study or researches.
- f) Taking, transporting-exporting of endangered flora and fauna from its natural habitat, including introduction of species harmful to the area, except those which are transported or introduced for scientific purposes or legal causes.

PROVIDED that guidelines for specie and area determination and exemptions granted under this Section shall be enacted by the Provincial Governor, through the recommendation of the Tourism Division of the Provincial Office on Environment and Natural Resource Management (POEM) as endorsed by its Provincial Officer, within one (1) year after the effectivity of this Code, in accordance with the guidelines prescribed under the National Integrated Protected Areas System (NIPAS) Act of 1992.

SECTION 10. *Sanctions.* Commission of acts prohibited in Section 9 shall be punished by a fine of P5,000.00 or one (1) year imprisonment or both at the discretion of a court of competent jurisdiction, including the revocation of permits for private business entity/ies involved.

Article IX AIR AND NOISE POLLUTION MANAGEMENT

SECTION 1. *Scope of Powers.* The provincial and city governments are vested with the powers under Section 17(v)(3)(iii) and Section 17(b)(4) respectively which refers to enforcement of pollution control laws and other laws on the protection of the environment. Section 3.3 DENR Administrative Order No. 30, series of 1992 also provides specific powers, as follows:

- a) enforcement of the following pollution control and environmental laws, rules and regulations:
 - i) abatement of noise and other forms of nuisance, and
 - ii) implementation of Cease and Desist Orders issued by the Pollution Adjudication Board.

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

- a) Republic Act No 7160;
- b) PD 1181 entitled "Providing for the Prevention, Control and Abatement of air pollution from motor vehicles and for other purposes"; and
- c) Republic Act 8749, the Clean Air Act of 1999.

SECTION 3. *Operative Principles.* Pursuant to Sec. 17 of RA 7160, the provincial government reaffirms its authority to enforce pollution control laws and take over the testing and apprehension of smoke-belching vehicles and abatement of noise and nuisance in accordance with law.

SECTION 4. *Vehicle Emission Control.* The Provincial Governor, in coordination with the Land Transportation Office (LTO) and the DENR, shall establish a permitting system to ensure that the emission of vehicles and industries operating within the province are in accordance with standards provided under Republic Act 8749. Appropriate funds should be allocated for the acquisition and maintenance of emission testing equipment.

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

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

SECTION 7. *Ambient Air Quality and Noise Level Monitoring.* When necessary, the Governor, in close collaboration with the DENR-EMB V shall establish, operate and maintain noise and ambient air quality sampling and monitoring stations, the result of which shall be released to the public particularly to communities living near and around emission sources.

SECTION 8. *Information and Education.* The Governor shall implement a continuing program of education and information dissemination on air and noise pollution as an integral part of the pollution control policy of the provincial government.

SECTION 9. *Advisory Group.* A group from the industrial sector shall be organized for the purpose of sharing air pollution reduction and noise abatement techniques and advise the Governor and Mayors on policy requirements to promote clean air in the province and/or city.

SECTION 10. *Acts Prohibited and Punishable* under this Code shall include, but not be limited to, the following:

- a) Causing, permitting, suffering or allowing the emission of particulate matter from any source whatsoever, including but not limited to, vehicular movement, exportation of materials, construction, alteration, demolition or wrecking or industry-related activities such as loading, storing or handling without giving reasonable precautions to prevent the occurrence of such condition. Neither shall such person cause or permit the discharge of visible fugitive dust emissions beyond the boundary line of the property from which the emission originates;
- b) Storing, dumping, handling, processing, unloading or using in any process or installation, volatile compounds or organic solvents without applying known vapor emission control devices or systems deemed necessary, and approved and ordered by the Governor or City Mayor, as the case may be, or appropriate national agency;
- c) Operating plant/source at capacities exceeding the limits of operation or capability of a control device to maintain air emission within standard limitations as provided under existing national laws, rules and regulations;
- d) Building, erecting, installing or using any article, machine, equipment or other contrivance, the use of which will conceal emission which would otherwise constitute a violation of any of the provisions of this Code;
- e) Any person intending to build, erect or install any chimney, from or through which air impurities may be emitted, shall obtain a prior approval from the Governor and/or the Mayor. This requirement shall not apply for a chimney serving a private residence;

- f) It shall be unlawful for any operator of a vehicle to allow it to discharge air pollutants at levels greater than the acceptable concentration standard prescribed by the DENR;
- g) Causing, allowing or permitting the discharge of air pollution that cause or contribute to an objectionable odor;
- h) Building, erecting, constructing, installing or implanting any new source; operate, modify, or rebuild an existing source; or by any means cause or undertake any activity which would result in ambient noise level higher than the ambient standards. Neither shall such person emit or cause to emit or suffer to be emitted noise greater in volume intensity or quality than the levels prescribed by the DENR for tolerable noise without first securing a clearance from the Municipal/City Mayor, and
- i) Causing or permitting the creation of any unnecessary noise through the use of any device on any street adjacent to any hospitals, schools, or courts of justice.

SECTION 11. *Penalties.* Violation of Section 10 pars. (a), (b), (c), (d) of this Article shall be penalized and be fined an amount of not less than One Thousand Five Hundred Pesos (P1,500) but not to exceed Five Thousand Pesos (P5,000) or an imprisonment of not less than thirty (30) days but not to exceed one (1) year or both fine and imprisonment at the discretion of the court.

Violation of Section 10 pars. (f), (g), (h), (i) under this Article shall be penalized and be fined an amount of not less than One Thousand Pesos (P1,000) or both fine and imprisonment at the discretion of the court.

Article X WASTE MANAGEMENT

SECTION 1. *Scope of Powers.* This Code is enacted to supplement the provisions of RA 7160, under Section 389 (b)(9), 444(b)(3)(vii), 455(b)(3)(vii), and 465(b)(3)(v), for the local government units to provide the following services and facilities on waste management:

- a) Province: enforcement of pollution control laws and other laws on the protection of the environment pursuant to Section 17(b)(3)(iii). The Province shall:
 - i) coordinate with other government and non-government agencies in the implementation of measures to prevent and control land, air and water pollution with the assistance of DENR;
 - ii) implement solid waste disposal and other environmental management systems and services related to general hygiene and sanitation, such as sewage and household wastes disposal;
 - iii) implement Cease and Desist Orders issued by the Pollution Adjudication Board;
 - iv) regulate activities relative to the use of land, buildings and structures;
 - v) regulate the disposal of clinical and other wastes from hospitals, clinics and other similar establishments; and,
 - vi) adopt measures and safeguards against pollution and for the preservation of the natural ecosystem in the province, in consonance with approved standards on human settlements and environmental sanitation.
- b) Municipalities/City: waste disposal system or environmental management systems and services related to general hygiene and sanitation, pursuant to Section 17(b)(2)(vi) thereof;
- c) Barangays: services and facilities related to general hygiene and sanitation, beautification and waste collection, pursuant to Section 17(b)(1)(v) of RA 7160.

SECTION 2. *Governing Laws.* All existing laws on Integrated Waste Management shall form

part of this Code, namely:

- a) Presidential Decree 825, otherwise known as the Garbage Disposal Law of 1975, prohibiting littering in public places and making it the responsibility of residents, institutions and commercial and industrial establishments to clean their surroundings, including streets and canals adjacent to their properties. It further provides for penalties for the proper disposal of garbage and other forms of uncleanness;
- b) Presidential Decree 856, otherwise known as the Code of Sanitation of the Philippines, prescribing requirements for refuse collection and disposal systems by food establishments in cities and municipalities;
- c) Presidential Decree 1152, entitled "Consolidating the Philippine Environment Code", requiring the preparation and implementation of a waste management program in all cities and municipalities. Specifically, it provides that waste disposal shall be by sanitary landfill, incineration, composting and other methods;
- d) Republic Act 6969, also known as the Toxic Substances and Hazardous and Nuclear Wastes Control Act of 1990;
- e) Republic Act 7160, also known as the Local Government Code of 1991 providing for the devolution of certain environmental powers and responsibilities to the local government units, including the preparation and enforcement of their respective waste management programs;
- f) Section 2238 of the Revised Philippine Environment Code stipulating the general powers of city and municipal councils to enact ordinances and make such regulations on health and safety for the comfort and convenience of the community and the protection of property therein;
- g) Republic Act 6957 as amended by RA 7718 (Build-Operate-Transfer Law) providing that infrastructure and development projects normally financed and operated by the public sector, such as that for waste management, maybe wholly or partially implemented by the private sector, and
- h) All approved municipal ordinances for the protection and preservation of the environment.

SECTION 3. *Operative Principles.* The Provincial Government shall encourage, promote, and stimulate technological, educational, economic and social efforts to prevent environmental damage and avoid unnecessary loss of valuable resources of the province through recovery, recycling and re-use of waste and waste products; and through this Code, shall provide for the following:

- a) a waste management program that will not create pollution of any kind nor will contribute nuisance.
- b) a system for safe and sanitary disposal of waste.

SECTION 4. *Integrated Waste Management (IWM) System.* As guide for interventions, the provincial government hereby adopts the IWM system as recommended by the Presidential Task Force for Waste Management (c.f. Memorandum Circular dated November 30, 1987). Accordingly, the system shall be composed of the following functional elements:

- a) **Waste Generation.** Includes activities that lead to the identification and understanding of the sources, amounts, nature, type and characteristics of wastes generated. This component covers the reduction, re-use, and recycling (3Rs) of wastes at source;
- b) **Handling and On-Site Storage.** Handling of waste after generation includes sorting, shredding, composting, bailing and compaction and placement of waste materials into their corresponding storage containers and the movement of these stored wastes to the collection points;
- c) **Collection, Transfer and Transport.** This involves gathering of wastes and hauling them to

transfer stations or to final disposal sites;

- d) Processing and Recovery. Includes size reduction, magnetic separation, density separation using air classifier and other processes and operations designed to recover and produce usable materials like compost, and
- e) Disposal. This is the final step of the IWM system. The most common and widely accepted final disposal is the use of the sanitary landfill.

SECTION 5. *Disposal of Hazardous/Hospital Wastes.*

- a) Hospital wastes especially infectious ones shall be disinfected/treated prior to its final disposal to a sanitary landfill in a manner approved by the local health officer PROVIDED that it conforms with the Implementing Rules and Regulations of the Clean Air Act.
- b) Other hazardous wastes shall be disposed in accordance with the laws and guidelines of the concerned government agencies like DENR-EMB V and DOH.
- c) Collection and transportation of hazardous wastes shall be duly coordinated with the government agencies responsible for such type of wastes.

SECTION 6. *Role of the Province.* The Provincial Government shall encourage and promote the practice of waste segregation and waste minimization at source. The POEM, through its Waste Management Section, shall:

- a) assist municipal governments in the preparation of a multi-year IWM program, including information, education, and communication materials;
- b) facilitate establishment of supportive linkages between municipal government units and other government and private sector organizations;
- c) assist municipalities who may decide to group themselves, consolidate or coordinate their efforts, services, and resources for the purpose of establishing a common IWM system or facilities;
- d) in coordination with the Presidential Task Force for Waste Management, DENR, NGOs, and the League of Municipalities, facilitate the establishment of a model municipal unit that demonstrates an effective and efficient IWM system;
- e) train provincial personnel to provide technical assistance services, particularly in IWM and EIA (Environmental Impact Assessment) to city and municipal governments, and
- f) install an operational monitoring system to ensure sustainability of IWM programs.

SECTION 7. *Role of the City, Municipality and Barangay.* Pursuant to Section 17, RA 7160, the city, municipality and barangay shall be responsible in providing services related to waste and garbage disposal. Accordingly, the city and municipal governments shall consider the following processes for the establishment of their own IWM system:

- a) coordinate with other concerned agencies for transfer of technology on waste management;
- b) conduct training-seminar on waste management at the barangay level;
- c) prepare an IWM program based on the review of options identified with the community;
- d) promulgate an IWM ordinance. The ordinance shall contain the following parts, namely: Definition of Terms, Waste Generation and Storage, Waste Processing and Resource Recovery, Collection and Transportation of Waste, Disposal of Solid Wastes, User Fees for Waste Management Services, Violation and Penalty and Penal Provisions. The city or municipality may refer to the Generic City/Municipal Ordinance for waste management prepared by the Presidential Task Force for Waste Management, and

- e) create the Municipal Environment and Natural Resources Office (MENRO) to oversee integrated approach versus conventional collection and disposal effort. Where funding poses a major constraint, existing departments such as the General Services Office, Municipal Health Office or the Municipal Planning and Development Office may be designated to perform IWM responsibilities on a concurrent capacity.

SECTION 8. *Prohibited Acts.* The Sangguniang Panlalawigan, in consultation with the various municipal/city sanggunians and the DENR, shall within one (1) year upon effectivity of this Code, enact a unified ordinance for the purpose of defining the penalties and/or sanctions for acts in violation of the provisions of this Code, such as, but not limited to, the following:

- a) the disposal of non-biodegradable debris, dredge materials if such are contaminated with industrial wastes, discarded fishing nets and lines, packing bands, straps, synthetic ropes, plastic bags, bottles, sheets, other container and even medical equipment shall likewise be prohibited for it will not only reduce amenity of the marine environment but also poses threat to the safety of many marine mammals and birds that are prone to ingest such debris;
- b) pursuant to existing laws, construction of local dump sites or industrial settlement pits and waste treatment plants less than one (1) kilometer away from the sea and/or rivers shall be banned, and
- c) no person shall dump or dispose wastes into the sea and any body of water, including shorelines and river banks, where wastes are likely to be washed into the water; provided, that dumping of wastes and other materials into the sea or any navigable waters shall be permitted in case only of immediate or imminent danger to life and property, subject to existing national laws and regulations.

SECTION 9. Violation of prohibited acts under Section 8 of this Article shall be penalized and shall be fined an amount of not less than Two Thousand Pesos (P2,000) but not to exceed Five Thousand Pesos (P5,000) or an imprisonment of not less than thirty (30) days but not to exceed one (1) year or both fine and imprisonment at the discretion of the Court.

ARTICLE XI ENVIRONMENTAL IMPACT ASSESSMENT

SECTION 1. *Scope of Powers.* The implementation of environmental impact assessment by local government units refers to the powers, duties and functions of the Municipal Mayor, City Mayor, and Provincial Governor to adopt adequate measures to safeguard and conserve land, mineral, marine, forest and other resources, as provided under Sections 389(b)(9), 444(b)(3)(v), and 465(b)(3)(v) of RA 7160 respectively. Likewise, the power to enforce laws for the protection of the environment is provided under RA 7160, Section 17(b)(3)(iii) and Section 17(b)(4) to the provincial and city government, respectively.

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

- a) Presidential Decree 1152, entitled "Consolidating the Philippine Environment Code";
- b) RA 7160, otherwise known as the Local Government Code of 1991; and,
- c) Presidential Decree No. 1586.

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

Specifically, the following basic processes for ensuring environmental soundness of all devel-

opment projects as identified under PD 1586 are hereby adopted:

- a) Scoping as defined in Annex "A" (36) of this Code;
- b) EIS Preparation and Approval. The stage in the EIS system wherein an environmental impact assessment (EIA) is undertaken and data are gathered using accepted scientific methods to clarify key issues and concerns, characterize the environmental setting of the project, predict the impact of the project on the setting, and measure the social acceptability of the project. The resulting EIA document will be reviewed by DENR EIA Review Committee and their comments will serve as basis in reviewing the application for an Environmental Clearance Certificate (ECC). The ECC may be granted under certain conditions and includes the implementation of an environmental management plan.

As a matter of provincial government policy and in order to validate the extent of social acceptability of the project as provided in DENR Administrative Order (DAO) 37-96, the Governor shall fully exercise his powers to ensure that a public hearing shall be conducted for all projects defined under PD 1586, as a condition precedent to ECC issuance.

- c) EIA Monitoring. There is hereby created a seven-member multipartite EIA Monitoring Team, which shall be organized and headed by the Governor or his duly authorized representative and whose permanent members include one representative each from the host municipal government (preferably the MPDC or any member of the Municipal Land Use Committee), DENR EMB V, project operator/developer, Sangguniang Panlalawigan Environment Committee, and two (2) on-call members from the private sector as determined by the Governor on a project-specific basis.

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

- a) participate in scoping activities;
- b) validate scoping sessions;
- c) participate in public consultation and hearing;
- d) conduct regular inventory of establishments, and
- e) submit written monthly status reports to the Governor.

SECTION 5. *Validation of Scoping Sessions.* The Governor, through the EIA Monitoring Team as provided in Section 4 of this Article, shall review the documentation of the scoping session and as required by law, validate its authenticity by signing it. Likewise, the Governor shall assist EIA preparers in identifying the stakeholders who should be involved in the scoping sessions.

SECTION 6. *Participation in the Public Consultation and Hearing.* The Governor, through the EIA Monitoring Team as provided in Section 4 of this Article, shall attend public consultation and public hearing on the conduct of the EIA, be informed of new issues which may arise, and articulate the views and concerns of the provincial government.

SECTION 7. *Law Enforcement.* The Governor, through the EIA Monitoring Team, and the DENR shall work together to enforce the law, including the closure of the establishments and projects and the prosecution of offenders.

SECTION 8. *Inventory of Establishments.* The Governor, through the EIA Monitoring Team as provided in Section 4 (f) of this Article, and the DENR shall conduct an annual inventory of existing establishments and projects within the province to ascertain whether these have complied with the EIA and ECC requirement as defined by law.

SECTION 9. *IEE Compliance for Projects Not Covered by the EIA System.* All projects defined

under PD 1586 which are proposed to be undertaken in the province, including those not required by national law to secure ECC and therefore not covered by the EIA System pursuant to PD 1586, shall be subject to an initial environment examination (IEE), in addition to submission of additional environmental safeguards pursuant to DENR Administrative Order 37-96; PROVIDED, that the Governor shall issue a circular identifying those projects not covered by the EIA System which shall be subject to IEE in accordance with this provision; PROVIDED FURTHER, that the Governor shall also submit his proposed measure for legislative enactment to the Sangguniang Panlalawigan, including recommendations for sanctions, penalties, and/or charges for violation of this provision, within nine (9) months upon effectivity of this Code.

SECTION 10. *Training.* The members of the EIA Monitoring Team shall be required to undergo training on the different aspects of monitoring work as prescribed by law.

SECTION 11. *Environmental Guarantee Fund.* The Governor, through the EIA Monitoring Team as provided in Section 4 of this Article, shall participate in the negotiation and review of the Memorandum of Agreement (MOA) between the project developed and concerned parties as prescribed by law for the establishment of an Environmental Guarantee Fund (EGF) for projects creating significant public risk.

Article XII

ENVIRONMENTAL INFORMATION AND EDUCATION

SECTION 1. *Management Direction.* The underlying purpose of the enactment of measures to protect the environment, seen in its broadest socio-political sense, is to enable people to critically understand the problems and to mobilize local efforts towards the desired objectives of rules and regulations. Environmental legislation should not be limited to the direct curtailment of activities and processes that are inimical to the preservation of the environment, but more importantly, it should educate the people and enable them to react to and comply with the purpose of the legislative measure.

The objective of a continuing community education program is to cultivate environment-friendly lifestyles and concretize sustainable use practices among individuals and industries alike.

Prior to its implementation, it is therefore necessary that the Code be promoted to the general public. Such a community informational campaign should focus on the environmental issues being addressed by the Code, their cause and effect relationship, and the measures being applied in order to avert further deterioration of the environment. More importantly, informing the citizens about environmental laws and local rehabilitation programs fosters legitimacy of the actions being undertaken as community members can accept accountability for measures that they can consider intrinsic to their civil responsibilities.

SECTION 2. *The POEM.* The Provincial Office on Environment and Natural Resource Management, through its IEC and Community Organizing Section of the Administrative and Support Services Division, is hereby tasked to:

- a) disseminate information on the state of the environment and the impacts of human activities on their sustainability as part of its local environmental education program through various media such as print, radio, TV, cultural shows, and public dialogues.
- b) establish Environment Information Center in coordination with the Masbate Provincial Library and Information Center.
- c) publish the "Masbate Red Data Book" in coordination with the Provincial Planning and Development Office.
- d) conduct seminars on subjects such as Coastal Resources Management, Fisheries Management, Community-based Fishery Law Enforcement, Air Pollution, the Red Tide Phenomenon, Sus-

tainable Agriculture and Safe Use of Pesticides, Tourism Management, Water Management Program, and other pertinent topics on the effects of the use of hazardous substances on the environment.

- e) seek the services of NGOs, POs and other advocacy groups on the dissemination of information and the conduct of lectures.
- f) work closely with local religious groups to design a catechism module focused on environment.
- g) coordinate with the Department of Education, Culture and Sports to develop a concise curriculum on environment highlighting the unique features of Masbate's ecosystem.
- h) tap the services of specialists in government agencies such as the DOST, DENR and DA as well as those in the academe for the conduct of more comprehensive seminars on the environment.
- i) establish a network for information collection and feedback linking NGOs, government agencies and people's organizations for reporting violations, outbreaks, destructive resource-use practices and to conduct systematic observation on pollution and environmental impacts of human activities. To this end, investments in radio communication equipment, computers and other tools for surveillance shall be facilitated.
- n) prescribe guidelines to encourage billboard advertisers to use at least one fourth (1/4) of their paid space for pictures of and facts about endangered flora and fauna to heighten people's awareness in promoting their conservation and protection.

SECTION 3. *Human Resource Development and Capacity Building.* Local Governments, through inter-municipal cooperation, and with the support of national agencies, shall embark on a human resources development and capacity building program to:

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

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

Article XIII

PENALTIES AND MISCELLANEOUS PROVISIONS

SECTION 1. Violation of any provision of this Code to which no specific penalty is imposed or commission of any of the prohibited acts which do not carry a specific penalty, shall be penalized by a fine of not less than Five Hundred Pesos (P500) but not more than Five Thousand Pesos (P5,000) at the discretion of the Court.

SECTION 2. The penalty provided in this Code shall be in addition to the penalty that may

be provided by any other law or ordinances. PROVIDED HOWEVER, that the prosecution or law enforcer shall charge the offender or violator with the law providing a heavier penalty in case it appears that a single act is punishable by two or more laws, ordinances and provisions thereof with different penalties or in case filing more charges than one may amount to double jeopardy.

SECTION 3. *Repealing Clause.* All Ordinances, Resolutions, Circulars, Memorandums or Rules and Regulations inconsistent with any of the provisions of this Code are hereby repealed.

SECTION 4. *Separability Clause.* If any clause, sentence, provision or article of this Code should for any reason be held to be invalid or unconstitutional it shall not affect the remaining parts of this Act and such parts shall be in full force and effect.

SECTION 5. *Effectivity Clause.* This Code shall take effect on the day following its publication.

RESOLVED FINALLY, to post copies of this Code at prominent places in the provincial capitol for a minimum period of three (3) consecutive weeks; publish the Code in a newspaper of general circulation in the province; send copies of the Code to all 20 municipalities and 1 city government unit in the province, to all concerned government and non-government entities, and to the chief executive officer of the *Official Gazette* within seven (7) days following the approval of this code for publication purposes.

UNANIMOUSLY ADOPTED: December 29, 2000.

I HEREBY CERTIFY the correctness of the foregoing resolution and ordinance.

(SGD) HON. MARIO K. ESPINOSA
Vice Governor/Presiding

ATTESTED:

BIMBO C. DANA O
Secretary to the SP

APPROVED:

(SGD) HON. ANTONIO T. KHO
Governor

Sponsored by:

(SGD) HON. HERMINIO L. VALDEMORO
SP Member/2nd District

Co-sponsored by:

(SGD) Hon. **NARCISO R. BRAVO, JR.**
SP Member/1st District

(SGD) Hon. **ERUSTO A. ALFORTE**
SP Member/1st District

(SGD) Hon. **ARTURO B. REVIL**
SP Member/2nd District

(SGD) **HON. HERMINIO L. VALDEMORO**
SP Member/2nd District

(SGD) Hon. **EDGAR O. LEGASPI**
SP Member/2nd District

(SGD) Hon. **ANTONIO L. PIGON**
SP Member/3rd District

(SGD) Hon. **JOSE M. ABENIR, JR.**
SP Member/3rd District

(SGD) Hon. **REGINO B. TAMBAGO, SR.**
SP Member/3rd District

(SGD) Hon. **JULIUS M. TUASON**
SP Member/PCL Federation President

(SGD) Hon. **SOCRATES M. TUASON**
SP Member/LIGA President

(SGD) Hon. **ALBERT VINCENT A. CHU**
SP Member/SK Federation President

ANNEX A
DEFINITION OF TERMS

As used in this Code, the terms shall mean to wit:

1. *Active fault lines* cause ground shaking, ground rupture and landslides. The Philippine fault cuts through the island of Ticao. This is a major earthquake generator in the Philippine archipelago. The zone, about 1,300 kilometers long stretching from the Digidig Fault in Nueva Ecija to an area near the Davao Trench in Mindanao, is characterized by a bundle of parallel to sub-parallel active faults confined within a narrow zone trending north-northwest, south-southwest. Characteristic of an active fault like the Philippine Fault Zone (PFZ) is the generation of potentially destructive tremors because these occur near the earth's surface or are shallow-seated (less than 80 kilometers deep). The 50-km deep fault is considered one of the major earthquake generators in the country because the northwestern moving Pacific Plate continuously slides and grinds past the southward moving Eurasian Plate. This strike-slip fault generates tremendous amounts of stored energy, which if suddenly released through the displacement of rock materials, could cause violent tremors that could devastate nearby localities. Other active fault lines affect the municipalities of Claveria, Mobo, Cawayan, Placer, Esperanza, Pio V. Corpus, Cataingan, Palanas, Dimasalang and Uson (see also Annex B).
2. *Alienable and Disposable Lands* refers to those lands of the public domain which have been declared by law as not needed for forest purposes
3. *Biological diversity* means the variability among living organisms from all sources including terrestrial, marine, and other aquatic ecosystem and the ecological complexes of which they are part; this includes diversity within species, between species and ecosystems
4. *Buffer zones* are identified areas outside the boundaries of immediately adjacent to designated protected areas and need special development control in order to avoid or minimize harm to the protected area
5. *Coastal area/zone* is a band of dry land adjacent to ocean space (water and submerged land) in which terrestrial processes and uses directly affect oceanic processes and uses and vice versa; its geographic extent may include areas within a landmark limit of one (1) kilometer from the shoreline at high tide to include mangrove swamps, brackishwater ponds, nipa swamps, estuarine rivers, sandy beaches and other areas within a seaward limit of 200 meters isobath to include coral reefs, algal flats, seagrass beds and other soft-bottom areas
6. *Commercial fishing* is the taking of fishery species by passive or active gear for trade, business or profit beyond subsistence or sports fishing, to be further classified as:
 - a. **Small-scale commercial fishing** – fishing with passive or active gear utilizing fishing vessels of 3.1 gross tons (GT) up to twenty (20) GT;
 - b. **Medium-scale commercial fishing** – fishing utilizing active gears and vessels of 20.1GT up to one hundred fifty (150) GT;
 - c. **Large-scale commercial fishing** – fishing utilizing active gears and vessels of more than one hundred fifty (150) GT
7. *Communal forest* refers to a tract of forest land set aside for a municipality by law or through a valid proclamation or order for the use of the residents of a municipality from which said residents may establish forest plantations and/or tree farms, cut, collect, and remove forest products for their personal use in accordance with existing laws and regulations. Each municipality is entitled to a maximum of 5,000 hectares of communal forest as provided in Section 17(b)(2)(ii), RA 7160
8. *Ecotourism* refers to a nature-based activity managed by the local community with government support whose primary goals are conservation and enhancement of natural resources while providing economic benefits to the local community
9. *Emission* refers to the act of passing into the atmosphere an air contaminant, pollutant, gas stream and unwanted sound from a known source

10. *Environment* refers to the quantity, quality, diversity and sustainability of renewable and non-renewable natural resources, including the ambient environment such as the atmosphere, climate, sound and odors that are critical determinants of the quality of life. In a broad sense, it shall include the total environment of man such as economic, social, cultural, politics, and historic factors.
11. *Environment Compliance Certificate (ECC)* refers to authorization issued by the DENR, pursuant to law, in favor of a proponent, the project of which have been reviewed, evaluated and finally approved by the Environmental Impact Assessment Review Committee and upon recommendation of the EMB to the RED that the project will not bring about a negative environment impact and that the proponent has complied with all the requirements of PD 1586 as well as Proclamation 2146, otherwise known as Environmental Impact Assessment System.
12. *Environmentally critical areas (ECA)* refers to those socially, ecologically and geologically sensitive areas declared by law or valid proclamation as
- A. **All areas declared by law as national parks, watershed reserves, wildlife preserves and sanctuaries;**
 - B. Areas set aside as aesthetic potential tourist spots;
 - C. Areas which constitute the habitat for any endangered or threatened species of indigenous Philippine wildlife (flora and fauna);
 - D. Areas of historic, archeological, or scientific research;
 - E. Areas frequently visited and/or hard-hit by natural calamities (geologic hazards, floods, typhoons, volcanic activity, etc.);
 - F. Areas with critical slopes;
 - G. Areas classified as prime agricultural lands;
 - H. Recharged areas of aquifers;
 - I. Water bodies characterized by one or any combination of the following conditions:
 - a. tapped for domestic purposes
 - b. within the controlled and/or protected areas declared by appropriate authorities, and
 - c. which support wildlife and fishery activities
 - J. Mangrove areas characterized by one or any combination of the following conditions:
 - a. with primary pristine and dense young growth;
 - b. adjoining mouth of major river systems;
 - c. near or adjacent to traditional productive fry or fishing grounds;
 - d. which act as natural buffers against shore erosion, strong winds and storm floods, and
 - e. on which people are dependent for their livelihood
 - K. Coral reef characterized by one or any combination of the following conditions:
 - a. with 50% and above live coralline cover;
 - b. spawning and nursery grounds for fish, and
 - c. which act as natural breakwater of coastlines
13. *Environmentally critical projects (ECP)* refer to those socially, ecologically and geologically sensitive projects declared by law or valid proclamation:
- I. Heavy Industries
 - a. Non-ferrous metal industries
 - b. Iron and steel mills
 - c. Petroleum and petrochemical industries including oils and gases
 - d. Smelting plants
 - II. Resource Extractive Industries
 - a. Major mining and quarrying projects
 - b. Forestry projects

1. logging
 2. major wood processing projects
 3. introduction of fauna (exotic animals) in public/private forests
 4. forest occupancy
 5. extraction of mangrove products
 6. grazing
- c. Fishery projects
1. dikes and/or fishpond development projects

III. Infrastructure Projects

- a. Major dams
- b. Major power plants (fossil-fueled, hydroelectric or geothermal)
- c. Major reclamation projects
- d. Major roads and bridges

IV. Golf course projects

14. *Guano* refers to accumulated droppings or excrements of bats in caves and does not include phosphate rocks.
15. *Integrated Social Forestry* refers to an inter-agency national program created by Letter of Instruction No. 1260, dated July 28, 1982, designed to promote the socio-economic conditions of forest occupants and communities dependent on forest land for their livelihood, provide land tenure and at the same time protect and improve the quality of the environment.
16. *Initial Development Examination (IEE)* refers to the document required of proponents describing the environmental impact of, and mitigation and enhancement measures for, projects or undertakings located in an environmentally critical area, including areas outside the coverage of the Philippine Environmental Impact Assessment System as identified by the PPDC pursuant to Article III (7.5) of this Code.
17. *Lease* is a privilege granted by the State to a person to occupy and possess, in consideration of specified rental, any land of the public domain in order to undertake any authorized activity therein.
18. *License* is a privilege granted by the State to a person to utilize natural resources within any land, without any right of occupation and possession over the same, to the exclusion of others, or establish or operate a manufacturing plant, or conduct any activity involving the utilization of the natural resources covered by the license.
19. *Locational clearance* is a clearance issued to a project that is allowed under the provisions of this Code as well as other standards, rules and regulations.
20. *Mangrove* is a term applied to the type of forest occurring on tidal flats along the sea coast, extending along streams where the water is brackish consisting of a community of plants including trees, shrubs, vines and herbs.
21. *Municipal waters* include not only streams, lakes, inland bodies of water and tidal waters within the municipality which are not included within the protected areas as defined under Republic Act No. 7586 (The NIPAS Law), public forest, timberlands, forest reserves or fishery reserves, but also marine waters included between two (2) lines drawn perpendicular to the general coastline from points where the boundary lines of the municipality touch the sea at low tide and a third line parallel with the general coastline and fifteen (15) kilometers from such coastline. Where two municipalities are so situated on opposite shores that there is less than thirty (30) kilometers of marine waters between them, the third line shall be equally distant from the opposite shores of the respective municipalities.
22. *National Integrated Protected Areas System (NIPAS)* is the classification and administration of all designated protected areas to maintain essential ecological processes and life-support systems, to preserve genetic diversity, to ensure sustainable use of resources found therein, and to maintain their natural conditions to the greatest extent possible as provided in RA 7586, otherwise known as the NIPAS Act of 1992. (See also Annex C)
23. *Network of Protected Agricultural Areas or Network Areas for Agricultural Development*

(*NPAA/NAAD*) consists of lands subject to laws highly restricting conversion. This covers the “most efficient” agricultural lands, which are the traditional sources of food and cash crops. These are the most stable crop lands and they can be grown to a wide range of crops with minimum to moderate levels of farm management requirements. These lands are usually supported by large investments in infrastructure. (See also Annex C). They include:

- a. all irrigated and potentially irrigable land;
 - b. all alluvial plains that are highly suitable for agricultural production and/or can be devoted to food production, as determined by the Bureau of Soils and Water Management (BSWM);
 - c. all sustainable lands that are traditional sources of food;
 - d. all crop land that supports the existing economic scale of production required to sustain the economic viability of existing agricultural infrastructure and agriculture-based enterprises in the province or region;
 - e. all productive land in low calamity-risk areas that are suitable for the production of economic trees and other cash crops, and
 - f. all agricultural lands that are ecologically fragile and whose conversion will result in severe environmental problems.
24. *Permit* is a short-term privilege or authority granted by the State to a person to utilize any limited natural resources or undertake a limited activity within a piece of land/water without any right of occupation or possession therein.
25. *Person* includes natural as well as juridical persons
26. (A) *Pollutive/Non-Hazardous Industries* are the following
- 1.manufacture and canning of ham, bacon and native sausage
 - 2.poultry processing and canning
 - 3.large-scale manufacture of ice cream
 - 4.corn mill/rice mill
 - 5.chocolate and cocoa factory
 - 6.candy factory
 - 7.chewing gum factory
 - 8.peanuts and other nuts factory
 - 9.other chocolate and confectionery products
 - 10.manufacture of flavoring extracts
 - 11.manufacture of food products (vinegar, vetsin)
 - 12.manufacture of fish meal
 - 13.oyster shell grading
 - 14.manufacture of medicinal and pharmaceutical preparations
 - 15.manufacture of stationery, art goods, cut stone and marble products
 - 16.manufacture of abrasive products
 - 17.manufacture of miscellaneous non-metallic mineral products
 - 18.manufacture of cutlery, except table flatware, hand tools and general hardware
 - 19.manufacture of household metal furniture
 - 20.manufacture of miscellaneous furniture and fixture primarily of metal
 - 21.manufacture of fabricated structural iron and steel
 - 22.manufacture of architectural and ornamental metal works
 - 23.manufacture of metal cans, boxes and containers
 - 24.manufacture of stamped coated and engraved metal products
 - 25.manufacture of fabricated wire and cable products
 - 26.manufacture of heating, cooking, and lighting equipment except electrical
 - 27.sheel metal works generally manual operation
 - 28.manufacture of other fabricated metal products except machinery and equipment
 - 29.manufacture or assembly of agricultural machinery and equipment
 - 30.native plow and harrow factory
 - 31.repair of agricultural machinery

- 32.manufacture or assembly of service industry machines, elevators and escalators
- 33.manufacture or assembly of sewing machines, cooking ranges, water pumps
34. refrigeration industry
- 35.manufacture or assembly of other machinery and equipment except electrical
- 36.manufacture and repair of electrical apparatus
- 37.manufacture of electrical cables and wires
- 38.manufacture of other electrical industrial machinery and apparatus
- 39.manufacture or assembly of electric equipment radio and television, tape recorders, stereo
- 40.manufacture or assembly of radio and television transmitting, signaling and detection equipment
- 41.manufacture or assembly of telephone and telegraphic equipment
- 42.manufacture of other electronic equipment and apparatus
- 43.manufacture of industrial and commercial electrical appliances
- 44.manufacture of household cooking, heating and laundry appliances
- 45.manufacture of other electrical appliances
- 46.manufacture of electric lamp fixtures

(B) Pollutive/Hazardous Industries

- 1.flour mill, cassava flour mill
- 2.manufacture of coffee
- 3.manufacture of unprepared animal feeds, other grain milling
- 4.production of prepared feeds for animals
- 5.cigar and cigarette factory, curing and redrying of tobacco leaves, miscellaneous processing of tobacco leaves
- 6.weaving hemp textile, jute spinning and weaving, miscellaneous spinning and weaving mills
- 7.hosiery mill
- 8.underwear and outwear knitting mills, fabric knitting mills, miscellaneous knitting mills
- 9.manufacture of mats and mattings, carpets and rugs, cordage, rope and twine
- 10.manufacture of related products from abaca, sisal, henequen, hemp, cotton, paper, etc.
- 11.manufacture of linoleum and other surface coverings
- 12.manufacture of artificial leather, oil cloth, and other fabrics except rubberized
- 13.manufacture of coir
- 14.manufacture of miscellaneous textile
- 15.manufacture of rough lumber, unworked
- 16.manufacture of worked lumber
- 17.re-sawmills
- 18.manufacture of veneer, plywood and hardwood
- 19.manufacture of doors, windows and sashes
- 20.treating and preserving of food
- 21.manufacture of charcoal
- 22.manufacture of wood and cane blinds, screens and shades
- 23.manufacture of containers and boxes of paper and paper boards
- 24.manufacture of miscellaneous pulp and paper products
- 25.manufacture of perfumes, cosmetics and other toilet preparations
- 26.manufacture of waxes and polishing preparations
- 27.manufacture of candles
- 28.manufacture of inks
- 29.manufacture of miscellaneous chemical products
- 30.tire retreating and rebuilding
- 31.manufacture of rubber shoes and slippers, industrial and moulded rubber products
- 32.manufacture of plastic footwear, furniture and other fabricated plastic products

- 33.manufacture of table and kitchen articles
- 34.manufacture of pottery, china and earthenware
- 35.manufacture of flat glass, glass containers and miscellaneous glass and glass products
- 36.manufacture of clay bricks, clay tiles, hollow clay tiles, miscellaneous structural clay products
- 37.manufacture of structural concrete products
- 38.manufacture of asbestos products
- 39.manufacture of engines and turbines except motor vehicles, marine and aircraft
- 40.manufacture of metal cutting, shaving and finishing machinery
- 41.manufacture of woodworking machinery
- 42.manufacture, assembly, rebuilding, repairing of
 - a. food and beverage making machinery
 - b. textile machinery and equipment
 - c. paper industry machinery
 - d. printing, trade machinery and equipment
 - e. miscellaneous special industrial machinery and equipment
- 43.manufacture of rice mills
- 44.manufacture of machines for leather and leather products
- 45.manufacture of construction machinery
- 46.manufacture of dry cells, storage battery and other batteries
- 47.boat building and repairing
- 48.ship-repairing industry, dockyards, dry dock and shipways
- 49.miscellaneous shipbuilding and repairing
- 50.manufacture of locomotives nad parts
- 51.manufacture of railroads and streetcars
- 52.manufacture or assembly of automobiles, cars, buses, trucks and trailers
- 53.manufacture of wood furniture including upholstered
- 54.manufacture of rattan furniture including upholstered
- 55.manufacture of box beds and mattresses

(C)Highly Pollutive/Non-Hazardous Industries

- 1.meat processing, curing, preserving except processing of ham, bacon, sausage and chicharon
- 2.milk processing plants (manufacturing filled, reconstituted, or recombined milk, condensed or evaporated)**

- 3.butter and cheese processing plants
- 4.natural fluid milk processing (pasteurizing, homogenizing, vitaminizing, bottling of natural animal milk and cream-related products)
- 5.other dairy products
- 6.canning and preserving of fruits and fruit juices
- 7.canning and preserving of vegetables, vegetable juices and sauces
- 8.miscellaneous canning and preserving of fruits and vegetables
- 9.fish canning
- 10.patis factory
- 11.bagoong factory
- 12.processing, preserving and canning of fish and other seafoods
- 13.manufacture of dessicated coconut
- 14.manufacture of starch and its products
- 15.manufacture of wines from juices of local fruits
- 16.manufacture of malt and malt liquors
- 17.manufacture of softdrinks carbonated water
- 18.manufacture of instant beverages and syrups
- 19.other non-alcoholic beverages

20. other slaughtering, preparing and preserving meat products

(D) Highly Pollutive/Hazardous Industries

1. vegetable oil mills, including coconut oil
2. manufacture of refined cooking oil and margarine
3. manufacture of fish, marine and other animal oils
4. manufacture of vegetable and animal oils and fats
5. sugarcane milling (centrifugal and refined)
6. sugar refining
7. muscovado sugarmill
8. distilled, rectified and blended liquors
9. cotton textile mill, ramie textile mill, rayon and other man-made fiber textile mill
10. bleaching and dyeing mills
11. manufacture of narrow fabrics
12. tanneries and leather finishing plants
13. pulp mill
14. paper and paperboard mills
15. manufacture of fiberboard
16. manufacture of inorganic salts and compounds
17. manufacture of soap and cleaning preparations
18. manufacture of hydraulic cement
19. manufacture of lime and lime kilns
20. manufacture of plaster
21. products of blast furnaces, steel works and rolling mills
22. products of iron and steel foundries
23. manufacture of smelted and refined non-ferrous metals
24. manufacture of rolled, drawn and extruded non-ferrous metals
25. manufacture of non-ferrous foundry products

(E) Highly Pollutive/Extremely Hazardous Industries

1. manufacture of industrial alcohols
2. other basic industrial chemicals
3. manufacture of fertilizers
4. manufacture of pesticides
5. manufacture of synthetic resins, plastic materials and man-made fibers except glass
6. petroleum refineries
7. manufacture of reclaimed, plastic materials and man-made fibers except glass
8. manufacture of miscellaneous products of petroleum and coal

(F) Pollutive/Extremely Hazardous Industries

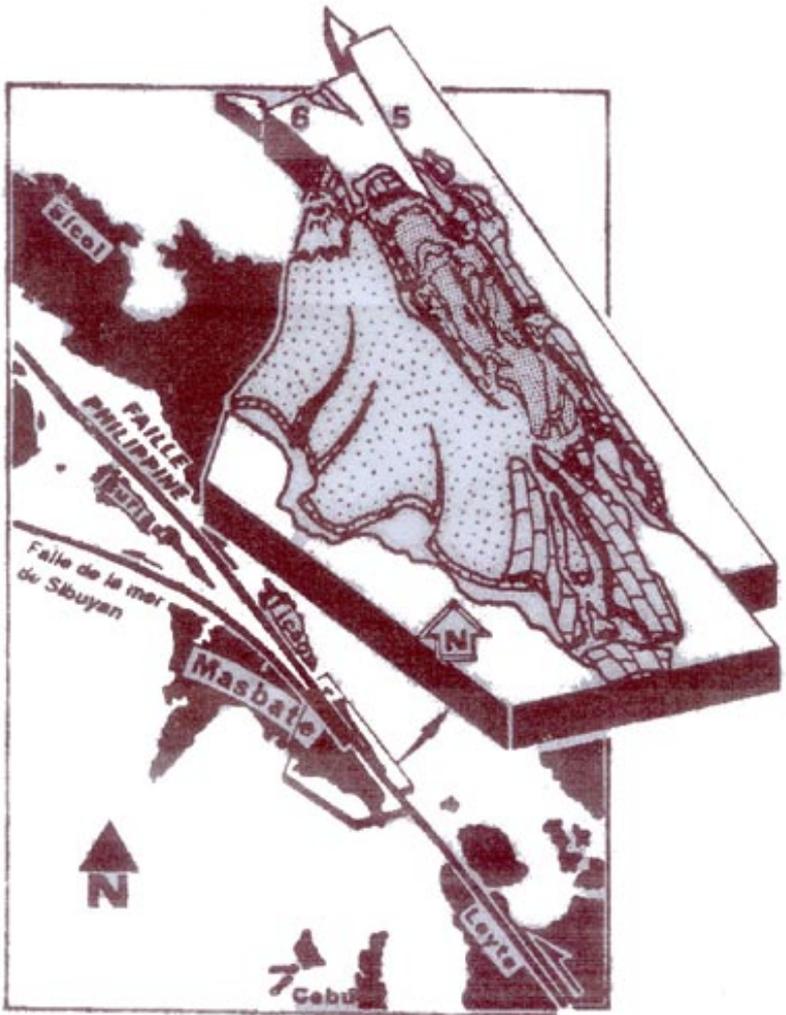
1. manufacture of paints
2. manufacture of varnishes, shellac and stains
3. manufacture of paint removers
4. manufacture of matches
5. manufacture of tires and inner tubes
6. manufacture of processed natural rubber not in rubber plantation
7. manufacture of miscellaneous rubber products

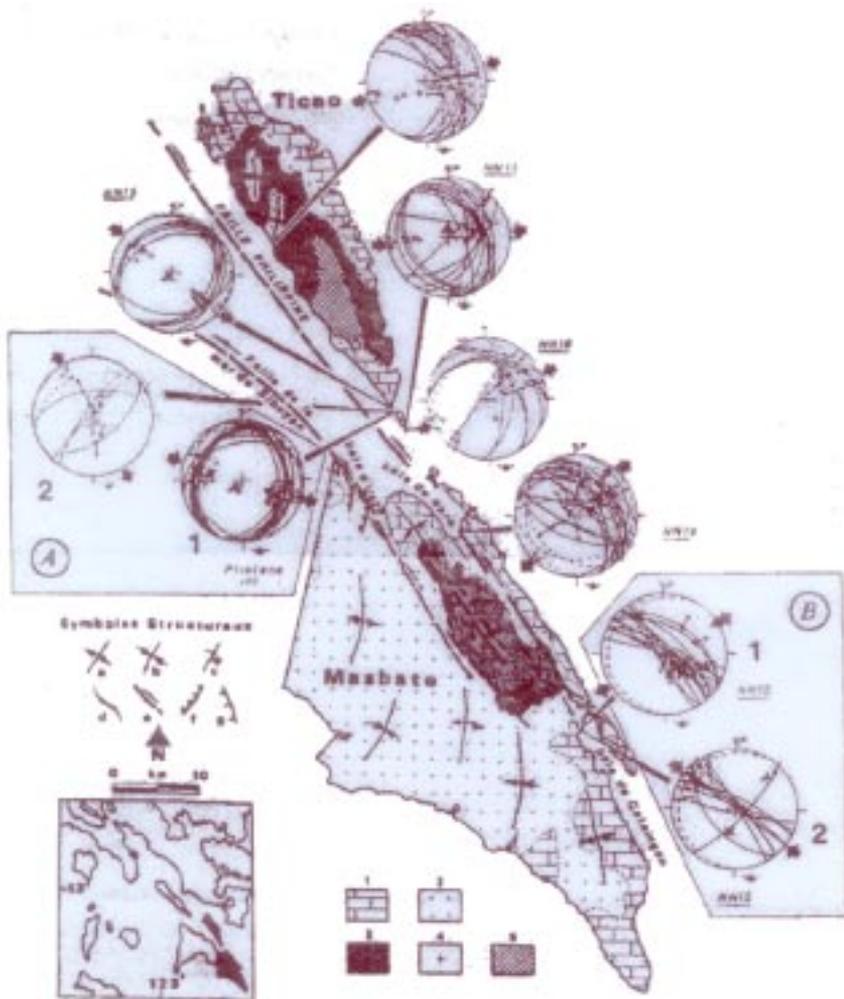
(G) Non-Pollutive/Extremely Hazardous Industries

1. manufacture of compressed and liquefied gases
27. *Production forest* refers to areas with slope from 0-50%, developed to supply commercial timber and non-timber products such as bamboo, rattan, horticultural crops (e.g. fruit/nut trees), mangrove, gums and resins, spices, fiber trees, vines, palms or a combination thereof.
28. *Protected area* refers to identified portions of land and water set aside by law by reason of their unique physical and biological significance, managed to enhance biological diversity and protected against destructive human exploitation, as provided in RA 7586, the

- National Integrated Protected Areas System (NIPAS) Act of 1992. (See also Annex C)
29. *Protection land* is a general term used to refer protected area (Annex A, 28) and NPAA/NAAD (Annex A, 23). (See also Annex C)
 30. *Protection forest* refers to areas regardless of slope which are highly erodible or too rocky for establishment of production forests, developed for the primary objective of establishing vegetative cover to prevent erosion, conserve and produce water, and nurture wildlife
 31. *Public forestlands* refer to those lands of the public domain which have been set aside by law for forest purposes. These lands may be either presently forested or denuded
 32. *Public consultation* refers to a stage of public participation at which information is disseminated and opinions gathered in public in order to ensure that public concerns are integrated into the process of environmental impact assessment
 33. *Quarry resources* means any common stone or other common mineral substances such as, but not restricted to, marl, marble, granite, volcanic cinders, basalt, tuff, and rock phosphates; provided they contain no metals or other valuable minerals in economically workable quantities
 34. *RA 7160* refers to the Local Government Code of 1991
 35. *Recreation forest* refers to a tract of public forest land, forested or non-forested, and may contain both production and protection forest, developed for the additional or primary purpose of providing non-destructive recreational pursuits such as, but not limited to, camping, bush walking, bird watching, mountaineering, and nature observations/studies.
 36. *Scoping* refers to the stage in the EIS system where information and assessment requirements are established to provide the proponent with a scope of work for the EIS
 37. *Small-scale mining* refers to mining activities which rely heavily on manual labor using simple implements and methods and do not use explosives or heavy mining equipment
 38. *Small Water Impounding Project (SWIP)* are dams made of earth, rock or concrete with many purposes like, irrigation, domestic water supply, inland fish culture, flood control or any combination of purposes. To distinguish it from high dams, its height is limited to below 5 meters
 39. *Solid waste* refers to all putrescible, non-putrescible and discarded materials (excluding human excrement) including but not limited to food waste, rubbish, ashes, street cleanings, dead animals, abandoned vehicles, sewage treatment sludge in non-liquid form, incinerator ash and residue, commercial, industrial, hospital, funeral, and agricultural wastes; and special wastes, whether combustible or non-combustible such as paper, rags, cartons, woods, tins cans, lawn clippings, glass, or litter of any kind. The type of wastes covered under this Code shall include wastes from residential houses, commercial establishments such as hotels, restaurants, cinema houses, public market, department stores, groceries, institutions like hospitals, schools, churches, public and private offices, industrial establishments like factories, plants and other establishments of any kind, and agricultural wastes.
 40. *Strict protection zones* for water production refers to areas set aside by the Sangguniang Panlalawigan upon recommendation by the Governor for the purpose of water production which shall be closed to all human activity except for scientific studies
 41. *Watershed* is a land area drained by a stream or fixed body and its tributaries having a common outlet for surface run-off. Small watershed areas specifically refer to those that are identified by local governments or the proper agency as sources of water supply for particular local communities.
 42. *Waste management* includes both solid and liquid waste management

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





- iii. province of Masbate;
the Island of Dampalit located at Samar Sea (? , there is a “Dampalit Island” in San Pascual) in the province of Masbate;
- iv. from Malaquing River up to Mabung River at Long. 123°8'28” to 123°11'52” and Lat. 12°54'23” to 13°00”, from Cueva Point up to Kimartines Point at Long. 122°55'35” to 122°57'46” and Lat. 13°4'25” to 13°7'19”, and from Kabugao Point up to Kibalong Andang Point at Long. 123°8'53” to 123°12'17” and Lat. 12°53'44” to 13°01'19” all located in Burias Island;
- v. Busin Island near Burias Island;
- vi. Sibuyan Island (? , probably “Babuyan Island” in Monreal);
- vii. from Panciscan Point in Bito Bay up to Bongsanlay at Long. 123°48' to 123°46'43” and Lat. 12°21'25” to 12°23'30”, from Panicijan River in Batuan Bay at Long. 123°45'28” to 123°46'43” and Lat. 12°24'30” to 12°25'19”;
- viii. mangroves along the banks of Sta. Rosa River in San Jacinto town at Long. 123°41'49” to 123°43'14” and Lat. 12°34'6” to 12°35”;
- ix. mangroves between Bo. Famosa and Bagasico at Long. 123°40' to 123°41'51” and Lat. 12°37'53” to 12°38'39”;
- x. from Magdangay Point up to Taguictic Point at Long. 123°18'29” to 123°20' and Lat. 12°28'21” to 12°25'16”, from Bo. Magdangay to Malobago, Port Barrera at Long. 123°20' to 123°21'51” and Lat. 12°28'21” to 12°33'30”, from Guinobatan River up to Bariis at Long. 123°21'51” to 123°23'13” and Lat. 12°28'39” to 12°31'8”, from Bayuar Cove to Tinago Cove at Long. 123°24'11” to 123°25'19” and Lat. 12°31'6” to 12°31'30”;
- xi. mangroves along the banks of Baleno River at Long. 123°29'3” to 123°29'39” and Lat. 12°27'34” to 12°24'23”;
- xii. mangroves along the bank of Pasil River at Long. 123°31'44” to 123°32'32” and Lat. 12°26'29” to 12°27'30”;
- xiii. mangroves in Toos Cove in Mandaon at Long. 123°12'58” to 123°51'19” and Lat. 12°13'53” to 12°15'32”;
- xiv. Bagupantao Point to Amutag Point at Long. 123°15'34” to 123°17'58” and Lat. 12°22'24” to 12°27'52”;
- xv. mangroves along the banks of Daraga River;
- xvi. mangrove areas from Diutay River to Lomocab River at Long. 124°13'31” to 124°15'16” and Lat. 11°57'18” to 11°54'59”;
- xvii. Island of Carogo
all located in the province of Masbate.

b) critical watersheds:

- i. Matang-tubig in Monreal
- ii. Diwata in San Jacinto and San Fernando
- iii. Tugbo in Mobo

NIPAS areas equivalent to 33.04 square kilometers are in the municipalities of Mobo (10.59), Cawayan (7.35), Aroroy (4.3), Masbate (3.925), Monreal (3.625), San Fernando (1.675), San Jacinto (1.375), and San Pascual (0.2).

II. Non-NIPAS Categories.

- a) second growth forests more than 50% slope

- b) mangrove forests
 - b.1 Lowland, Coastal Plain, Beach Ridges and Swales (LMU 03)
 - b.2 Lowland, Coastal Plain, Former old tidal flat (LMU 04)
 - b.3 LREP Land Use/Vegetation Mapping Symbol 141A-147A
- c) buffer strips along rivers and escarpments
- d) freshwater swamps and marshes

301.27 square kilometers of the provincial land area fall under the non-NIPAS categories. These are in the municipalities of Aroroy (50.125), Milagros (33.885), Mandaon (27.225), Cawayan (25.2), San Pascual (23.325), Masbate (19.3), Placer (17.1), Balud (16.07), San Fernando (14.3), Mobo (14.025), Baleno (13.3), Uson (11), Claveria (10.575), Esperanza (8.25), San Jacinto (6.95), Monreal (6.025), Batuan (3.3), Cataingan (1.15), and Palanas (0.025).

III. Areas subject to severe erosion.

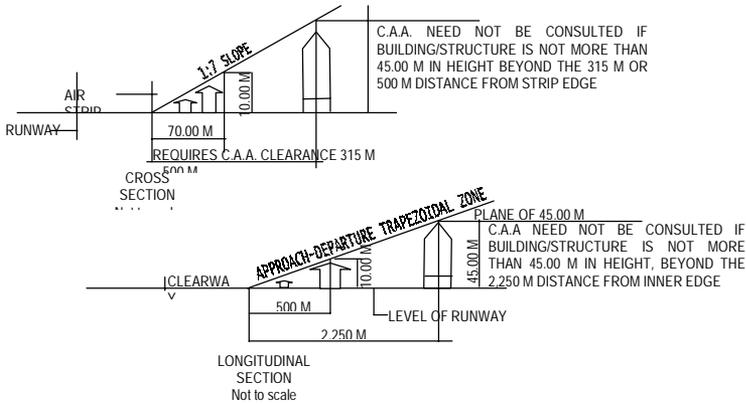
- a. Upland, Sedimentary Plateau, Moderately dissected sandstone/shalestone plateau (LMU 44).
- b. Upland, Meta-Volcanic/Sedimentary Complex Hills, High 8-18% slope <500 meters elevation (LMU 114b).
- c. Hilly, Meta-Volcanic/Sedimentary Complex Hills, >18% slope (LMU 114).

401.39 square kilometers of the provincial land area are severely eroded. These are in the municipalities of Aroroy (69.65), Baleno (47.8), Mobo (41.64), San Pascual (39.925), Milagros (41.640), Claveria (35.9), Masbate (33.775), Uson (23.25), Mandaon (20.825), Balud (18.5), Monreal (10.325), San Jacinto (4.225), San Fernando (3.85), Cataingan (3.65), Batuan (1.975) and Dimasalang (1.875).

- IV. NPAA/NAAD areas equivalent to 266.625 square kilometers are found in the municipalities of Milagros (60.35), Mandaon (48.4), Uson (38.25), Balud (29), Placer (16.425), Cawayan (14.175), Aroroy (10.6), Cataingan (8.725), San Jacinto (8.625), Esperanza (8.6), Baleno (5.875), Batuan (4.9), Mobo (3.875), Monreal (2.875), Palanas (2.7), Masbate (2.225), Claveria (0.8), and San Fernando (0.225).

ANNEX D

ALLOWABLE CONDITIONS (BUILDABLE) WITHIN APPROACH-DEPARTURE ZONES



No new building/structure shall be allowed within the **strip of runway** which is that rectangular area determined by a line originating at the end of the inner edge drawn parallel to the centerline of the runway having a total length of $L + 120$ meters, where L is the length of the runway in meters, and a width equal to the length of the inner edge.

Inner edge is a line perpendicular to the prolongation of the runway centerline and 60 meters from the end of the runway. It is the short base of the isosceles trapezoids formed by the approach/departure zone, having a length as follows:

- i. 150 meters for runway less than 1,500 meters long;
- ii. 300 meters for runways 1,500 meters long or more.

Approach/departure zone of an airport is that area with an inner edge located 60 meters from the end of the runway, perpendicular and symmetrical about the prolongation of the runway center line, both sides of which have a divergence of 12.5% towards the outside, and with inner edge as the short base of the isosceles trapezoid thus formed.

a) The portion of the approach/departure zone where new construction is allowed is an isosceles trapezoid symmetrical about the prolongation of the runway centerline, the shorter base of which is the inner edge of the approach/departure zone. The height of building/structures within this zone shall be limited by an imaginary line with a slope of 2% for the first 3,000 meters from the inner edge reckoned from the surface of the runway, thence 2.5% beyond 3,000 meters. The dimensions of the isosceles trapezoid are as shown on the table below:

Length of runway <i>in meters</i>	Inner edge (Short base) <i>in meters</i>	Long base <i>in meters</i>	Distance between bases, <i>in meters</i>
1,500 or more less than 1,500	300 150	1,050 900	3,000 3,000

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